TRADE

Control Measures on Avian Influenza

Agreement Between the

UNITED STATES OF AMERICA

and COLOMBIA

Effected by Exchange of Letters
April 15, 2012

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

". . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

COLOMBIA

Trade: Control Measures on Avian Influenza

Agreement effected by exchange of letters April 15, 2012; Entered into force April 15, 2012.

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

April 15, 2012

The Honorable Juan Camilo Restrepo Salazar
Minister of Agriculture and Rural Development

The Honorable Sergio Díaz-Granados Guida
Minister of Trade, Industry and Tourism

Dear Ministers Restrepo and Díaz-Granados:

I have the honor to confirm the following understanding reached between representatives of the government of the United States of America (United States) and the government of the Republic of Colombia (Colombia) during the course of discussions pertaining to the implementation of the United States-Colombia Trade Promotion Agreement:

> Colombia confirms that U.S. control measures on Avian Influenza (AI) are effective and consistent with the World Organization for Animal Health (OIE) guidelines on Avian Influenza (AI). With regard to control for AI, Colombia shall permit the importation of U.S. poultry and poultry products from all U.S. states accompanied by a certificate issued by the competent authority of the U.S. Department of Agriculture. Colombia further confirms that, with respect to import requirements for poultry meat and poultry meat products, the presentation of a certificate issued by the competent authority of the U.S. Department of Agriculture shall be deemed by Colombia to satisfy OIE guidelines and the relevant provisions of the applicable national poultry Law and any implementing decrees, regulations, or guidelines.
>
> Where the zone of origin of a shipment of poultry meat or poultry meat products or shell eggs has been identified by Colombia as having had a confirmation of infection with notifiable AI within the prior three months, Colombia shall require that the relevant U.S. Department of Agriculture certificate include a certification that the shipped product is derived "from flocks and farms under systematic surveillance for notifiable avian influenza" which is in accordance with OIE Terrestrial Animal Health Code, and that "the flock of origin is in good standing under the National Poultry Improvement Plan's H5/H7 Avian Influenza Monitored Program."
>
> Colombia confirms that the understandings in this letter shall apply with respect to shipments from anywhere in the United States. No shipment of any U.S. poultry meat or poultry products accompanied by a certificate issued by the competent authority of the U.S. Department of Agriculture, compliant with the terms of the previous paragraph, if applicable, shall be refused entry into Colombia on any ground related to AI, unless the shipment is not complying with the conditions related to AI provided in the accompanying certificate.

The United States confirms that Colombia may conduct inspections of the U.S. control measures on AI on mutually agreed terms.

I have the honor to propose that this letter and your letter in reply confirming this understanding shall constitute an agreement between our two Governments, and enter into force on this day, and shall constitute an understanding within the meaning of Article 4 of Decree 735 of April 13, 2012.

Sincerely,

Ambassador Ron Kirk

15 de abril de 2012

Embajador Ron Kirk
Representante Comercial de los Estados Unidos
Washington, DC Estados Unidos de América

Estimado Embajador Kirk:

Tengo el agrado de confirmar el recibo de su carta con fecha de hoy, que dice lo siguiente:

"Tengo el honor de confirmar el siguiente entendimiento logrado entre los representantes del Gobierno de los Estados Unidos de América (Estados Unidos) y el Gobierno de la República de Colombia (Colombia) en el curso de las discusiones relacionadas con la implementación del Acuerdo de Promoción Comercial Estados Unidos-Colombia:

Colombia confirma que las medidas de control de los Estados Unidos para la Influenza Aviar (IA) son efectivas y consistentes con las guías de la Organización Mundial de Sanidad Animal (OIE) sobre la Influenza Aviar (IA). En relación con el control de la IA, Colombia permitirá la importación de pollo y productos de pollo de los Estados Unidos desde todos los estados de los Estados Unidos acompañados por el certificado expedido por la autoridad competente del Departamento de Agricultura de los Estados Unidos. Colombia confirma adicionalmente que, en relación con los requerimientos de importación para carne de pollo y productos de carne de pollo, la presentación de un certificado expedido por la autoridad competente del Departamento de Agricultura de los Estados Unidos será entendido por Colombia como que satisface las guías de la OIE y las disposiciones relevantes de la Ley nacional avícola aplicable y cualquier decreto, regulación o guías de implementación.

Cuando la zona de origen del cargamento de carne de pollo o productos de carne de pollo o huevos en cáscara ha sido identificada por Colombia como que ha tenido confirmación de infección de IA de declaración obligatoria dentro de los tres meses anteriores, Colombia solicitará que el certificado relevante del Departamento de Agricultura de los Estados Unidos incluya una certificación que el producto enviado proviene "de bandadas y fincas bajo vigilancia sistemática para influenza aviar de declaración obligatoria", la cual es conforme a lo establecido en el Código Sanitario para los Animales Terrestres de la OIE, y que "la bandada de origen se encuentra a paz y salvo

bajo el National Poultry Improvement Plan's H5/H7 Avian Influenza Monitored Program".

Colombia confirma que los entendimientos en esta carta aplicarán respecto de los cargamentos provenientes de cualquier lugar de los Estados Unidos. Ningún cargamento de cualquier carne de pollo o productos de pollo de los Estados Unidos acompañado por el certificado expedido por la autoridad competente del Departamento de Agricultura de los Estados Unidos, en cumplimiento de lo dispuesto en los párrafos anteriores, de ser aplicable, podrá ser negado para su entrada a Colombia bajo ninguna razón relacionada con IA, salvo que el cargamento no cumpla con las condiciones relacionadas con IA previstas en el certificado que lo acompaña.

Los Estados Unidos confirman que Colombia podrá realizar inspecciones sobre las medidas de control de los Estados Unidos para la IA, en términos mutuamente acordados.

Tengo el honor de proponer que esta carta y su carta en respuesta confirmando este entendimiento constituyan un acuerdo entre los dos Gobiernos, y entren en vigencia este día, y constituyan un entendimiento en los términos dispuestos en el Artículo 4 del Decreto 735 del 13 de abril de 2012."

Tengo el honor de proponer que esta carta y su carta en respuesta confirmando este entendimiento constituyan un acuerdo entre los dos Gobiernos, y entren en vigencia este día.

Atentamente,

Juan Camilo Restrepo Salazar
Ministro de Agricultura y Desarrollo Rural

Sergio Díaz-Granados Guida
Ministro de Comercio, Industria y Turismo

Courtesy Translation

April 15, 2012

Ambassador Ron Kirk
United States Trade Representative
Washington, DC United States of America

Dear Ambassador Kirk:

I am pleased to acknowledge your letter of today's date, which reads as follows:

"I have the honor to confirm the following understanding reached between representatives of the government of the United States of America (United States) and the government of the Republic of Colombia (Colombia) during the course of discussions pertaining to the implementation of the United States-Colombia Trade Promotion Agreement:

> "Colombia confirms that U.S. control measures on Avian Influenza (AI) are effective and consistent with the World Organization for Animal Health (OIE) guidelines on Avian Influenza (AI). With regard to control for AI, Colombia shall permit the importation of U.S. poultry and poultry products from all U.S. states accompanied by a certificate issued by the competent authority of the U.S. Department of Agriculture. Colombia further confirms that, with respect to import requirements for poultry meat and poultry meat products, the presentation of a certificate issued by the competent authority of the U.S. Department of Agriculture shall be deemed by Colombia to satisfy OIE guidelines and the relevant provisions of the applicable national poultry Law and any implementing decrees, regulations, or guidelines.
>
> Where the zone of origin of a shipment of poultry meat or poultry meat products or shell eggs has been identified by Colombia as having had a confirmation of infection with notifiable AI within the prior three months, Colombia shall require that the relevant U.S. Department of Agriculture certificate include a certification that the shipped product is derived "from flocks and farms under systematic surveillance for notifiable avian influenza" which is in accordance with OIE Terrestrial Animal Health Code, and that "the flock of origin is in good standing under the National Poultry Improvement Plan's H5/H7 Avian Influenza Monitored Program."

Colombia confirms that the understandings in this letter shall apply with respect to shipments from anywhere in the United States. No shipment of any U.S. poultry meat or poultry products accompanied by a certificate issued by the competent authority of the U.S. Department of Agriculture, compliant with the terms of the previous paragraph, if applicable, shall be refused entry into Colombia on any ground related to AI, unless the shipment is not complying with the conditions related to AI provided in the accompanying certificate.

The United States confirms that Colombia may conduct inspections of the U.S. control measures on AI on mutually agreed terms. "

I have the honor to propose that this letter and your letter in reply confirming this understanding shall constitute an agreement between our two Governments, and enter into force on this day, and shall constitute an understanding within the meaning of Article 4 of Decree 735 of April 13, 2012."

I have the honor to confirm that my Government shares this understanding and that your letter, and this reply shall constitute an agreement between our two Governments to enter into force on this day.

Sincerely,

Juan Camilo Restrepo Salazar
Minister of Agriculture and Rural Development

Sergio Díaz-Granados Guida
Minister of Trade, Industry and Tourism