

N° 3709.

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ÉTATS-UNIS D'AMÉRIQUE  
ET HAÏTI

Convention commerciale, avec annexes. Signée à Washington, le 28 mars 1935.

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UNITED STATES OF AMERICA  
AND HAITI

Reciprocal Trade Agreement, with Annexes. Signed at Washington, March 28th, 1935.

No. 3709.— RECIPROCAL TRADE AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND HAITI. SIGNED AT WASHINGTON, MARCH 28TH, 1935.

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*English and French official texts communicated by the Chargé d'Affaires a. i. of the United States of America at Berne. The registration of this Agreement took place August 9th, 1935.*

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THE PRESIDENT OF THE UNITED STATES OF AMERICA and THE PRESIDENT OF THE REPUBLIC OF HAITI, being desirous of strengthening the traditional bonds of friendship between the two countries by maintaining the principle of equality of treatment as the basis of commercial relations and by granting mutual and reciprocal concessions and advantages for the promotion of trade, have, through their respective Plenipotentiaries, arrived at the following Agreement :

*Article I.*

On and after the day on which this Agreement comes into force, all articles the growth, produce or manufacture of the United States of America, enumerated and described in Schedule I annexed to this Agreement and made a part thereof, except those enumerated and described under items numbered 11033, 12011, and 13007, shall, on their importation into the Republic of Haiti, be exempt from ordinary Customs duties in excess of those set forth in the said Schedule and from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed or required to be imposed by laws of the Republic of Haiti in effect on the day of the signature of this Agreement.

Whenever the budget of expenditures of the Republic of Haiti for any fiscal year is promulgated in the amount of Gourdes 40,000,000 or more, articles the growth, produce, or manufacture of the United States of America, enumerated and described under items numbered 11033, 12011, and 13007 in Schedule I of this Agreement, shall, on their importation during such fiscal year into the Republic of Haiti, be exempt from ordinary Customs duties in excess of those set forth in the said Schedule ; and on and after the day of the signature of this Agreement, they shall be exempt, on their importation into the Republic of Haiti, from all duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed or required to be imposed by laws of the Republic of Haiti in effect on the day of the signature of this Agreement.

*Article II.*

Articles the growth, produce or manufacture of the Republic of Haiti, enumerated and described in Schedule II annexed to this Agreement and made a part thereof, shall, on their importation into the United States of America, be exempt from ordinary Customs duties in excess of those set forth in the said Schedule, and from all other duties, taxes, fees, charges, or exactions, imposed on or in connection with importation, in excess of those imposed or required to be imposed by laws of the United States of America in effect on the day of the signature of this Agreement.

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<sup>1</sup> This Agreement was proclaimed by the President of the Republic of Haiti on April 29th, 1935, and by the President of the United States of America on May 4th, 1935.  
Came into force June 3rd, 1935.

As long as the quota provisions of the Act "to include sugar beets and sugar cane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes", approved by the President of the United States of America on May 9th, 1934, are operative, any sugar imported into the United States of America from the Republic of Haiti with respect to which a drawback of duty is allowed, under the provisions of Section 313 of the Tariff Act of 1930, shall not be charged against the quota established by the Secretary of Agriculture of the United States of America for the Republic of Haiti.

*Article III.*

The United States of America and the Republic of Haiti agree that the notes included in Schedules I and II are hereby given force and effect as integral parts of this Agreement.

*Article IV.*

Articles the growth, produce or manufacture of the United States of America or the Republic of Haiti, shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin of any other foreign origin. The provisions of this Article in regard to the granting of national treatment shall not apply to taxes imposed in the United States of America on coconut oil or on any combination or mixture containing a substantial quantity of coconut oil, or to taxes imposed in the Republic of Haiti on cigarettes.

Cigarettes originating in the United States of America shall, after importation into the Republic of Haiti, be exempt from all internal taxes, fees, charges or exactions other or higher than those in effect on the day of the signature of this Agreement.

*Article V.*

In respect of articles the growth, produce or manufacture of the United States of America or the Republic of Haiti, enumerated and described in Schedules I and II, respectively, imported into the other country, on which *ad valorem* rates of duty are or may be assessed, it is understood and agreed that the bases and methods of determining dutiable value and of converting currencies shall be no less favorable to importers than the bases and methods prescribed under presently existing laws and regulations of the Republic of Haiti and the United States of America, respectively.

*Article VI.*

No prohibition or restriction on importations shall be imposed by the United States of America or the Republic of Haiti on articles the growth, produce or manufacture of the other country with respect to which obligations have been assumed under Articles I or II of this Agreement: Provided, that the foregoing provision shall not apply to prohibitions or restrictions relating to public security; imposed on moral or humanitarian grounds; designed to protect human, animal, or plant life; relating to prison-made goods; relating to the enforcement of police or revenue laws; or designed to extend to imported products a regime analogous to that affecting like or competing domestic products.

*Article VII.*

With respect to Customs duties or charges of any kind imposed on or in connection with importation or exportation, and with respect to the method of levying such duties or charges, and with respect to all rules and formalities in connection with importation or exportation, any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America or the Republic of Haiti to any article originating in or destined for any third country, shall be accorded immediately and unconditionally to the like article originating in or destined for the Republic of Haiti or the United States of America, respectively.

Without prejudice to the provisions of Article VI of this Agreement, neither the United States of America nor the Republic of Haiti shall establish any prohibition or maintain any restriction on imports from the territory of the other country which is not applied to the importation of any like article originating in any third country.

Without prejudice to the provisions of Article VI of this Agreement, any abolition of an import prohibition or restriction which may be granted even temporarily by the United States of America or the Republic of Haiti in favor of an article of a third country shall be applied immediately and unconditionally to the like article originating in the territory of the Republic of Haiti or the United States of America, respectively.

In the event of rations or quotas being established by the United States of America or the Republic of Haiti for the importation of any article restricted or prohibited, it is agreed, without prejudice to the provisions of Article VI, that in the allocation of the quantity of restricted goods which may be authorized for importation, the other country will be granted a share equivalent to the proportion of the trade which it enjoyed in a previous representative period.

If either the United States of America or the Republic of Haiti establishes or maintains any system of control of foreign exchange or enters directly or indirectly into any arrangement which affects in fact the provision of foreign exchange or the regulation or control of the transfer or disposition of means of payment, or employs any other system of control or any other arrangement with respect to the settlement of international obligations, any advantage, favor, privilege, or immunity which may be granted in connection with any such system or arrangement or the administration thereof to the nationals or commerce of any third country shall be accorded immediately and unconditionally to the nationals or commerce of the Republic of Haiti or the United States of America, respectively.

The advantages now accorded or which may hereafter be accorded by the United States of America or the Republic of Haiti to adjacent countries in order to facilitate frontier traffic, and advantages resulting from a Customs union to which either the United States of America or the Republic of Haiti may become a party, shall be excepted from the operation of this Agreement.

The advantages now accorded or which may hereafter be accorded by the United States of America, its territories and possessions and the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this Agreement. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to the Philippine Islands, irrespective of any change that may take place in the political status of the Philippine Islands.

Unless otherwise specifically provided in this Agreement, the provisions thereof shall not be construed to apply to police or sanitary regulations; and nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation of gold or silver.

#### *Article VIII.*

Laws, regulations of administrative authorities and decisions of administrative or judicial authorities of the United States of America and the Republic of Haiti, respectively, pertaining to the classification of articles for Customs purposes or to rates of duty shall be published promptly in such a manner as to enable traders to become acquainted with them. Such laws, regulations and decisions shall be applied uniformly at all ports of the respective country, except as otherwise specifically provided in statutes of the United States of America relating to articles imported into Puerto Rico.

No administrative ruling by the United States of America or the Republic of Haiti effecting advances in rates of duties or charges applicable under an established and uniform practice to imports originating in the territory of the other country, or imposing any new requirement with respect to such importations, shall be effective retroactively or with respect to articles either entered for or withdrawn for consumption prior to the expiration of thirty days after the date of publication of notice of such ruling in the usual official manner. The provisions of this paragraph do not apply to administrative orders imposing anti-dumping duties, or relating to regulations for

the protection of human, animal, or plant life, or relating to public safety, or giving effect to judicial decisions.

*Article IX.*

The United States of America and the Republic of Haiti retain the right to apply such measures as they respectively may see fit with respect to the control of the export or sale for export of arms, munitions, or implements of war, and, in exceptional circumstances, of other material needed in war.

*Article X.*

Greater than nominal penalties will not be imposed in the United States of America or in the Republic of Haiti upon importations of articles the growth, produce or manufacture of the other country because of errors in documentation which the importer or other party in interest can establish to the satisfaction of the Customs authorities to have been clerical in origin or to have been made in good faith.

The Government of each country will accord sympathetic consideration to, and when requested will afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect to the operation of Customs regulations, quantitative restrictions or the administration thereof, the observance of Customs formalities, and the application of sanitary laws and regulations for the protection of human, animal, or plant life.

*Article XI.*

Except as otherwise provided in the second paragraph of this Article, the provisions of this Agreement relating to the treatment to be accorded by the United States of America and the Republic of Haiti, respectively, to the commerce of the other country, shall not apply to the Philippine Islands, the Virgin Islands, American Samoa, the Island of Guam, or to the Panama Canal Zone.

Subject to the reservations set forth in Article VII, the provisions of that Article shall apply to articles the growth, produce or manufacture of any area under the sovereignty or authority of the United States of America or the Republic of Haiti imported from or exported to any area under the sovereignty or authority of the other country. It is understood, however, that the provisions of this paragraph do not apply to the Panama Canal Zone.

*Article XII.*

The present Agreement shall, from the date on which it comes into force, supplant the Agreement by Exchange of Notes signed by the United States of America and the Republic of Haiti on July 8th, 1926.

*Article XIII.*

On and after the day on which this Agreement comes into force, articles the growth, produce or manufacture of the United States of America and articles the growth, produce or manufacture of the Republic of Haiti previously imported into the other country shall be subject to the provisions of this Agreement, if entry therefor has not been made, or if they have been entered previously without payment of duty and under bond for warehousing, transportation, or any other purpose, and without any permit of delivery to the importer or to his agent having been issued: Provided, that when duties are based upon the weight of merchandise deposited in any public or private warehouse, the said duties shall, except as otherwise may specially be provided in the tariff laws of the respective countries in force on the day of signature of this Agreement, be levied and collected upon the weight of such merchandise at the time of its entry.

## Article XIV.

The present Agreement shall come into full force on the thirtieth day following proclamation thereof by the President of the United States of America and the President of the Republic of Haiti, or should the proclamations be issued on different days, on the thirtieth day following the date of the later in time of such proclamations, and shall remain in force for the term of three years thereafter. The Government of each country shall notify the Government of the other country of the date of its proclamation.

Unless at least six months before the expiration of the aforesaid term of three years the Government of either country shall have given to the other Government notice of intention to terminate the Agreement upon the expiration of the aforesaid term, the Agreement shall remain in force thereafter, until six months from such time as the Government of either country shall have given notice to the other Government.

In witness whereof, the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

Done in duplicate, in the English and French languages, both authentic, at the city of Washington, the 28th day of March in the year 1935.

For the President of the United States of America :

(Seal) Cordell HULL.

For the President of the Republic of Haiti :

(Seal) A. BLANCHET.

## SCHEDULE I.

Abbreviations : N. K. = Net Kilo.  
G. K. = Gross Kilo.

Haitian Tariff Item Number	Description of Articles	Maximum Rates of Duties. Specific Rates in Haitian Gourdes
402	(Plain glass) not mounted and not set, not specified. . . . .	G.K. 0.15
407	(Plate glass or cylinder glass) polished, beveled or engraved . . .	G.K. 0.60 or 30% <i>ad valorem</i>
1304	Conduits and pipes (cast iron) . . . . .	G.K. 0.06
1305	Pipe fittings (cast iron) . . . . .	G.K. 0.20
1415	Pipes or conduits, black, galvanized, polished, painted or not, including stove pipes of wrought iron, steel or malleable cast iron . . . . .	G.K. 0.07
1417	T-joints, elbows, valves, joints, sockets, cocks, taps and pipe or conduit accessories (wrought iron, steel or malleable cast iron)	G.K. 0.50
2126	Patent medicines, mixed or compound : containing no alcohol or not more than 14% of alcohol. . . . .	N.K. 1.33 <sup>1</sup> / <sub>3</sub> or 33 <sup>1</sup> / <sub>3</sub> % <i>ad valorem</i>
2128	Pharmaceutical products, medicinal preparations, plasters, poultices and empty capsules, not specified . . . . .	N.K. 0.66 <sup>2</sup> / <sub>3</sub> or 13% <i>ad valorem</i>

Haitian Tariff Item Number	Description of Articles	Maximum Rates of Duties. Specific Rates in Haitian Gourdes
	It is understood that the Haitian Department of Health will not impose any certification requirement or any formality for the importation, registration, licensing or sale of pharmaceutical specialties and patent medicines, which will be impossible of fulfillment in the United States of America because of the lack of a duly authorized Federal agency.	
9019	Hides and skins, tanned and curried : Goat and kid skins, including glazed kid . . . . .	N.K. 3.10 or 20% <i>ad valorem</i>
11015	Electric and electrotechnical machines, apparatus and appliances for industrial use, and all other articles now dutiable under this item . . . . .	10% <i>ad valorem</i>
11033	Radio receiving appliances, equipment and parts . . . . .	15% <i>ad valorem</i>
	Sewing machines :	
11034	Hand . . . . .	N.K. 1.00 or 10% <i>ad valorem</i>
11035	Provided with pedal or operated by pedal or motor . . . . .	N.K. 0.75 or 10% <i>ad valorem</i>
11036	Separate or spare parts . . . . .	N.K. 0.75 or 10% <i>ad valorem</i>
	Automotive products :	
11104	Trucks for the conveyance of goods . . . . .	10% <i>ad valorem</i>
11105	Busses for the conveyance of passengers . . . . .	15% <i>ad valorem</i>
11106	Automobiles, including vehicles electrically driven . . . . .	15% <i>ad valorem</i>
11108	Automotive parts and accessories, not specified, including finished electric batteries for automobiles . . . . .	20% <i>ad valorem</i>
12003	Beef, mutton or pork, fresh or refrigerated . . . . .	G.K. 0.10
12006	Beef and pork, smoked or salted, not specified, including dried beef . . . . .	G.K. 0.30
12007	Beef and pork, pickled in brine . . . . .	G.K. 0.25
12008	Tongues, heads, tails, jaws, or feet, salted or pickled in brine . . . . .	G.K. 0.20
12011	Lard of pork or of other animal origin, howsoever packed . . . . .	N.K. 0.375
12130(a)	Fresh apples, grapes and pears . . . . .	N.K. 0.06 or 20% <i>ad valorem</i>
12131(a)	Raisins, prunes and apricots, pressed, dried or desiccated, packaged in any form . . . . .	N.K. 0.16 or 20% <i>ad valorem</i>
12135(b)	Certified seed potatoes, when cut in pieces, with the eyes plainly visible . . . . .	Free
12314	Common red or white wines of a value at the port of importation not exceeding three gourdes per litre . . . . .	0.40 per litre
12327	Mineral and medicinal waters, natural or artificial, not including other articles appearing under this tariff number, namely, aerated or carbonated waters, sweetened or flavored waters, kola, grape juice, ginger beer, root beer or other non-alcoholic beverages, not specified . . . . .	0.20 per litre or 13% <i>ad valorem</i>
12404(a)	Peaches, pears, apricots, berries, cherries, apples and fruits for salad, preserved in their juice, in syrup or in water . . . . .	N.K. 0.26
12418	Common cheese, packaged or not, including Cheddar, Swiss type, edam type, gouda type, processed cheese and the like . . . . .	N.K. 0.60
12420	Butter . . . . .	N.K. 0.30 or 20% <i>ad valorem</i>

Haitian Tariff Item Number	Description of Articles	Maximum Rates of Duties, Specific Rates in Haitian Gourdes
12423	Evaporated milk or cream and any kind of milk, preserved, concentrated, condensed or powdered . . . . .	10% <i>ad valorem</i>
12424	Malted milk, infants' foods and like preparations . . . . .	10% <i>ad valorem</i>
13007	Rubber tires, combined or not with other materials, and inner tubes, for wheels of carriages, automobiles, bicycles and the like	20% <i>ad valorem</i>
13106	Cigarettes . . . . .	Per 100 : Gdes. 1.50 or 100% <i>ad valorem</i>

## SCHEDULE II.

United States Tariff Act of 1930 Paragraph Number	Description of Articles	Maximum Rates of Duties, Specific Rates in United States Dollars
	<i>Note</i> : The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the tariff laws of the United States to the provisions of this Schedule shall be determined insofar as may be practicable, as if each provision of this Schedule appeared respectively in the paragraph of the Tariff Act of 1930 noted in the column at the left of the respective descriptions of articles.	
747	Pineapples : In crates . . . . .	0.35 per crate of 2.45 cubic ft. 0.009 each
	In bulk . . . . .	0.009 each
752	Guavas prepared or preserved, and not specially provided for .	17½% <i>ad valorem</i>
752	Mango pastes and pulps, and guava pastes and pulps . . . . .	23% <i>ad valorem</i>
802	Rum, in containers holding each one gallon or less . . . . .	2.50 per proof gal- lon
1618	Bananas, green or ripe . . . . .	Free
1618	Plantains, green or ripe . . . . .	Free
1653	Cocoa or cacao beans, and shells thereof . . . . .	Free
1654	Coffee, except coffee imported into Puerto Rico and upon which a duty is imposed under the authority of Section 319 . . . . .	Free
1670	Logwood . . . . .	Free
1684	Sisal fiber . . . . .	Free
1768	Ginger root, not preserved or candied, unground . . . . .	Free

Certified to be true and complete textual copies of the original Agreement in all the languages in which it was signed, of the two Schedules annexed thereto, and of the Proclamation<sup>1</sup> of the Agreement and Schedules by the President of the United States of America.

For the Secretary of State of the United States of America :

C. E. MacEachran,  
*Chief Clerk and Administrative Assistant.*

<sup>1</sup> Not reproduced.



Articles du tarif haïtien	Description des articles	Taux maximum des droits. Taux spécifiques en gourdes haïtiennes
12423	Lait ou crème évaporé, et toutes sortes de lait, conservé, concentré, condensé ou en poudre . . . . .	10% <i>ad valorem</i>
12424	Lait malté, aliments pour enfants et préparations analogues . . . . .	10% <i>ad valorem</i>
13007	Pneus de caoutchouc combiné, ou non, avec d'autres matières, et chambres à air pour roues de voitures, automobiles, bicyclettes et analogues . . . . .	20% <i>ad valorem</i>
13106	Cigarettes . . . . .	Par 100 : Gdes 1.50 ou 100% <i>ad valorem</i>

## LISTE II

Tarif des Etats-Unis de 1930 paragraphe numéro	Description des articles	Taux maximum des droits. Taux spécifiques en dollars des Etats-Unis
	<i>Note</i> : L'interprétation et les effets qui doivent être accordés aux dispositions de cette liste ainsi que l'application des stipulations collatérales des lois conditionnant le tarif des Etats-Unis aux stipulations de ladite liste, seront fixés autant que possible, comme si chaque stipulation de cette liste figurait dans le paragraphe correspondant du tarif de 1930 et était mentionnée dans la colonne à gauche des descriptions particulières des articles.	
747	Ananas : En caisse . . . . .	0.35 par caisse de 2.45 pieds cubiques 0.009 chacun
	En vrac . . . . .	17½% <i>ad valorem</i>
752	Goyaves préparées ou conservées, et non spécialement prévues . . . . .	28% <i>ad valorem</i>
752	Pâtes et pulpes de mangue, et pâtes et pulpes de goyave . . . . .	2.50 par « proof » gallon
802	Rhum dans des récipients contenant chacun un gallon ou moins	Exempt
1618	Figues-bananes, vertes ou mûres . . . . .	Exempt
1618	Bananes, vertes ou mûres . . . . .	Exempt
1653	Cacao ou noix de cacao et leurs enveloppes. . . . .	Exempt
1654	Café, excepté le café importé à Puerto-Rico et sur lequel un droit est établi en vertu de l'autorité de la section 319 . . . . .	Exempt
1670	Bois de campêche. . . . .	Exempt
1684	Fibre de sisal . . . . .	Exempt
1768	Racines de gingembre, non conservées ou candies, non moulues	Exempt

Certified to be true and complete textual copies of the original Agreement in all the languages in which it was signed, of the two Schedules annexed thereto, and of the Proclamation<sup>1</sup> of the Agreement and Schedules by the President of the United States of America.

For the Secretary of State of the United States of America :

C. E. MacEachran,

*Chief Clerk and Administrative Assistant.*

<sup>1</sup> Non reproduite.