

Message Text

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PAGE 01 PORT A 01796 162211Z

71

ACTION COME-00

INFO OCT-01 ARA-16 EUR-25 IO-14 ISO-00 AGR-20 CEA-02

CIAE-00 DODE-00 EB-11 FRB-02 H-03 INR-10 INT-08 L-03

LAB-06 NSAE-00 NSC-10 PA-04 RSC-01 AID-20 CIEP-02

SS-20 STR-08 TAR-02 TRSE-00 USIA-15 PRS-01 SPC-03

OMB-01 DRC-01 /209 W

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R 162120Z OCH 73

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC 7135

INFO AMEMBASSY PARIS

USMISSION GENEVA

LIMITED OFFICIAL USE PORT AU PRINCE 1796

E.O. 11652: N/A

TAGS: ETRD, HA, EIND

SUBJECT: HAITIAN TARIFF PREFERENCE ON FRENCH WINES

REF: STATE 191797

1. THERE WAS NO COMMERCIAL AGREEMENT BETWEEN FRANCE AND HAITI AT THE TIME OF HAITI'S GATT ACCESSION. COPY OF 1951 AGREEMENT BEING POUCHED.

2. ACCORDING TO A HAITIAN CUSTOMS OFFICIAL WHO SEEMS ACQUAINTED WITH THE REQUIREMENTS OF THE GATT, HAITI, IN ACCORDANCE WITH THENPEQUIREMENTS OF ARTICLE 1 OF THE GATT APPLIES THE TARIFFS NEGOTIATED IN THE SPECIAL AGREEMENT WITH FRANCE TO ALL COUNTRIES TO WHICH GOH EXTENDS MOST-FAVORED NATION TREATMENT. THE MINIMUM, OR MOST FAVORED NATION TARIFF (PART 3 OF THE HAITIAN TARIFF SCHEDULES AS PUBLISHED IN THE ANNEX TO LE MONITEUR OF OCT.2, 1961) LISTS BOTH THE RATE NEGOTIATED UNDER THE GATT AND THE RATE NEGOTIATED WITH LIMITED OFFICIAL USE

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PAGE 02 PORT A 01796 162211Z

FRANCE FOR A SPECIFIC ITEM. FOR EXAMPLE, CUSTOMS ITEM NO. 22.05.02 SHOWS THE RATE NEGOTIATED WITH FRANCE, AND ITEM NO. 22.05.03 SHOWS THE RATE NEGOTIATED UNDER GATT. THE DESCRIPTIONS OF THE TWO ITEMS ARE IDENTICAL, HOWEVER, AND THE HAITIAN OFFICIAL STATED THAT THE FIRST RATE (ITEM 22.05.02) WOULD BE APPLIED TO IMPORTS FROM ALL COUNTRIES SO LONG AS THE COMMERCIAL AGREEMENT WITH FRANCE REMAINS IN EFFECT. IF THAT AGREEMENT WERE CANCELLED, THEN THE GATT RATE (ITEM NO. 22.05.03) WOULD BE IN EFFECT FOR ALL COUNTRIES. EMBOFF WAS INFORMED THAT WINE FROM ITALY AND FROM CHILE HAVE ENTERED HAITI UNDER THE RATE NEGOTIATED IN THE FRENCH/HAITIAN COMMERCIAL TREATY.

3. AMERICAN WINES CANNOT, AT THE MOMENT, ENTER UNDER THE LOWER RATE BECAUSE THEY CANNOT MEET THE CONDITIONS DESCRIBED. WINE ENTERING UNDER THE ABOVE LISTED CUSTOMS ITEM NUMBERS MUST, FOR EXAMPLE, BE OVER 14 PERCENT ALCOHOL, BE IN A SEALED BOTTLE, BE A WINE BENEFITTING FROM A CONTROLLED APPELLATION OF ORIGIN, AND BE ACCOMPANIED BY A CERTIFICATE OF ORIGIN WHICH IS ACCEPTABLE TO HAITIAN CUSTOMS. HAITI HAS AGREED TO SUPPORT AND PROTECT FRENCH APPELLATIONS OF ORIGINS AND WILL NOT PERMIT THE IMPORTATION OF CHAMPAGNES OR BURGUNDIES, FOR EXAMPLE, FROM ANY COUNTRY OTHER THAN FRANCE.

4. ALTHOUGH AMERICAN BURGUNDIES, CHAMPAGNES, ETC., COULD NOT BE IMPORTED SOME AMERICAN BRAND WINES (SUCH AS EMERALD DRY, FOR EXAMPLE) MIGHT BE ELIGIBLE FOR THE LOWER DUTY IF THE HAITIAN GOVERNMENT WERE CONVINCED THAT THE CONTROLS ON THE APPELLATION OF THE WINE MET HAITIAN REQUIREMENTS AND IF THE US GOVERNMENT WERE TO ISSUE A CERTIFICATE OF ORIGIN. OTHERWISE SUCH WINES WOULD HAVE TO ENTER UNDER ITEM 22.05.04, "OTHERS" PAYING A DUTY OF 42.55 PERCENT COMPARED TO 9.18 PERCENT.
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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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Disposition Date: 28 MAY 2004
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