

TRADE

Phytosanitary Measures

**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: Phytosanitary Measures

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



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 honor de confirmar el siguiente entendimiento logrado entre los representantes del Gobierno de la República de Colombia (Colombia) y el Gobierno de los Estados Unidos de América (Estados Unidos) en el curso de las discusiones relacionadas con la implementación del Acuerdo de Promoción Comercial Estados Unidos-Colombia, concernientes con las medidas temporales para la importación de arroz "Paddy" de los Estados Unidos de América a Colombia:

1. El certificado fitosanitario (CF) expedido por el Servicio de Inspección Sanitaria de Animales y Plantas de los Estados Unidos (APHIS) dispondrá: "El envío fue fumigado con Bromuro de Metilo, e inspeccionado y se encuentra libre de los insectos: *Cryptolestes pusillus*, *Oryzaephilus Mercator* y *Trogoderma variabile*. El CF deberá incluir una declaración adicional que indique *Alternaria padwickii* como "no conocido oficialmente que ocurra en los Estados Unidos".
2. Inspectores de Departamento de Agricultura de los Estados Unidos (USDA) verificarán el contenido de humedad del arroz "paddy" (por encima de 12,5%) al momento de la fumigación. La dosis, temperatura y duración del tratamiento con Bromuro de Metilo para *Tilletia horrida* son los siguientes:

DOSIS BM	TEMPERATURA	TIEMPO
96 gr/m ³	16 °C	24 horas
120 gr/m ³	Por debajo de 16 °C	24 horas

Esta información debe registrarse en un documento oficial del USDA. Funcionarios del Instituto Colombiano Agropecuario (ICA) podrán verificar el proceso de tratamiento con Bromuro de Metilo.




3. El ingreso de cargamentos de arroz “paddy” solo serán autorizados por el puerto marítimo ubicado en la ciudad de Barranquilla, y su proceso de industrialización será realizado exclusivamente en los molinos ubicados en la jurisdicción de la municipalidad de Barranquilla.


El envío deberá venir libre de suelo, materia orgánica, impurezas y otras semillas de preocupación para cuarentena.

4. El ICA realizará inspección fitosanitaria en el puerto de Barranquilla, verificando a través del tiempo que las medidas implementadas por APHIS incluyendo el uso de Bromuro de Metilo reducen significativamente los riesgos de introducción de *Tilletia horrida* a territorio colombiano. Entendiendo que los riesgos de dicha introducción se reducen de manera significativa como resultado de las medidas descritas en los párrafos 1 a 3, el cargamento será liberado para ser procesado con la finalización de la inspección a bordo y no será retenido a la espera de análisis adicionales para *Tilletia horrida*.
5. La cascarilla resultante del proceso industrial no será utilizada para efectos comerciales y será destruida mediante incineración en el molino.
6. Estos requisitos se mantendrán en vigencia hasta que una modificación sea acordada entre Colombia y los Estados Unidos teniendo en cuenta el análisis de riesgo y/o la experiencia obtenida en relación con la operación de este protocolo.

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 have the honor to confirm the following understanding reached between representatives of the Government of the Republic of Colombia (Colombia) and the Government of the United States of America (United States) during the course of discussions pertaining to the implementation of the United States-Colombia Trade Promotion Agreement, in regard to the temporary measures for the importation of "Paddy" Rice from the United States of America to Colombia:

1. The phytosanitary certificate (PC) issued by the United States Animal and Plant Health Inspection Service (APHIS) will state: "The shipment was fumigated with Methyl Bromide, and inspected and found free of the insects: *Cryptolestes pusillus*, *Oryzaephilus Mercator* and *Trogoderma variabile*. The PC shall include an additional declaration indicating *Alternaria padwickii* as "not officially known to occur in the United States."
2. United States Department of Agriculture (USDA) inspectors shall verify moisture content of the "paddy" rice (above 12.5%) at the time of fumigation. The dosage, temperature and duration of the Methyl Bromide treatment for *Tilletia horrida* are the following:

MB DOSE	TEMPERATURE	TIME
96 gr/m ³	16 °C	24 hours
120 gr/m ³	Below 16 °C	24 hours

This information must be recorded on an official USDA document. Instituto Colombiano Agropecuario (ICA) officers may verify the treatment process with Methyl Bromide.



3. The entry of the “paddy” rice shipments shall be authorized only through the sea port located in the city of Barranquilla, and its industrialization process shall be carried out exclusively at the mills located in the jurisdiction of the municipality of Barranquilla.

The shipment shall come free of soil, organic matter, impurities and other seeds of quarantine concern.

4. ICA will conduct a phytosanitary inspection at the port of Barranquilla, verifying over time that the measures implemented by APHIS, including the use of Methyl Bromide, are significantly reducing the risks of introduction of *Tilletia horrida* to the Colombian territory. Understanding that the risks of such introduction are significantly reduced through the measures described in paragraphs 1 through 3, the shipment shall be released for processing upon completion of the ship board inspection and not be held pending further analysis for *Tilletia horrida*.
5. The husk resulting from industrial processing shall not be used for commercial purposes and shall be destroyed by incineration in the mill.
6. These requirements shall remain in effect until a modification is agreed upon between Colombia and the United States taking into account a risk assessment and/or the experience gained with respect to the operation of this protocol.

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.

Sincerely,

Juan Camilo Restrepo Salazar
Minister of Agriculture and Rural Development

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

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 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 Republic of Colombia (Colombia) and the Government of the United States of America (United States) during the course of discussions pertaining to the implementation of the United States-Colombia Trade Promotion Agreement, in regard to the temporary measures for the importation of "Paddy" Rice from the United States of America to Colombia:

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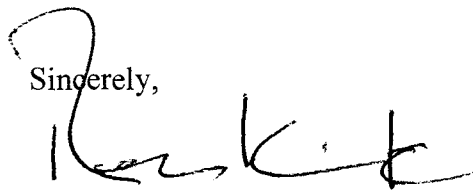
5. The husk resulting from industrial processing shall not be used for commercial purposes and shall be destroyed by incineration in the mill.

6. These requirements shall remain in effect until a modification is agreed upon between Colombia and the United States taking into account a risk assessment and/or the experience gained with respect to the operation of this protocol.

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”.

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,

A handwritten signature in black ink, appearing to read "Ron Kirk". The signature is fluid and cursive, with a large initial "R" and a long horizontal stroke at the end.

Ambassador Ron Kirk