

法規名稱：EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE REPUBLIC OF CHINA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA, CONSTITUTING AN AGREEMENT RELATING TO THE EXPORTS OF COLOR TELEVISION RECEIVERS FROM THE REPUBLIC OF CHINA (AD.1978.12.29)

簽訂日期：民國 67 年 12 月 29 日

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I Note form Mr. James C. H. Shen, Chinese Ambassador, to Mr. Robert S. Strauss, the Special Representative for Trade Negotiations.

December 29,1978

Excellency:

I have the honor to refer to the recent discussions between representatives of the Government of the Republic of China and the Government of the United States of America with respect to exports from the Republic of China of color television receivers. I have further the honor to confirm that the Government of the Republic of China will implement the measures and obligations to which it has agreed, under the following provisions:

- 1 The Government of the Republic of China will administer its control over exports to the United States from the Republic of China of color television receivers as defined in Annex A at the levels set forth in Annex B, for the period from February 1,1979 through June 30,1980, and of television receivers as set forth in Annex C, for the period from February 1,1979 through June 30,1979.
- 2 The Government of the United States of America will assist the Government of the Republic of China in implementing its control over exports of color television receivers to the United States at the levels set forth in Annex B as follows:
 - (a) All color television receivers exported from the Republic of China prior to February 1,1979, will be counted against the period in which they are entered, or withdrawn from warehouse, for consumption; except that if they are entered or withdrawn prior to April 1,1979 they will be counted against the pipeline period (July 1,1978 through January 31,

1979). All color television receivers exported from the Republic of China after January 31, 1979 will be counted against the period in which they were exported, except as noted in sub-paragraph (e) below.

- (b) Except as provided in paragraphs 4 and 6, in the event that the restraint level set forth in Annex B is reached prior to the end of a restraint period, the Government of the United States of America will delay further importation of color television receivers until after the end of that restraint period.
- (c) All color television receivers exported from the Republic of China on or after February 1, 1979, will be denied importation for consumption in the United States unless such receivers have been issued valid export visas by the Government of the Republic of China, a facsimile of such visas to be provided to the Government of the United States of America by the Government of the Republic of China.
- (d) All color television receivers exported from the Republic of China prior to February 1, 1979 may be entered, or withdrawn from warehouse, for consumption without an export visa prior to April 1, 1979. Thereafter, such receivers may be entered, or withdrawn from warehouse, for consumption only if they have been issued export visas and upon such entry or withdrawal will be counted against the first restraint period.
- (e) Exceptions to the specifications in subparagraph (a) above that imports are to be counted against the restraint level for the restraint period in which they are exported may be made in order to (1) permit imports that are exported in the first restraint period, but that are not imported for consumption until more than 90 days following the beginning of the second restraint period, to be counted against the restraint level for that second restraint period; and (2) permit imports that were exported in the first restraint period, but that were denied entry in that restraint period pu-

- rsuant to subparagraph (b) above, to be counted against the restraint level for the second restraint period.
- 3 The Government of the Republic of China will use its best efforts to space exports of color television receivers to the United States as evenly as practicable, over the restraint period, consistent with seasonal considerations.
- 4 (a) In the event a shortfall occurs with respect to the restraint level during the first restraint period, carryover may be made to the second restraint period of up to 11 percent of the restraint level in the previous period, but not in excess of the actual shortfall.
- (b) The Government of the Republic of China will provide timely notice to the Government of the United States of America of its intention to exercise the rights provided in subparagraph (a) above, and the Government of the United States of America will endeavor to make appropriate adjustments in the applicable restraint level.
- 5 The Government of the United States of America also will assist the Government of the Republic of China in implementing its control over exports of color television receivers to the United States set forth in Annex C in accordance with subparagraph 2 (c) above. In the event the restraint level set for in Annex C is reached prior to the end of the February 1 through June 30, 1979 period, the Government of the United States of America will delay further importation until the end of that period.
- 6 The Government of the United States of America will notify the Government of the Republic of China as soon as possible should it become necessary for the Government of the United States of America to delay importation due to filling of the restraint level.
- 7 The Government of the Republic of China will promptly supply the Government of the United States of America with monthly data on exports to the United States of color television receivers as such data become available. The Government of the Uni-

ted States of America will supply the Government of Republic of China with data on monthly imports of color television receivers, by principal countries of origin, as such data become available. Each Government agrees to supply promptly any other pertinent and readily available statistical data requested by the other Government. In accordance with current practice, United States data will be used in determining the necessity for delay by the Government of the United States of America of any imports pursuant to these Notes.

- 8 (a) Either Government may request consultations on any matters arising from the provisions of these Notes, including, *inter alia*, any problems that may arise relating to circumventions of the Agreement embodied in these Notes. Such consultations will take place at a mutually convenient time, no later than thirty days from the date on which such request is made, unless otherwise mutually agreed.
- (b) If, in the view of either Government, the economic conditions prevailing at the time of the recent discussions mentioned above have changed substantially, that Government may initiate consultations for review of the provisions of these Notes including the possibility of termination or modification of the report restraints.
- (c) Mutually satisfactory administrative arrangements or adjustments may be made to resolve problems arising in the implementation of these Notes, including differences in points of procedure or operation.
- 9 If the Government of the Republic of China considers that, as a result of the application of the provisions of these Notes, the Republic of China is placed in an inequitable position *vis-a-vis* other major exporting countries in respect of exports to the United States of color television receivers, the Government of the Republic of China may initiate consultations with the Government of the United States of America.
- 10 Any rights of trade retaliation that the Government of the Republic of China may have under existing treaties or commerc-

ial arrangements will not be exercised with respect to measures taken by the Government of the United States of America pursuant to these Notes.

- 11 The two Government may amend the provisions of these Notes if such amendments are mutually agreeable.
- 12 No provisions of these Notes will be construed as applying to prices or production of color television receivers or allocation of shipments among firms selling (except that it is recognized that such allocation may be deemed necessary and therefore directed by the Government of the Republic of China in its implementation of the provision of these Notes) or buying color television receivers.
- 13 Either Government may terminate the provisions of these Notes by giving sixty days prior written notice to the other Government.
- 14 The foregoing provisions of these Notes will be implemented by the two Governments in accordance with the laws and regulations applicable in their respective countries.

I have further the honor to request Your Excellency to confirm on behalf of the Government of the United States Of America that it will implement its measures and obligations under the above provisions, and to propose that this Note and Your Excellency's Note in reply will constitute an agreement between the two Governments as characterized by the above provisions.

Accept, Excellency, the renewed assurances of my highest consideration.

(Signed)

James C. H. Shen
Ambassador of the
Republic of China

His Excellency
Robert S. Strauss
The Special Representative
for Trade Negotiations

Washington, D. C.

ANNEX A

The following items from the Tariff Schedules of the United States Annotated (1978) are covered by the provisions of the Agreement:

Color television receivers, having a picture tube, provided for in TSUSA items 685.2025, 685.2026, 685.2027, 685.2028, 685.2029, 685.2031, 685.2044, 685.2046, 685.2055, 685.2061, 685.2062.

ANNEX B

The Government of the Republic of China will apply restraints on exports to the United States of color television receivers as defined in Annex A during the periods specified, at the levels indicated:

Period 1 (February 1, 1979-June 30, 1979) -127,000 units*

period 2 (July 1, 1979-June 30, 1980) -373,000 units

* Note to Annex B

The level for Period 1 (February 1, 1979-June 30, 1979) will be adjusted depending upon the amount of color television receivers actually exported from the Republic of China during the period July 1, 1978 through January 31, 1979, as determined by U.S. Customs data. If the quantity actually exported from the Republic of China exceeded 368,000 units in that period, the amount of the excess will be deducted from 127,000. If the quantity actually exported from the Republic of China during that period is less than 368,000 units, the amount of deficiency will be added to 127,000.

ANNEX C

The Government of the Republic of China also intends to control exports of incomplete color television receivers as described in item 685.2064 of the Tariff Schedules of the United States. It intends to limit the export of such items to the United States at a level of 270,000 sets during the period February 1-June 30, 1979. The Government of the Republic of China recognizes that the Government of the United States of America has the right to take action under Section 203(g) (2) of the Trade Act of 1974 to

assist the Government of the Republic of China in administering its self-restraint measure in the event that it appears exports from the Republic of China will exceed the level of self-restraint which the Government of the Republic of China has stated it will apply.

The government of the Republic of China is not in a position to make a commitment regarding extension of the limitation for an additional time period, but is prepared to review the matter further, not later than May 31, 1979 with the objective of establishing a control level for the period July 1, 1979-June 30, 1980. The Government of the Republic of China recognizes that the Government of the United States of America has the right to take action under Section 203 (g) (2) of the Trade Act of 1974 to limit imports during the period July 1, 1979-June 30, 1980.

II Note from Mr. Robert S. Strauss, the Special Representative for Trade Negotiations, to Mr. James C. H. Shen, Chinese Ambassador.

December 29, 1978

Excellency:

I have the honor to acknowledge receipt of Your Excellency's letter of today's date, a copy of which is attached to this letter, concerning color television receivers as defined in your letter and its annexes.

I have further the honor to confirm on behalf of the Government of the United States of America that it will implement its measures and obligations as set forth in your letter and annexes, and to confirm that the Government of the United States of America agrees that your Excellency's letter and annexes and this letter will constitute an Agreement between the two Governments. Accept, Excellency, the renewed assurances of my highest consideration.

Sincerely,
(Signed)
Robert S. Strauss

James C. H. Shen

Ambassador of the
Republic of China