

RECIPROCAL TRADE: FOX FURS AND SKINS

Agreement signed at Washington and New York, for the United States and the United Kingdom, December 13, 1940

Proclaimed by the President of the United States December 18, 1940

Ratified by the United Kingdom, in respect of Canada, June 14, 1941

Proclamation and ratification exchanged at Washington August 13, 1941

Entered into force provisionally December 20, 1940; definitively August 14, 1941

Supplementary proclamation by the President of the United States August 21, 1941

*Terminated May 1, 1947, by agreement of March 18, 1947*¹

55 Stat. 1319; Executive Agreement Series 216

The President of the United States of America and His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada:

Considering the reciprocal concessions and advantages for the promotion of trade provided for in the existing trade agreement entered into between the United States of America and Canada on November 17, 1938;²

Taking cognizance of the emergency which exists with respect to the marketing of silver or black fox furs and skins;

Desiring to promote the purposes of the existing trade agreement between the United States of America and Canada by providing measures to assist in the orderly marketing of these products;

Recognizing the desirability, as a result of experience in the administration of the supplementary trade agreement entered into between the two countries on December 30, 1939,³ of making certain changes in the quota provisions of the said supplementary agreement;

Have resolved to conclude an agreement to replace the supplementary trade agreement entered into between the United States of America and Canada on December 30, 1939, and have for this purpose, through their respective Plenipotentiaries, agreed on the following Articles:

¹ TIAS 1638, *post*, p. 439.

² EAS 149, *ante*, p. 117.

³ EAS 184, *ante*, p. 165.

ARTICLE I

During the effectiveness of this Agreement, item 1519(c) of Schedule II of the trade agreement entered into between the United States of America and Canada on November 17, 1938, shall be suspended, and in lieu thereof the following item shall be substituted:

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1519 (c)	Silver or black fox furs or skins, dressed or undressed, not specially provided for	35% ad val.

ARTICLE II

The following provisions are agreed upon with respect to the importation into the United States of America of silver or black foxes valued at less than \$250 each and whole silver or black fox furs and skins (with or without paws, tails, or heads):

(1) The total quantity of such articles which may be entered, or withdrawn from warehouse, for consumption in any twelve-month period commencing on December 1 in the year 1941 or any subsequent year shall be 100,000. For the period December 20, 1940, to November 30, 1941, inclusive, the total quantity of such articles which may be entered, or withdrawn from warehouse, for consumption shall be 100,000 less the number of such articles entered, or withdrawn from warehouse, for consumption during the period December 1 to December 19, 1940, as determined and made public by the Secretary of the Treasury of the United States.

(2) A share in the total quantity provided for in paragraph (1) shall be allocated to Canada in accordance with the principles set forth in Article III of the trade agreement between the United States of America and Canada, signed November 17, 1938. Unless otherwise mutually agreed upon, the share to be allocated to Canada shall be that provided for in paragraph (3) of this Article.

(3) Of the total quantity of such articles which may be entered, or withdrawn from warehouse, for consumption during any quota period, not more than 70,000 shall be imported from Canada, nor more than 30,000 from all other foreign countries, of which not more than 500 shall be from any country from which no such articles were imported in the calendar year 1939. For the quota period from December 20, 1940, to November 30, 1941, inclusive, there shall be deducted from the foregoing quantities, however, the number of such articles imported from Canada and from all other foreign countries, respectively, which are entered, or withdrawn from warehouse, for consumption during the period December 1 to December 19, 1940, inclusive, as determined and made public by the Secretary of the Treasury of the United States.

(4) Not more than 25 per centum of the quantity of such articles entitled to entry from Canada or from all other foreign countries, respectively, during any quota period may be entered, or withdrawn from warehouse, for consumption during any one month. The period from December 20 to December 31, 1940, inclusive, shall be considered a month, but there shall be deducted from the maximum quantities entitled to entry during such period the number of such articles imported from Canada and from other foreign countries, respectively, which are entered, or withdrawn from warehouse, for consumption during the period from December 1 to December 19, 1940, inclusive, as determined and made public by the Secretary of the Treasury of the United States. If the number of such articles imported from Canada or from all other foreign countries which are entered, or withdrawn from warehouse, for consumption during the period from December 1 to December 19, 1940, inclusive, equals or exceeds the respective maximum quantity entitled to enter during the remainder of December 1940 under the provisions of this paragraph, no further entries of articles chargeable against the maximum quantity equalled or exceeded shall be permitted during that month.

(5) Notwithstanding the provisions of paragraphs (2), (3) and (4) above, any part of the total quantity of such articles entitled to entry during any quota period which has not been entered, or withdrawn from warehouse, for consumption prior to May 1 of each year, may be entered, or withdrawn from warehouse, for consumption during the remainder of the quota period without reference to the country of exportation or the limitations of paragraph (4). The Secretary of the Treasury of the United States shall, as soon as possible after May 1 of each year, determine and make public the number of such articles which may be entered under the provisions of this paragraph.

(6) It is agreed that, if after consultation with the Government of the United States of America the Government of Canada so requests, the President of the United States of America shall proclaim that on and after the date fixed in such proclamation no articles imported from Canada and subject to the quota herein provided for in respect of Canada shall be permitted to be entered, or withdrawn from warehouse, for consumption unless such articles are accompanied by official certificates of the Government of Canada stating them to be of Canadian origin.

ARTICLE III

The total quantities of the articles hereinafter specified which may be entered, or withdrawn from warehouse, for consumption in the United States of America during any twelve-month period commencing on December 1 in the year 1941 or any subsequent year shall be:

(a) Tails of silver or black foxes.....	5,000	pieces
(b) Paws, heads, or other separated parts of silver or black fox furs and skins (other than tails).....	500	lbs.
(c) Piece plates made of pieces of silver or black fox furs and skins.....	550	lbs.
(d) Articles, other than piece plates, made wholly or in chief value of one or more silver or black fox furs or skins or parts of such furs or skins.....	500	units*

*NOTE: A unit shall consist of any whole silver or black fox fur or skin or any part of such a fur or skin contained in such articles.

For the period from December 20, 1940 to November 30, 1941, inclusive, the total quantities of the foregoing classes of articles which may be entered, or withdrawn from warehouse, for consumption shall be the respective quantities specified above less the amounts of the above classes of articles, respectively, which were entered, or withdrawn from warehouse, for consumption during the period from December 1 to December 19, 1940, inclusive, as determined and made public by the Secretary of the Treasury of the United States of America.

ARTICLE IV

The following shall not be subject to or affect the limitations provided for in Articles II and III:

- (a) Articles of wearing apparel imported by returning residents or other persons arriving in the United States of America for their personal use and not intended for sale;
- (b) Articles admitted to entry under paragraph 1615 of the Tariff Act of 1930, as amended;
- (c) Live silver or black foxes valued at \$150 or more each and shipped to the United States of America prior to the date on which this Agreement enters provisionally into force.

ARTICLE V

The Government of the United States of America reserves the right to terminate Articles II and III of this Agreement and to substitute therefor an autonomous quota regime. Should the Government of the United States of America avail itself of this right, it agrees that the total quantities of the articles specified in Articles II and III permitted to be entered, or withdrawn from warehouse, for consumption in the United States shall not be less than those set forth in the said Articles, and that a share of the total permitted entries of the articles specified in Article II shall be allocated to Canada in accordance with the provisions of Article II.

ARTICLE VI

1. The present Agreement shall be proclaimed by the President of the United States of America and shall be ratified by His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada. It shall enter definitively into force on the day following the exchange of the Proclamation and the instrument of ratification, which shall take place at Washington as soon as possible.

2. Pending the definitive coming into force of this Agreement, it shall enter provisionally into force on December 20, 1940. Upon the provisional entry into force of this Agreement, the supplementary trade agreement entered into between the United States of America and Canada on December 30, 1939, shall terminate.

3. So long as the present Agreement remains in force it shall constitute an integral part of the trade agreement entered into between the United States of America and Canada on November 17, 1938, and shall be subject to termination as a part of that Agreement.

4. Should it appear to either the Government of the United States of America or the Government of Canada that the emergency conditions with respect to the marketing of silver or black fox furs and skins which have given rise to the conclusion of this Agreement have ceased to exist or have become substantially modified, that Government may, after consultation with the other Government, terminate the present Agreement on 90 days' written notice. Moreover, the present Agreement may be terminated at any time by agreement between the Governments of the two countries.

5. Should the present Agreement be terminated in accordance with the provisions of paragraph 4 of this Article, the provisions of item 1519 (c) of Schedule II of the trade agreement entered into between the United States of America and Canada on November 17, 1938, which have been suspended by this Agreement, shall thereupon automatically reenter into force.

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

Done in duplicate, at the City of Washington and the City of New York, this thirteenth day of December, 1940.

For the President of the United States of America:
CORDELL HULL [SEAL]
*Secretary of State
of the United States of America*

For His Majesty, in respect of Canada:
LORING C. CHRISTIE [SEAL]
*Envoy Extraordinary and Minister
Plenipotentiary to the United
States of America*