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Unreviewed Translation

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## MINISTRY OF ECONOMY

**Hereby resolves TO APPROVE REGULATIONS FOR THE APPLICATION OF THE  
TARIFF-RATE QUOTA ON CHICKEN LEG QUARTERS ESTABLISHED IN THE  
CENTRAL AMERICA-DOMINICAN REPUBLIC-UNITED STATES FREE TRADE  
AGREEMENT.**

### Ministerial Decision No. 0298-2006

Guatemala City, May 23, 2006

**THE MINISTERS OF ECONOMY; AGRICULTURE, LIVESTOCK, AND FOOD; AND  
PUBLIC FINANCE**

Guatemala City,

#### WHEREAS:

Pursuant to Decree number 114-97 of the Guatemalan Congress, the Executive Branch Law, the Ministries of Economy; Agriculture, Livestock, and Food; and Public Finance have among their assigned substantive responsibilities the authority to ensure the safety of domestic and foreign trade; to oversee matters related to the legal system governing agricultural production; and to oversee matters related to the legal system governing government finances, including the collection and administration of fiscal revenues, respectively.

#### WHEREAS:

Decree number 31-2005 of the Guatemalan Congress approved the Central America-Dominican Republic-United States Free Trade Agreement. Moreover, Article 3.13 of the Free Trade Agreement establishes the administration and implementation that each Party to the Treaty must adopt or maintain for purposes of assigning the volumes of tariff-rate quotas provided in Appendix I, General Notes, Tariff Schedule of the Republic of Guatemala, Annex 3.3 of the Agreement, and must guarantee, among other things, that the procedures are transparent, timely, nondiscriminatory and responsive to market conditions; and therefore, in order to fulfill the commitment made, it is necessary to issue the relevant administrative provisions.

#### WHEREAS:

Guatemala and the United States agreed, in accordance with paragraph 14(e) of Appendix I of the General Notes to the Tariff Schedule of the Republic of Guatemala to Annex 3.3 of the Agreement, that the in-quota quantities for chicken leg quarters shall be allocated in accordance with the Export Trade Certificate of Review issued for such purposes to Central America Poultry Export Quota, Inc., hereinafter “CA-PEQ.”

**THEREFORE:**

By the powers vested in them under Articles 23, 25, 27 (e)and (m), 29(f), and 32 (c) of Decree 114-97 of the Guatemalan Congress, the Executive Branch Law,

**RESOLVE:**

**TO APPROVE REGULATIONS FOR THE APPLICATION OF THE TARIFF-RATE QUOTA ON CHICKEN LEG QUARTERS ESTABLISHED IN THE CENTRAL AMERICA-DOMINICAN REPUBLIC-UNITED STATES FREE TRADE AGREEMENT**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1. Purpose.** The purpose of these regulations is to develop procedures for the implementation of the tariff-rate quota for chicken leg quarters established in paragraph 14 of Appendix I, General Notes, Tariff Schedule of the Republic of Guatemala, Annex 3.3 of the Agreement.

**Article 2. Authority to Administer the Tariff-Rate Quota.** The Ministry of Economy, through the Foreign Trade Administration Directorate, shall be the authority responsible for administering and applying the provisions set forth in these Regulations.

**Article 3. Right to Import.** Any individual or legal entity may import volumes under the chicken leg quarter tariff-rate quota, set forth in paragraph 14 of Appendix I, General Notes, Tariff Schedule of the Republic of Guatemala, Annex 3.3 of the Agreement provided that they comply with the requirements and procedures established in these Regulations and Guatemalan law.

**Article 4. Definitions.** The following definitions and abbreviations, as used in these Regulations, have the meanings stated below:

**Agreement** The Central America-Dominican Republic-United States Free Trade Agreement.

**CA-PEQ** Central America Poultry Export Quota, Inc., a company that has obtained an Export Trade Certificate of Review approved pursuant to the Export Trading Company Act of 1982, 15 U.S.C. Sec. 4011-4021 (2000) of the United States of America in order to allocate amounts of the tariff rate quota.

<b>Tariff-Rate Quota Allocation Certificate</b>	Document issued by CA-PEQ pursuant to the Export Trade Certificate of Review granted to CA-PEQ in accordance with paragraph 14(e) of Appendix I, General Notes, Tariff Schedule of the Republic of Guatemala, Annex 3.3 of the Agreement.
<b>DACE</b>	Office of Foreign Trade Administration of the Ministry of Economy.
<b>MAGA</b>	Ministry of Agriculture, Livestock, and Food.
<b>MSPAS</b>	Ministry of Public Health and Social Assistance.
<b>SAT</b>	Office of Tax Administration Examiner.
<b>Commission</b>	A consultative and administrative support body for purposes of the application of these Regulations.
<b>Tariff-rate quota</b>	Volume of chicken leg quarters to be imported free of tariffs, as established in paragraph 14 of Appendix I, General Notes, Tariff Schedule of the Republic of Guatemala, Annex 3.3 of the Agreement.
<b>Chicken leg quarters</b>	Identified in codes 0207.13.99B, 0207.14.99B, 1602.32.00A, as set forth in paragraph 14(c) of Appendix I, General Notes, Tariff Schedule of the Republic of Guatemala, Annex 3.3 of the Agreement.

## **CHAPTER II ALLOCATION AND REGULATION OF BIDS**

**Article 5. Allocation to bidding entities.** The tariff-rate quota shall be administered in accordance with the terms of the Export Trade Certificate for Review issued to CA-PEQ, which shall administer an open and public auction system for allocating the in-quota amounts of the tariff-rate quota.

Any importation of chicken leg quarters under the tariff-rate quota shall be exempt from import tariffs, if accompanied by a Certificate of Tariff-Rate Quota Allocation issued by CA-PEQ. If the importation of chicken leg quarters does not meet this requirement, it shall be subject to the applicable over-quota customs duty.

**Article 6. Current account of import volumes.** For purposes of administering the volume of in-quota imports, DACE shall maintain a current account of the Tariff-Rate Quota Allocation Certificates, which covers the amounts imported per recipient and which shall be provided to the Commission at each meeting.

For such purposes, the SAT Customs Authority shall send to DACE, within the first five working days of each month, information on the importations carried out during the previous month, including their price of importation. DACE shall request that CA-PEQ report the name or trade name of individual or juristic persons and the amounts allocated under the tariff-rate quota. It shall also request additional information it deems necessary for the sound administration of the tariff-rate quota.

In the event of discrepancies, DACE shall serve immediate notice thereof to the competent authority so it may proceed pursuant to domestic regulations.

### **CHAPTER III REGISTRY OF IMPORTERS**

**Article 7. Registration requirements.** Persons interested in importing chicken leg quarters under the in-quota tariff rate shall register with DACE, providing the following information for such purposes:

- a) Name, company name, or trade name;
- b) Name of legal representative and a certified photocopy of the appointment thereof for legal entities, and a certified photocopy of the personal identification document or passport for foreign nationals;
- c) A certified photocopy of the personal identification document or passport for individuals who are foreign nationals;
- d) A certified photocopy of the Taxpayer Identification Number (NIT) record;
- e) Address for tax and business purposes;
- f) Address for receiving official notices;
- g) A certified photocopy of the business license, if applicable;
- h) Sanitary Operating License issued by MAGA;
- i) License issued by the Ministry of Public Health and Social Assistance, if applicable;
- i) Telephone and fax numbers and email address;
- j) Date and place of application;
- k) Company seal; and
- l) Name and handwritten signature of owner or legal representative.

DACE shall approve the application for registration without delay when the information indicated in lines a)-m) of this Article is submitted. Approved applications shall be assigned a registration number. DACE shall be notified of any changes in the information submitted within a term not to exceed 20 calendar days.

**Article 8. Cancellation of registration.** Should DACE determine that any of the information provided pursuant to Article 7 is false, it shall cancel the registration immediately. DACE shall inform the competent authorities so that they may proceed in accordance with the Law.

### **CHAPTER IV THE COMMISSION**

**Article 9. Composition of the Commission.** A Commission is hereby created as a consultative and administrative support body for DACE. The administration of this quota shall be the responsibility of DACE.

The Commission shall be made up of designated representatives from the following institutions:

- a) Ministry of the Economy (chair);
- b) Ministry of Agriculture, Livestock, and Food;
- c) Ministry of Health and Social Assistance;
- d) Ministry of Public Finance;
- e) SAT Customs Authority.

The aforementioned institutions shall designate an alternate representative.

**Article 10. Accreditation of representatives.** DACE shall be notified in writing of the designated and alternate representatives appointed to the Commission. The institutions may replace their representatives when they deem such action appropriate, providing due notice thereof.

**Article 11. Functions of the Commission.** The Commission shall have the following functions:

- a) To receive approved registration applications; and
- b) To review the information referred to in Article 6.

**Article 12. Secretariat.** The Commission Secretariat shall be the responsibility of DACE, where it shall be provided with the physical space and the resources necessary for its operation.

**Article 13. Meetings.** Regular meetings shall be held on the last Tuesday of the months of January, April, July, and October, following their call by DACE. When the date in question is not a business day, meetings shall be held the previous business day. Special meetings shall be held throughout the year at the discretion of DACE or upon the written request of at least three members.

**Article 14. Quorum.** A minimum of three (3) members must be present to hold meetings of the Commission. If there is no quorum one-half hour after the time of the meeting indicated in the invitation, the Secretariat shall draw up the respective minutes and the meeting shall be held within the next five business days, upon invitation.

**Article 15. Minutes.** The Secretariat shall draft minutes of each meeting, recording all of the matters addressed. The members of the Commission shall receive a copy of the minutes at the following meeting.

## **CHAPTER V FINAL AND TRANSITION PROVISIONS**

**Article 16. Publication.** The Ministry of Economy shall publish the quota volume in force for the following year in the Official Gazette *El Diario de Centro América* and on its webpage no later than October 15 every year.

Registration application forms shall be available to interested parties at DACE and at [www.mineco.gob.gt](http://www.mineco.gob.gt), or at the address designated by the Ministry.

**Article 17. Unforeseen cases.** Cases not foreseen in this Decision shall be resolved by DACE in consultation with the Commission.

**Article 18. Effective date.** This Decision shall be published in *El Diario de Centro América* and shall enter into force at the same time that the Dominican Republic-Central America-United States of America Free Trade Agreement enters into force.

**TO BE REPORTED:**

[Signed]  
MINISTER OF ECONOMY  
MARCIO CUEVAS QUEZADA

[Signed]  
MINISTER OF AGRICULTURE, LIVESTOCK, AND FOOD  
ALVARO AGUILAR PRADO

[Signed]  
MINISTER OF PUBLIC FINANCE  
MARIA ANTONIETA DE BONILLA