

**Bureau of Oceans and International  
Environmental and Scientific Affairs**

[Public Notice 2498]

**Shrimp Import Certifications Pursuant  
to Section 609 of Public Law 101-162**

January 21, 1997.

**SUMMARY:** On April 30, 1995, the Department of State certified, pursuant to section 609 of Public Law 101-162, that 36 countries with commercial shrimp trawl fisheries have adopted programs to reduce the incidental capture of sea turtles in such fisheries comparable to the program in effect in the United States and have an incidental take rate comparable to that of the United States, or that the fishing environment in the countries does not pose a threat of the incidental taking of species of sea turtles protected under U.S. law and regulations. The Department also certified Honduras on August 1, 1996 and Thailand on November 8, 1996. The Department was unable to issue certification on April 30 for China or Nigeria and, as a result, imports of shrimp harvested in China and Nigeria in a manner harmful to sea turtles were prohibited effective May 1, 1996. The Department of State subsequently issued certifications for China on December 23, 1996, and for Nigeria on January 1, 1997, and, as a result, the ban on shrimp imports from those two countries that had been in effect since May 1, 1996, was lifted.

**EFFECTIVE DATE:** January 31, 1997.

**FOR FURTHER INFORMATION CONTACT:** Hollis Summers, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818; telephone: (202) 647-3940.

**SUPPLEMENTARY INFORMATION:** Section 609 of Public Law 101-162 prohibits imports of shrimp unless the President certifies to the Congress not later than May 1 of each year either: (1) That the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State. Revised State Department guidelines for making the required certifications were published in the Federal Register on April 19, 1996 (61 FR 17342).

On April 30, 1996, the Department of State certified that 36 shrimp harvesting nations have met, for the current year, the requirements of the law. The Department also certified Honduras on August 1, 1996 and Thailand on November 8, 1996. The Department of State was unable to certify China or Nigeria at that time. As a result, imports of shrimp from those countries that were harvested in ways harmful to sea turtles were prohibited pursuant to Public Law 101-162 effective May 1, 1996.

The Department did not previously certify China because the Chinese government had not required all commercial shrimp trawl vessels subject to its jurisdiction that operated in waters where there is a likelihood of intercepting sea turtles to use fishing gear that is not harmful to sea turtles at all times. The Department of State has determined that China has now instituted such a requirement, based on documentation that China has provided which includes their law requiring the use of turtle excluder devices on gear which poses a threat of incidental capture of sea turtles. The Department of State, therefore, was able to certify to Congress that China has met the standards of Section 609 of Public Law 101-162.

The Department did not previously certify Nigeria because it had not demonstrated that its sea turtle protection program was comparable to that of the United States, or that its specific fishing environment did not pose a threat to sea turtles. The Government of Nigeria has now provided documentary evidence of the adoption of a sea turtle protection program comparable to the program in the United States. On October 21, 1996 Nigeria's Ministry of Fisheries published a regulation requiring all shrimp trawl vessels operating in Nigerian waters to install sea turtle excluder devices on shrimp nets not later than December 31, 1996. The Department has verified that Nigeria's shrimp boats have TEDs in their nets and that Nigeria is pursuing effective enforcement of its TEDs regulation. The Department of State, therefore, was able to certify to Congress that Nigeria has met the standards of section 609 of Public Law 101-162.

In a related matter, the Department's Form DSP-121, "Shrimp Exporter's/Importer's Declaration," has been issued an extended approval from the Office of Management and Budget. The form has been approved in its current version until September 31, 1999. Respondents are required to complete the form when exporting shrimp and shrimp products

to the United States under Sec. 609, and should begin using the form with the current approval and new expiration date immediately. Forms with the previous approval expiring July 31, 1996, should not be used after May 1, 1997. The approval expiration date is shown on the form in the upper right hand corner of the first page. Respondents should also note that exemption 7(A)(2) "Harvested using TEDs" is no longer valid and may not be used for export of shrimp and shrimp products to the United States under the requirements of Section 609. Copies of the form are available from the Department at the number above, or from any U.S. Embassy.

Dated: January 21, 1997.

R. Tucker Scully,

*Acting Deputy Assistant Secretary For  
Oceans.*

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**OFFICE OF THE UNITED STATES  
TRADE REPRESENTATIVE**

[Docket No. WTO/D-13]

**WTO Dispute Proceeding Regarding  
Argentina's Specific Duties on  
Textiles, Apparel and Footwear and  
Three Percent Ad Valorem Statistical  
Tax on Imports**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice; request for written comments.

**SUMMARY:** Pursuant to section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the Office of the United States Trade Representative (USTR) is providing notice that the United States has requested the establishment of a dispute settlement panel under the Agreement Establishing the World Trade Organization (WTO) to examine certain acts, policies and practices of the Government of Argentina concerning the imposition of (1) specific duties on textiles, apparel and footwear above the 35 percent *ad valorem* rate to which Argentina is bound under the General Agreement on Tariffs and Trade 1994 ("GATT 1994"); and (2) a statistical tax of 3 percent *ad valorem* on imports from sources other than MERCOSUR countries. The United States alleges that these acts, policies and practices are inconsistent with certain provisions of GATT 1994, the Agreement on Implementation of Article VII of the GATT 1994 and the Agreement on Textiles and Clothing. USTR invites