

TREATY WITH COSTA RICA FOR RETURN OF VEHICLES
AND AIRCRAFT

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES
OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF
COSTA RICA FOR THE RETURN OF STOLEN, EMBEZZLED, OR AP-
PROPRIATED VEHICLES AND AIRCRAFT, WITH ANNEXES AND A
RELATED EXCHANGE OF NOTES, SIGNED AT SAN JOSE ON JULY
2, 1999



SEPTEMBER 5, 2000.—Treaty was read the first time, and together with
the accompanying papers, referred to the Committee on Foreign Rela-
tions and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PRINTING OFFICE

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *September 5, 2000.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Costa Rica for the Return of Stolen, Embezzled, or Appropriated Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at San Jose on July 2, 1999. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of stolen vehicle treaties being negotiated by the United States in order to eliminate the difficulties faced by owners of vehicles that have been stolen and transported across international borders. Like several in this series, this Treaty also covers aircraft. When it enters into force, this Treaty will be an effective tool to facilitate the return of U.S. vehicles and aircraft that have been stolen, embezzled, or appropriated and taken to Costa Rica.

I recommend that the Senate give early and favorable consideration to the Treaty, with Annexes and a related exchange of notes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, July 22, 2000.

THE PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you the Treaty between the Government of the United States of America and the Government of the Republic of Costa Rica for the Return of Stolen, Embezzled, or Appropriated Vehicles and Aircraft (the "Treaty"), with Annexes and a related exchange of notes, signed at San Jose on July 2, 1999. I recommend that the Treaty, with Annexes and related exchange of notes, be transmitted to the Senate for its advice and consent to ratification.

The Treaty establishes procedures for the return by either Party of vehicles and aircraft that are registered, titled or otherwise documented in the territory of one Party; stolen, embezzled, or appropriated in the territory of that Party or from one of its nationals; and found in the territory of the other Party. The United States currently has only one such treaty in force, the 1981 Convention between the United States of America and the United Mexican States for the Recovery and Return of Stolen or Embezzled Vehicles and Aircraft ("U.S.-Mexico Treaty"). The Treaty with Costa Rica is one of several treaties that have recently been negotiated with countries in Central America, the Caribbean, and Central Europe and contains many provisions similar to those in the 1981 U.S.-Mexico Treaty. At the same time, the Treaty with Costa Rica incorporates an important improvement in one aspect over the U.S.-Mexico Treaty in that it sets more restrictive deadlines for action by the Party receiving a request for the return of a vehicle or aircraft. As with the U.S.-Mexico Treaty, this Treaty will not require implementing legislation.

Article 1 defines certain terms for purposes of the Treaty.

Article 2 sets forth the agreement of the Parties, in accordance with the Treaty's terms, to return vehicles or aircraft that are registered, titled, or otherwise documented in the territory of one Party; stolen, embezzled or appropriated in the territory of that Party or from one of its nationals; and found in the territory of the other Party.

Article 3 provides for the establishment of Central Authorities and designates Central Authorities to process requests made pursuant to the Treaty. For the United States, the Central Authority is the Secretary of State, or such persons designated by the Secretary of State. For the Republic of Costa Rica, the Central Author-

ity is the Minister of Public Security, or such persons designated by the Minister of Public Security.

Article 4 provides the Treaty's notification requirements. Article 4(1) requires that whenever the police, customs, or other authorities of a Party impound or seize a vehicle or aircraft and have information indicating that the vehicle or aircraft is registered, titled, or otherwise documented (or, in the case of aircraft, manufactured) in the territory of the other Party or from one of its nationals, the first Party shall, within 30 days of the impoundment or seizure, notify in writing the Central Authority of the other Party that its authorities have custody of the vehicle or aircraft. Article 4(2) provides that, in the case of vehicles, such notifications shall include all available identifying information listed in Annex 1 appended to the Treaty. Article 4(3) provides that, in the case of aircraft, such notifications shall include all available identifying information listed in Annex 2 appended to the Treaty. These Annexes contain the information the Parties agreed would be sufficient to develop a reliable and complete identification of the vehicle or aircraft.

Article 4(4) requires representatives of the Parties to meet periodically to review the operation and effectiveness of the Treaty and to exchange relevant information intended to facilitate the efficient implementation of the Treaty.

Article 5 requires authorities who have impounded or seized a vehicle or aircraft, regarding which notification is required under Article 4, to take it to a storage area and to take reasonable steps to safeguard it, including the prevention of obliteration or modification of identifying information, such as vehicle identification numbers and aircraft registration or tail numbers. The article also prohibits such authorities from operating, auctioning, dismantling, or otherwise altering or disposing of the vehicle or aircraft unless one of several enumerated conditions is met, *e.g.*, no request for the return of the vehicle or aircraft is received within 60 days of receipt of a notification made pursuant to Article 4.

Article 6 prescribes the form and content of requests for return of vehicles and aircraft under the Treaty. Article 6(1) provides that after a Party has received a notification pursuant to Article 4, it may submit a request for the return of the vehicle or aircraft. Article 6(2) requires the request to be transmitted, under seal of the Central Authority of the Requesting Party, directly to a consular officer of the Requested Party and to follow the form appended in Annex 3 (for vehicles) or Annex 4 (for aircraft). Article 6(2) also requires the Requesting Party to transmit its request and accompanying documents simultaneously (via facsimile or other acceptable means) to the Central Authority of the Requested Party to enable that Central Authority to begin its review pending the arrival of the authenticated originals.

In order for a request to be made, the Central Authority of the Requesting State must first receive certified copies of documents listed in Article 6(3) (for vehicles) or Article 6(4) (for aircraft). Once the necessary documents have been received, Article 6(5) requires that the request for return be accompanied by certified copies of the documents listed in Article 6(3) or Article 6(4), as applicable, as well as an appropriate translation. An exchange of notes accompanying the Treaty memorializes the understanding of the Parties

that an “appropriate translation” includes translations on printed forms, in the English and Spanish languages, with appropriate blanks to be filled in with the particular information relating to the vehicle or aircraft whose return is being requested. If the United States is the Requesting Party, the documents accompanying the request must be authenticated by a consular officer of Costa Rica in the United States. Such authentication must be provided expeditiously, and all fees must be waived.

Under Article 7, a Party that has learned outside of the Article 4 notification process that the authorities of the other Party may have impounded, seized, or otherwise taken possession of a vehicle or aircraft that may be registered, titled, or otherwise documented (or, in the case of aircraft, manufactured) in the territory of the first Party, or that may have been stolen, embezzled, or appropriated in the territory of the first Party or from one of its nationals may, through a written communication to the Central Authority of the other Party, seek official confirmation of this and may request the other Party to provide notification pursuant to Article 4. If a notification is requested, the other Party must either provide the notification or explain, in writing, why notification is not required. The first Party may also, in appropriate cases, submit a request for the return of the vehicle or aircraft.

Article 8 details the procedures for the Requested Party’s review of a request. Article 8(1) requires the Requested Party to determine, within 30 days of receiving a request for the return of a stolen, embezzled, or appropriated vehicle or aircraft, whether the request meets the requirements of the Treaty and to notify the Central Authority of the Requesting Party of its determination. Article 8(2) requires the Requested Party, within 15 days of its determination that a request for return meets the requirements of the Treaty, to make the vehicle or aircraft available to the owner or the owner’s authorized representative. The vehicle or aircraft must remain available for the owner or the owner’s authorized representative to take delivery for 90 days. The Requested Party is also required to take necessary measures to permit the owner or the owner’s authorized representative to take possession of the vehicle or aircraft and return with it to the territory of the Requesting Party. Where the Requested Party determines that a request for return does not meet the requirements of the Treaty, under Article 8(3) it must provide written notification to the Central Authority of the Requesting Party. Such notification must set forth the grounds for its determination and indicate a reasonable period of time in which the Requesting Party may correct any deficiencies in the request or appeal the basis for the denial.

Article 9 sets forth several circumstances under which a Requested State either has no obligation to return a vehicle or aircraft for which return has been requested or can defer the surrender of the vehicle or aircraft. Article 9(1) provides that if a vehicle or aircraft whose return is requested is being held in connection with a criminal investigation or prosecution, its return will be effected when its presence is no longer required for that investigation or prosecution. However, the Requested Party is required to take all practicable measures to ensure that substitute pictorial or other evidence is used whenever possible in such investigation or pros-

VIII

ecution so that the vehicle or aircraft may be returned as soon as possible.

Article 9(2) states that nothing in the Treaty shall impair any rights of individuals under the laws of the Requested Party to seek, from appropriate judicial authorities in the territory of Requested Party, a determination regarding the ownership of a vehicle or aircraft for which return is requested. If such judicial action results in a decision to award the vehicle or aircraft to a person other than the person identified in the request for return as the owner of the vehicle or aircraft or the owner's authorized representative, the Requested State has no obligation to return the vehicle or aircraft under the Treaty. Otherwise, the return of the vehicle or aircraft must be effected at the conclusion of the judicial action.

Article 9(3) provides that a Party will have no obligation to return a vehicle or aircraft for which return is requested if the vehicle or aircraft is subject to forfeiture under its laws because it was used in its territory for the commission of a crime with the consent or complicity of the owner, or represents the proceeds of such a crime. The Requested Party is required to give the owner or the owner's authorized representative reasonable notice and an opportunity to contest such forfeiture in accordance with its laws.

Under Article 9(4), a Party will have no obligation to return a stolen, embezzled, or appropriated vehicle or aircraft if no request for return is received by a consular officer of the Requested Party in the territory of the Requesting Party within 60 days of receipt of a notification made pursuant to Article 4.

Article 9(5) requires the Requested Party to notify the Central Authority of the Requesting Party in writing within 30 days of receipt of a request for return if the return of a stolen, embezzled, or appropriated vehicle or aircraft is postponed pursuant to Article 9. The notification must set forth the grounds for postponement and an estimated reasonable period of time for the requested return.

Under Article 9(6), a Party will have no obligation to return a stolen, embezzled, or appropriated vehicle or aircraft if no request for return is received within 10 years of the theft, embezzlement, or appropriation of the vehicle or aircraft.

Article 9(7) provides that a Party will have no obligations to return a stolen, embezzled, or appropriated vehicle or aircraft if the person identified in the request for return as the owner or the owner's authorized representative fails to take possession of the vehicle or aircraft within 90 days after it has been made available as provided in Article 8(2).

Article 10 addresses expenses associated with the return of vehicles and aircraft under the Treaty. Article 10(1) prohibits the Requested Party from imposing any import or export duties, taxes, fines, or other monetary penalties or charges on vehicles or aircraft returned in accordance with the Treaty, or on their owners or authorized representatives, as a condition for the return of such vehicles or aircraft. Article 10(2) provides that reasonable expenses incurred in the return, including towing costs, storage costs, maintenance costs, transportation costs, and costs of translation of documents required under the Treaty will be borne by the person seeking the return and will be paid prior to the return of the vehicle

or aircraft. Under Article 10(3), the expenses of return in particular cases may include the costs of any repairs or reconditioning of a vehicle or aircraft that were necessary to permit the vehicle or aircraft to be moved to a storage area or maintained in the condition in which it was found. However, the person seeking the return of the vehicle or aircraft will not be responsible for the costs of any other work performed on the vehicle or aircraft while it was in the custody of the authorities of the Requested Party.

Article 10(4) provides that if the Requested Party complies with the provisions of the Treaty with respect to recovery, storage, safekeeping, and, where appropriate, return of a vehicle or aircraft, no person will be entitled to compensation from the Requested Party for any damages sustained while the vehicle or aircraft is in the custody of the Requested Party.

Article 11 provides that the mechanisms for the recovery and return of stolen, embezzled, or appropriated vehicles or aircraft under this Treaty shall be in addition to those available under the laws of the Requested Party.

Article 12(1) states that any differences regarding the interpretation or application of the Treaty will be resolved through consultations between the Parties. Article 12(2) states that the Treaty will be subject to ratification and will enter into force on the date of exchange of instruments of ratification. Article 12(3) provides that either Party may terminate the Treaty upon a minimum of 90 days written notification.

The Department of Justice joins the Department of State in favoring approval of the Treaty, with Annexes and related exchange of notes, by the Senate as soon as possible.

Respectfully submitted,

THOMAS R. PICKERING.

TREATY BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF COSTA RICA
FOR THE RETURN OF STOLEN, EMBEZZLED, OR APPROPRIATED
VEHICLES AND AIRCRAFT

The Government of the United States of America and the Government of the Republic of Costa Rica (hereinafter, "the Parties");

Recognizing the growing problem of transnational theft, embezzlement, or appropriation of vehicles and aircraft;

Considering the difficulties faced by innocent owners in securing the return of vehicles and aircraft stolen, embezzled, or appropriated in the territory of one Party that are recovered in the territory of the other Party; and

Desiring to eliminate such difficulties and to regularize procedures for the expeditious return of such vehicles and aircraft;

Have agreed as follows:

-2-

Article 1

For purposes of this Treaty:

- (1) A "vehicle" means any automobile, truck, bus, motorcycle, motorhome, or trailer.
- (2) An "aircraft" means any self-propelled means of transportation used or designed for flight.
- (3) A vehicle or an aircraft shall be considered "stolen" when possession thereof has been obtained without the consent of the owner or other person legally authorized to use such vehicle or aircraft or has been otherwise obtained in an unlawful manner.
- (4) A vehicle or aircraft shall be considered "embezzled" or "appropriated" when:
 - (a) it is unlawfully converted by the person who had rented it from an enterprise legally authorized for that purpose and in the normal course of business; or
 - (b) it is unlawfully converted by a person with whom it has been deposited by official or judicial action.
- (5) All references to "days" shall mean calendar days.

Article 2

Each Party agrees to return, in accordance with the terms of this Treaty, stolen, embezzled, or appropriated vehicles or aircraft that are found in its territory and are:

- (1) registered, titled, or otherwise documented in the territory of the Requesting Party; and
- (2) stolen, embezzled, or appropriated in the territory of the Requesting Party or from one of its nationals.

Article 3

1. Each Party shall designate a Central Authority to process requests made pursuant to this Treaty.

2. For the Government of the Republic of Costa Rica, the Central Authority shall be the Minister of Public Security or such persons designated by the Minister of Public Security. For the Government of the United States of America, the Central Authority shall be the Secretary of State or such persons designated by the Secretary of State.

Article 4

1. Whenever police, customs, or other authorities of a Party have information indicating that a vehicle or aircraft that they have impounded or seized is consistent with the description in clauses 1 or 2 of Article 2, or information indicating that an aircraft that they have impounded or seized is manufactured in the territory of the other party, the first Party shall, within 30 days of such impoundment or seizure, notify, in writing, the Central Authority of the other Party that its authorities have custody of the vehicle or aircraft.
2. For vehicles, such notification shall include all available identifying information listed in Annex 1.
3. For aircraft, such notification shall include all available identifying information listed in Annex 2.
4. Representatives of the Parties shall meet periodically to review the operation and effectiveness of this Treaty and to exchange relevant information intended to facilitate the efficient implementation of the Treaty.

Article 5

Authorities of a Party who have impounded or seized a vehicle or an aircraft, regarding which notification is required under Article 4, shall promptly take it to a storage area and shall take reasonable steps to ensure its safekeeping, including preventing the obliteration or modification of identifying information such as vehicle identification numbers and aircraft registration or tail numbers. The said authorities shall not thereafter operate, auction, dismantle, or otherwise alter or dispose of the vehicle or aircraft. However, this Treaty shall not preclude the said authorities from operating, auctioning, dismantling, or otherwise altering or disposing of the vehicle or aircraft, in accordance with the provisions of their domestic legislation, if:

- (1) No request for the return of the vehicle or aircraft has been received by a consular officer of the Requested Party in the territory of the Requesting Party within 60 days of receipt of a notification made pursuant to Article 4;
- (2) A determination is made in accordance with Article 8(1) that a request for the return of the vehicle or aircraft does not meet the requirements of this Treaty and notification of such determination has been made in accordance with Article 8(3);
- (3) The person identified in the request for return as the owner or the owner's authorized representative does not take possession of the vehicle or aircraft within the time period stated in Article 8(2) after it has been made available as provided in Article 8(2);
- (4) There is no obligation under this Treaty, pursuant to Article 9(2) or Article 9(3), to return the vehicle or aircraft; or
- (5) The request for the return of the vehicle or aircraft is not received within 10 years of the theft, embezzlement or appropriation of the vehicle or aircraft.

-4-

Article 6

1. After a Party receives a notification made pursuant to Article 4, that Party may submit a request for the return of the vehicle or aircraft.

2. The request for return shall conform to the form appended in Annex 3 (for vehicles) or Annex 4 (for aircraft). The request and the documents described in paragraph 3 or 4 of this Article shall be transmitted directly to a consular officer of the Requested Party in the territory of the Requesting Party, under seal of the Central Authority of the Requesting Party. When the Government of the United States of America is the Requesting Party, a consular officer of the Republic of Costa Rica shall authenticate the documents pursuant to Article 6(5). A copy of the request and accompanying documents shall be transmitted simultaneously to the Central Authority of the Requested Party to begin its review pending the arrival of the authenticated originals. Transmittal by facsimile to the Central Authority shall be acceptable.

3. In cases involving vehicles, a request shall be made only after receipt by the Central Authority of the Requesting Party of certified copies of the following documents:

- (a) The title of ownership to the vehicle, if the vehicle is subject to titling, but, if the title is not available, a certified statement from the titling authority that the vehicle is titled and specifying the person or entity to whom it is titled;
- (b) The certificate of registration of the vehicle, if the vehicle is subject to registration, but, if the registration document is not available, a certified statement from the registering authority that the vehicle is registered and specifying the person or entity to whom it is registered;
- (c) If the vehicle is not titled or registered, the bill of sale or other documentation that establishes ownership of the vehicle;
- (d) Documentation that establishes the transfer of ownership of the vehicle, if subsequent to the theft, embezzlement, or appropriation of the vehicle, the owner at the time of the theft, embezzlement, or appropriation has transferred ownership to a third party;
- (e) The report of the theft, embezzlement, or appropriation and a translation thereof, issued by a competent authority of the Requesting Party. In the event that the theft, embezzlement, or appropriation is reported by the victim to the competent authority after the vehicle is impounded, seized or otherwise comes into possession of the Requested Party, the person seeking its return shall furnish a document justifying the reasons for the delay in reporting the theft, embezzlement, or appropriation and shall provide any supporting documentation therefor; and
- (f) In cases in which the person requesting the return of a vehicle is not the owner, a power of attorney granted in the presence of a notary public by the owner or his legal representative, authorizing that person to recover the vehicle.

4. In cases involving aircraft, a request shall be made only after receipt by the Central Authority of the Requesting Party of certified copies of the following documents:

- (a) The bill of sale or other documentation that establishes ownership of the aircraft;

- (b) The certificate of registration, if the aircraft is subject to registration, or a certified statement from the competent authority specifying to whom it is registered;
- (c) Documentation that establishes the transfer of ownership of the aircraft, if subsequent to the theft, embezzlement, or appropriation of the aircraft, the owner at the time of the theft, embezzlement, or appropriation has transferred ownership to a third party;
- (d) The report of the theft, embezzlement, or appropriation and a translation thereof, issued by a competent authority of the Requesting Party. In the event that the crime is reported by the victim to the competent authority after the aircraft is impounded, seized or otherwise comes into the possession of the Requested Party, the person seeking its return shall furnish a document justifying the reasons for delay in reporting the crime and shall provide any supporting documentation therefor; and
- (e) In cases in which the person requesting the return of an aircraft is not the owner, a power of attorney granted in the presence of a notary public by the owner or his legal representative, authorizing that person to recover the aircraft.

5. The request for return shall be accompanied by certified copies of the documents described above in paragraph 3 or paragraph 4, as applicable, along with an appropriate translation of such documents. When the Government of the United States of America is the Requesting Party, the documents that are to accompany the request must be authenticated by a consular officer of the Requested Party in the territory of the Requesting Party. Such authentication shall be provided expeditiously, and any fees in connection thereto shall be waived.

Article 7

If a Party learns, through means other than a notification made pursuant to Article 4, that the authorities of the other Party may have impounded, seized, or otherwise taken possession of a vehicle or an aircraft that may be registered, titled, or otherwise documented in the territory of the first Party, or in the case of aircraft, manufactured in the territory of the first Party, or that may have been stolen, embezzled, or appropriated in the territory of the first Party or from one of its nationals, that Party:

- (1) may, through written communication to the Central Authority of the other Party, seek official confirmation of this and may request the other Party to provide the notification described in Article 4, in which case the other Party shall either provide the notification or explain, in writing, why notification is not required; and
- (2) may also, in appropriate cases, submit a request for the return of the vehicle or aircraft as described in Article 6.

-6-

Article 8

1. Except as provided in Article 9, the Requested Party shall, within 30 days of receipt by its consular officer in the territory of the Requesting Party of a request for the return of a stolen, embezzled, or appropriated vehicle or aircraft, determine whether the request for return meets the requirements of this Treaty for the return of the vehicle or aircraft and shall notify the Central Authority of the Requesting Party of its determination.

2. If the Requested Party determines that the request for the return of a stolen, embezzled, or appropriated vehicle or aircraft meets the requirements of this Treaty, the Requested Party shall, within 15 days of such determination, make the vehicle or aircraft available to the person identified in the request for return as the owner or the owner's authorized representative. The vehicle or aircraft shall remain available for the person identified in the request for return as the owner or the owner's authorized representative for 90 days, during which time the owner or the owner's authorized representative may take possession of the vehicle or aircraft. The Requested Party shall take the necessary measures to permit the owner or the owner's authorized representative to take possession of the vehicle or aircraft and return with it to the territory of the Requesting Party.

3. If the Requested Party determines that the request for return does not meet the requirements of this Treaty, it shall provide written notification to the Central Authority of the Requesting Party to that effect. Such notification shall contain the grounds for the determination and indicate a reasonable period of time in which to correct any deficiency in the request or appeal the basis for denial of the request.

Article 9

1. If a vehicle or an aircraft whose return is requested is being held in connection with a criminal investigation or prosecution, its return pursuant to this Treaty shall be effected when its presence is no longer required for purposes of that investigation or prosecution. The Requested Party shall, however, take all practicable measures to assure that substitute pictorial or other evidence is used wherever possible in such investigation or prosecution so that the vehicle or aircraft may be returned as soon as possible.

2. Nothing in this Treaty shall impair any rights of individuals under the laws of the Requested Party to seek, from appropriate judicial authorities in the territory of the Requested Party, a determination regarding the ownership of a vehicle or aircraft whose return is requested. A Party shall have no obligation under this Treaty to return the vehicle or aircraft if such judicial action results in a decision that awards the vehicle or aircraft to a person other than the person identified in the request for return as the owner of the vehicle or aircraft or the owner's authorized representative. Otherwise, the return of the vehicle or aircraft pursuant to this Treaty shall be effected at the conclusion of the judicial action.

3. A Party shall have no obligation under this Treaty to return a vehicle or aircraft whose return is requested if the vehicle or aircraft is subject to forfeiture under its laws because it was used in its territory for the commission of a crime with the consent or complicity of the owner or represents the proceeds of such a crime. The Requested Party shall not forfeit the vehicle or aircraft without giving the owner or the owner's authorized representative reasonable notice and an opportunity to contest such forfeiture in accordance with its laws.

4. A Party shall have no obligation under this Treaty to return a stolen, embezzled, or appropriated vehicle or aircraft if no request for return is received by a consular officer of

-7-

the Requested Party in the territory of the Requesting Party within 60 days of receipt of a notification made pursuant to Article 4.

5. If the return of a stolen, embezzled, or appropriated vehicle or aircraft whose return is requested is postponed pursuant to this Article, the Requested Party shall so notify the Central Authority of the Requesting Party in writing within 30 days of receiving a request for the return of the vehicle or aircraft. This notification shall contain the grounds for postponement and an estimated reasonable period of time for the requested return.

6. A Party shall have no obligation under this Treaty to return a stolen, embezzled, or appropriated vehicle or aircraft if the request for return is not received within 10 years of the theft, embezzlement, or appropriation of the vehicle or aircraft.

7. A Party shall have no obligation under this Treaty to return a stolen, embezzled, or appropriated vehicle or aircraft if the person identified in the request for return as the owner or the owner's authorized representative does not take possession of the vehicle or aircraft within 90 days after it has been made available as provided in Article 8(2).

Article 10

1. The Requested Party shall not impose any import or export duties, taxes, fines, or other monetary penalties or charges on vehicles or aircraft returned in accordance with this Treaty, or on their owners or the owners' authorized representatives, as a condition for the return of such vehicles or aircraft.

2. Reasonable expenses incurred in the return of the vehicle or aircraft in accordance with this Treaty, including towing costs, storage costs, maintenance costs, transportation costs, and costs of translation of documents required under this Treaty, shall be borne by the person seeking its return and shall be paid prior to the return of the vehicle or aircraft.

3. The expenses of return may include the costs of any repairs or reconditioning of a vehicle or an aircraft that were necessary to permit the vehicle or aircraft to be moved to a storage area or to maintain it in the condition in which it was found. The person seeking the return of a vehicle or an aircraft shall not be responsible for the costs of any other work performed on the vehicle or aircraft while it was in the custody of the authorities of the Requested Party.

4. Provided that the Requested Party complies with the provisions of this Treaty with respect to recovery, storage, safekeeping, and, where appropriate, return of a vehicle or an aircraft, no person shall be entitled to compensation from the Requested Party for damages sustained while the vehicle or aircraft is in the custody of the Requested Party.

Article 11

The mechanisms for the recovery and return of stolen, embezzled, or appropriated vehicles or aircraft under this Treaty shall be in addition to those available under the laws of the Requested Party.

-8-

Article 12

1. Any differences regarding the interpretation or application of this Treaty shall be resolved through consultations between the Parties.
2. This Treaty shall be subject to ratification. It shall enter into force on the date of exchange of instruments of ratification.
3. This Treaty may be terminated by either Party upon a minimum of 90 days written notification.

DONE in duplicate at San Jose, this second day of July , 1999, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE
REPUBLIC OF COSTA RICA:



ANNEX 1

Identifying Information Regarding Vehicles
to be Provided in a
Notification Made Pursuant to Article 4

1. Vehicle Identification Number (VIN)
2. Name of manufacturer of vehicle
3. Vehicle model and year of manufacture, if known
4. Color of vehicle
5. License plate number (LPN) of vehicle and jurisdiction of issuance (if available)
6. City/other jurisdiction tag or sticker number and name of city/other jurisdiction (if available)
7. A description of the condition of the vehicle, including its operability, if known, and repairs that appear necessary
8. The current location of the vehicle
9. The identity of the authority with physical custody of the vehicle and a contact point, including name, address, and telephone number of the official with recovery information
10. Any information that indicates whether the vehicle was being used in connection with the commission of a crime
11. Whether it appears that the vehicle may be subject to forfeiture under the laws of the notifying Party

ANNEX 2

Identifying Information Regarding Aircraft
to be Provided in a
Notification Made Pursuant to Article 4

1. Aircraft registration number
2. Name of manufacturer of aircraft
3. Aircraft model and year of manufacture, if known
4. Color of aircraft
5. Aircraft serial number (i.e., airframe number)
6. Aircraft engine number(s)
7. A description of the condition of the aircraft, including its airworthiness, if known, and repairs that appear necessary
8. The location of the aircraft at the time of seizure
9. The current location of the aircraft
10. The identity of the authority with physical custody of the aircraft and a contact point, including name, address, and telephone number of the official with recovery information
11. Any information that indicates whether the aircraft was being used in connection with the commission of a crime
12. Whether it appears that the aircraft may be subject to forfeiture under the laws of the notifying Party
13. The names of any individuals involved with the aircraft at the time of seizure
14. A description of any cargo or documents found aboard the aircraft at the time of seizure, including aircraft/engine logs, airworthiness certificate, registration certificate, pilot's license, etc.

ANNEX 3

Request for the Return of a Stolen, Embezzled, or Appropriated Vehicle

The Central Authority of [country name] respectfully requests that (the appropriate authority of [country name]) return the vehicle described below to (its owner/its owner's authorized representative) in accordance with the Treaty Between the Government of the United States of America and the Government of the Republic of Costa Rica for the Return of Stolen, Embezzled, or Appropriated Vehicles and Aircraft:

Make:
 Model (Year):
 Type:
 Vehicle Identification Number:
 License Plate Number:
 Registered Owner:

The Central Authority of [country name] certifies that it has examined the following documents which have been presented by (identity of person submitting the documents) as evidence of (his or her ownership of the vehicle/ownership of the vehicle by the person for whom he or she is acting as authorized representative) and found them to be properly certified under the laws of [appropriate jurisdiction].

- a. (document description)
- b. (document description)
- c. (document description)
- d. (document description)

Complimentary closing
 Place and date
 Attachments

ANNEX 4

Request for the Return of a Stolen, Embezzled, or Appropriated Aircraft

The Central Authority of [country name] respectfully requests that (the appropriate authority of [country name]) return the aircraft described below to (its owner/its owner's authorized representative) in accordance with the Treaty Between the Government of the United States of America and the Government of the Republic of Costa Rica for the Return of Stolen, Embezzled, or Appropriated Vehicles and Aircraft:

Make:
Model (Year):
Type, if applicable:
Serial Number:
Registration Number:
Registered Owner:

The Central Authority of [country name] certifies that it has examined the following documents which have been presented by (identity of person submitting the documents) as evidence of (his or her ownership of the aircraft/ownership of the aircraft by the person for whom he or she is acting as authorized representative) and found them to be properly certified under the laws of [appropriate jurisdiction].

- a. (document description)
- b. (document description)
- c. (document description)
- d. (document description)

Complimentary closing
Place and date
Attachments

EMBASSY OF THE
UNITED STATES OF AMERICA

San Jose, July 2, 1999

Note 89

Excellency:

I have the honor to refer to the Treaty Between the Government of the United States of America and the Government of the Republic of Costa Rica for the Return of Stolen, Embezzled, or Appropriated Vehicles and Aircraft, signed this date.

Article 6 of the Treaty sets forth the documents that the Requesting Party shall include in a request for the return of a vehicle or aircraft. Paragraph 5 of Article 6 provides that a request for return shall also be accompanied by "an appropriate translation of such documents."

It is the understanding of the Government of the United States of America that, for purposes of this Article and with regard to standard language used in registration and title documents originating in both Parties, an "appropriate translation" will include translations on printed forms, in the English and Spanish languages, with appropriate blanks to be filled in with the particular information relating to the vehicle or the aircraft whose return is being requested.

I have the honor to propose that this understanding be treated as an integral part of the Treaty.

I would appreciate confirmation that the Government of the Republic of Costa Rica shares this understanding.

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

A handwritten signature in dark ink, appearing to read 'Tom Dodd', written in a cursive style.

Thomas J. Dodd
Ambassador

His Excellency

Roberto Rojas

Minister of Foreign Affairs

Republic of Costa Rica

**U.S. Department of State
Office of Language Services
Translating Division**

LS No. 0700137
HKE/AM
Spanish

The Minister of Foreign Relations and Worship

No. 797-99-ST-PE

San José, July 2, 1999

Excellency:

I have the honor to refer to your note No. 89, dated today, which reads as follows:

[The Spanish translation of the above-mentioned note agrees in all substantive respects with the original English text.]

I have the honor to confirm that the Government of the Republic of Costa Rica concurs with the understanding proposed by the Government of the United States of America with respect to Article 6 and agrees to consider it an integral part of the Treaty.

Accept, Excellency, the assurances of my highest consideration.

[Signature]

Roberto Rojas

The Honorable Thomas J. Dodd,
Ambassador of the United States of America,
San José.