

No. 4957

**AUSTRALIA
and
FEDERAL REPUBLIC OF GERMANY**

**Trade Agreement (with exchange of notes). Signed at
Canberra, on 14 October 1959**

Official texts: English and German.

Registered by Australia on 16 November 1959.

**AUSTRALIE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord commercial (avec échange de notes). Signé à Can-
berra, le 14 octobre 1959**

Textes officiels anglais et allemand.

Enregistré par l'Australie le 16 novembre 1959.

No. 4957. TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY. SIGNED AT CANBERRA, ON 14 OCTOBER 1959

The Government of the Commonwealth of Australia and the Government of the Federal Republic of Germany desiring to facilitate and extend the commercial relations between their two countries have agreed as follows :

Article I

The Government of the Commonwealth of Australia (hereinafter referred to as the Australian Government) and the Government of the Federal Republic of Germany (hereinafter referred to as the German Government) shall endeavour to establish conditions which will afford increasing access to their respective markets for the exports of the other country.

Article II

1. The German Government will authorise the importation of the Australian commodities listed in Schedule A² as follows :

- (a) During the period from 1st July, 1959, to 30th June, 1960, inclusive, of amounts not less than those specified in the said Schedule;
- (b) During each succeeding twelve-monthly period of amounts not less than those determined for the relevant period and substituted in Schedule A in accordance with the principles and procedures outlined in Articles III and IV of this Agreement.

2. The German Government will, in respect of the commodities listed in Schedule B :²

- (a) Include the Commonwealth of Australia in all global tenders; and
- (b) If the German Government grants country quotas for those commodities afford the Commonwealth of Australia a quota in accordance with the principle of a fair share of the market.

¹ Deemed to have come into force on 1 July 1959, in accordance with article IX.

² See p. 44 of this volume.

3. The German Government will accord the Commonwealth of Australia an adequate share of German imports of butter, skimmed milk powder, apples and pears, fresh, canned fruits and jam.
4. The provisions of paragraphs 1, 2 and 3 of this Article shall not preclude the German Government from removing quantitative restrictions on the importation of any commodity set forth in Schedules A and B.
5. Where an import licence is required for any commodity not listed in Schedule A or B, the omission of such commodity from the Schedules will not in itself preclude the issue of an import licence in respect of such commodity originating in the Commonwealth of Australia to an amount as may be agreed upon.
6. The quotas listed in Schedule A shall be subject to a betterment clause in each instance.

Article III

In conducting the annual review of the amounts specified in the Schedules to this Agreement and in considering the request for quotas in respect of other commodities of interest to Australia, the German Government will endeavour to accord expanding access to the German market for the commodities listed in the Schedules and for other commodities originating in and of interest to Australia.

Article IV

Having stated that Australian quantitative restrictions imposed for balance of payments reasons are based on a policy of non-discrimination, the Australian Government agrees that, if there should be a material change in this policy, it will afford the German Government an opportunity to discuss the effects of the change with the object of maintaining satisfactory trading relations between the two countries.

Article V

It is the policy of both Governments that trading ships belonging to either of the two countries shall be accorded, in the ports of the other, the usual facilities in respect of bunkering and other services and the customary treatment in respect of duties, charges and taxes except that concessions made by or operating in either country in respect of :

- (a) ships engaged in the coasting trade; and
- (b) exemption from compulsory pilotage of ships engaged in local or near neighbouring trade,

shall not necessarily be available to the ships of the other country.

Article VI

1. The Australian Government and the German Government shall consult together at the request of either regarding the operation of this Agreement or of any provision thereof.

2. The two Governments shall enter into consultations for the purpose of reviewing the amounts specified in Schedule A at least once during each of the twelve-monthly periods referred to in paragraph 1 of Article II.

3. As from the commencement of the next succeeding twelve-monthly period, the amounts which may be agreed upon in the course of the review in relation to the commodities set forth in Schedule A shall be regarded as having been substituted for the amounts so specified.

4. Notwithstanding the provisions of paragraphs (2) and (3) of this Article, the two Governments may, prior to the end of any twelve-monthly period, agree by an exchange of notes, that all or any of the amounts specified in Schedule A shall continue to apply during the next succeeding twelve-monthly period or part thereof.

5. The two Governments recognise that there are matters not otherwise dealt with in this Agreement, including the provisions of international agreements or resolutions taken by international organisations, in particular those relating to economic integration in Europe, transport, communications and the degree and method of protection for domestic industries which may have a material effect on the level of trade and payments between the two countries. The two Governments shall consult together about any such matters at the request of either, with the object of avoiding or eliminating any difficulties which could arise in the development of trade between the Commonwealth of Australia and the Federal Republic of Germany or in the implementation of this Agreement.

6. The two Governments shall establish the consulative procedures necessary to achieve the purposes of this Article.

Article VII

This Agreement shall apply to the external territories administered by the Australian Government.

Article VIII

This Agreement shall apply to *Land Berlin* provided that the German Government has not made a contrary declaration to the Australian Government within three months from the date of entry into force of this Agreement.

Article IX

1. This Agreement shall be deemed to have come into force on 1st July, 1959, and shall continue in force until 31st December, 1961. Not later than 30th September 1961, the two Governments shall, for the purpose of ensuring adequate access to their markets for the exports of the other, examine jointly the scope for extending this Agreement.
2. The arrangements recorded in the Agreed Minute of discussions on commercial relations between the representatives of the two Governments signed on 29th May, 1959, at Geneva are superseded by this Agreement.

IN WITNESS WHEREOF the representatives of the two Governments, duly authorised for the purpose, have signed the Agreement.

DONE at Canberra this fourteenth day of October, 1959, in duplicate, in the English and German languages, both texts being equally authentic.

For the Government
of the Commonwealth of Australia :
(Signed) J. G. CRAWFORD

For the Government
of the Federal Republic of Germany :
(Signed) Dr. Werner VON BARGEN

SCHEDULE A

<i>German Commodity Index No.</i>	<i>Commodity</i>	<i>Quota</i>
0201,42	Beef, frozen	6,500 metric tons
0201,55	Mutton and Lamb, frozen	250 metric tons
1001.19	Wheat (f. a. q.)	100,000 metric tons
	Wheat (quality)	50,000 metric tons
1003.05 } 1003.09 } 1004.09 } 1005.09 } 1007.40 }	Coarse grains for fodder and industrial use (including malting barley)	250,000 metric tons
ex 1602.19 } 1602.50 }	Canned meat	750,000 D.M.
2004.51,59	Fruits preserved in sugar	100,000 D.M.
2006.79	Canned tropical fruit	1,500,000 D.M.
2205.51 } 2205.90 }	Wine, red and dessert	4,500 hecto-litres

SCHEDULE B

<i>German Commodity Index No.</i>	<i>Commodity</i>
0402.11	Whole milk powder
0402.13	Skimmed milk powder
0403.10	Butter
ex 0404.11	Hard cheese (cheddar)
0806.19 } 0806.39 }	Apples and pears, fresh
2005.95	Jam
2006.72 } 2006.74 }	Canned fruit
ex 3501.11 } ex 3501.19 }	Casein, not hardened

III

Canberra, A.C.T., 14th October, 1959

Dear Dr. von Bargaen,

In the course of the negotiations which resulted in the signing of a Trade Agreement between our two countries on 14th October, 1959,¹ it was agreed that nothing in the Agreement nor in the letters exchanged at the time of signing of the Agreement would in any way affect the rights and obligations of either Government under the General Agreement on Tariffs and Trade.²

Furthermore, it was agreed that the German Government will endeavour to ensure, in accordance with the provisions of the Decision of the Contracting Parties to the General Agreement on Tariffs and Trade of 30th May, 1959, that non-discriminatory access to the German market is provided for commodities of interest to Australia.

Finally, in discussing the scope of consultations under paragraph 5 of Article VI of the Trade Agreement, we agreed that such consultations should be guided where relevant by the principle laid down in paragraph 4 of Article XXIV of the General Agreement on Tariffs and Trade.

I should appreciate your confirmation that this is also the understanding of the Government of the Federal Republic of Germany.

Yours sincerely,

(Signed) J. G. CRAWFORD

Dr. Werner von Bargaen
The Leader of the German Delegation
Canberra, A.C.T.

¹ See p. 36 of this volume.

² United Nations, *Treaty Series*, Vol. 55, p. 187; Vols. 56 to 64; Vol. 65, p. 335; Vol. 66, pp. 358 and 359; Vol. 68, p. 286; Vol. 70, p. 306; Vol. 71, p. 328; Vol. 76, p. 282; Vol. 77, p. 367; Vol. 81, pp. 344 to 377; Vol. 90, p. 324; Vol. 92, p. 405; Vol. 104, p. 351; Vol. 107, p. 83; Vol. 117, p. 387; Vol. 123, p. 303; Vol. 131, p. 316; Vol. 135, p. 336; Vol. 138, p. 334; Vol. 141, p. 382; Vols. 142 to 146; Vol. 147, p. 159; Vol. 161, p. 365; Vol. 163, p. 375; Vol. 167, p. 265; Vol. 172, p. 340; Vol. 173, p. 395; Vol. 176, p. 3; Vol. 180, p. 299; Vol. 183, p. 351; Vol. 186, p. 314; Vol. 188, p. 366; Vol. 189, p. 360; Vol. 191, p. 364; Vol. 220, p. 154; Vol. 225, p. 258; Vol. 226, p. 342; Vol. 228, p. 366; Vol. 230, p. 430; Vol. 234, p. 310; Vol. 243, p. 314; Vols. 244 to 246; Vol. 247, p. 386; Vol. 248, p. 359; Vol. 250, p. 290; Vol. 253, p. 316; Vol. 256, p. 338; Vol. 257, p. 368; Vol. 258, p. 384; Vol. 261, p. 390; Vol. 265, p. 328; Vol. 271, p. 386; Vol. 274, p. 322; Vol. 277, p. 346; Vol. 278, p. 168; Vol. 280, p. 350; Vol. 281, p. 394; Vol. 283, p. 308; Vol. 285, p. 372; Vol. 287, p. 343; Vol. 300, p. 371; Vol. 306, p. 332; Vol. 309, p. 362; Vol. 317, p. 317; Vol. 320, p. 326; Vol. 321, p. 244; Vol. 324, p. 300; Vol. 328, p. 290; Vol. 330, p. 352; Vol. 338 and Vol. 344.

[TRANSLATION — TRADUCTION]

THE LEADER OF THE GERMAN DELEGATION

Canberra, 14 October 1959

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads in German translation as follows :

[*See note III*]

I confirm hereby that the foregoing is also a correct statement of my understanding of the position.

I have the honour to be, etc.

(*Signed*) Dr. Werner VON BARGEN

Sir John Crawford, C.B.E.
Secretary
Department of Trade
Canberra, A.C.T.
