

No. 5782

**NEW ZEALAND
and
FEDERAL REPUBLIC OF GERMANY**

**Trade Agreement (with annex and exchanges of letters).
Signed at Bonn, on 20 April 1959**

**Exchange of letters constituting an agreement completing
the German text of the above-mentioned Trade Agree-
ment. Bonn, 15 June 1959, and London, 18 June 1959**

**Exchange of letters constituting an agreement amending the
above-mentioned Trade Agreement. London, 10 and
24 March 1960**

Official texts: English and German.

Registered by New Zealand on 4 August 1961.

**NOUVELLE-ZÉLANDE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord commercial (avec annexe et échanges de lettres).
Signé à Bonn, le 20 avril 1959**

**Échange de lettres constituant un accord modifiant le texte
allemand de l'Accord commercial susmentionné. Bonn,
15 juin 1959, et Londres, 18 juin 1959**

**Échange de lettres constituant un avenant à l'Accord com-
mercial susmentionné. Londres, 10 et 24 mars 1960**

Textes officiels anglais et allemand.

Enregistrés par la Nouvelle-Zélande le 4 août 1961.

No. 5782. TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY. SIGNED AT BONN, ON 20 APRIL 1959

The Government of New Zealand and the Government of the Federal Republic of Germany,
desiring by the encouragement of closer economic relations to strengthen the bonds of friendship existing between their two peoples,
having negotiated with each other at Bonn from 2 February, 1959 to 20 April, 1959 through their duly authorized representatives,
have agreed as follows :

Article I

The Government of New Zealand and the Government of the Federal Republic of Germany shall facilitate as far as possible the exchange of goods and services between their two countries. To this end each Government will endeavour to minimize the effect of its import restrictions still in force on the commercial and economic interests of the other.

Article II

(a) The Government of the Federal Republic of Germany will authorize the importation of those commodities originating in New Zealand which are set forth in the Annex² to this Agreement as follows :

- (i) During the period from 1 April 1959 to 31 March 1960 inclusive, to amounts not less than those specified in the Annex;
- (ii) During each succeeding twelve-monthly period, to amounts not less than those determined for that period and substituted in the Annex in accordance with the procedure established by Article III of this Agreement.

(b) The provisions of paragraph (a) of this Article shall not be interpreted in such a way as to preclude the Government of the Federal Republic of Germany :

- (i) from authorizing the importation of those commodities originating in New Zealand which are set forth in the Annex to this Agreement to amounts in

¹ Deemed to have come into force on 1 April 1959, in accordance with article VIII (a).

² See p. 132 of this volume.

excess of those specified in the Annex or from time to time specified therein in accordance with the procedure established by Article III of this Agreement,

(ii) from removing quantitative restrictions on the importation of any commodity set forth in the Annex to this Agreement.

(c) The omission from the Annex to this Agreement of a commodity which is subject to the requirement of an import licence will not in itself preclude the issue of a licence for the importation of that commodity originating in New Zealand to such an amount as may be agreed upon in the particular case.

Article III

(a) At least once during each of the twelve-monthly periods referred to in Article II (a) of this Agreement representatives of the two Governments shall enter into consultations for the purpose of reviewing the amounts specified in the Annex to this Agreement.

(b) 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 the Annex shall be regarded as having been substituted for the amounts so specified.

(c) Notwithstanding the provisions of paragraphs (a) and (b) 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 the Annex shall continue to apply during the next succeeding twelve-monthly period.

Article IV

In conducting the annual review of the amounts specified in the Annex to this Agreement and in considering requests for quotas in respect of other commodities of interest to New Zealand the Government of the Federal Republic of Germany will endeavour to accord expanding access to the German market for the commodities set forth in the Annex and for other commodities originating in, and of interest to, New Zealand.

Article V

(a) The Government of New Zealand and the Government of the Federal Republic of Germany agree that at the request of either Government they will enter into consultations with a view to avoiding or eliminating any difficulties which could arise in the development of trade between New Zealand and the Federal Republic of Germany or in the implementation of this Agreement as a result of the development of common policies in the European Economic Community. The two Governments agree that in such consultations they will be guided by the principles laid down in paragraph 4 of Article XXIV of the

General Agreement on Tariffs and Trade¹ that such common policies should not have the effect of raising barriers to trade between New Zealand and the Federal Republic of Germany.

(b) Both Governments agree that at the request of either Government they will also enter into consultations with a view to resolving any difficulties which may arise in the implementation of this Agreement as a result of any other international obligations of either Government.

Article VI

This Agreement shall not apply to the Cook Islands (including Niue), the Tokelau Islands or the Trust Territory of Western Samoa.

Article VII

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

Article VIII

(a) This Agreement shall be deemed to have come into force on 1 April 1959 and shall remain in force until 31 March 1961. Thereafter it shall remain in force until the expiry of three months from the date on which either Government receives from the other written notice of that Government's intention to terminate the Agreement.

(b) This Agreement supersedes the arrangements recorded in the Agreed Minute of discussions on commercial relations between the representatives of the Government of the Federal Republic of Germany and the Government of New Zealand, signed at Wellington on 11 May 1955, as subsequently amended.

DONE at Bonn, on 20 April 1959, in duplicate in the English and German languages, both texts being equally authentic.

For the Government of New Zealand :

G. R. LAKING

For the Government of the Federal Republic of Germany :

Günther HARKORT

¹ See footnote 1, p. 308 of this volume.

ANNEX

<i>Item No.</i>	<i>German Commodity Index No.</i>	<i>Commodity</i>	<i>Quota</i>
1	0201·42	Beef, frozen	6,500 tons
2	0201·55	Mutton and lamb, frozen	500,000 DM = 250 tons
3	0402·11	Full cream milk powder	p.m.
4	0402·13	Skim milk powder	p.m.
5	ex 0402·19	Buttermilk powder for fodder purposes	750 tons
6	0403·10	Butter	p.m.
7	0404·11	Cheese (cheddar)	No restriction within the global quota
8	0406·00	Honey	No restriction within the global quota
9	0515·90	Bloodmeal and dried blood for fodder purposes	600,000 DM
10	0702·10 } 20 } 30 } 90 }	Frozen vegetables	250,000 DM
11	0806·19 } 0806·39 }	Apples and pears, fresh	3,500,000 DM
12	1203·21 } 27 } ex 1203·59 }	Red clover, white clover and other grass seeds	1,000,000 DM
13	ex 1602·19 } 50 }	Canned meat	750,000 DM = 250 tons
14	1603·00	Meat extract	1,000,000 DM
15	ex 2002·19 } 55 } 56 } 59 }	Canned vegetables	250,000 DM

EXCHANGE OF LETTERS CONCERNING THE GENERAL AGREEMENT ON TARIFFS AND TRADE¹

I

*Mr. G. R. Laking, Leader of the New Zealand Delegation,
to Dr. G. Harkort, Leader of the German Delegation*

Bonn, 20 April 1959

Dear Dr. Harkort,

During the negotiations for a Trade Agreement² between the Government of New Zealand and the Government of the Federal Republic of Germany which came into force as from 1 April 1959 we agreed that nothing in the Agreement or in the letters we exchanged between us at the time of signature shall affect the rights and obligations of each Government under the General Agreement on Tariffs and Trade.

I should be grateful if you would confirm that this is your understanding also.

Yours sincerely,

G. R. LAKING

II

[GERMAN TEXT — TEXTE ALLEMAND]

*Dr. G. Harkort, Leader of the German Delegation,
to Mr. G. R. Laking, Leader of the New Zealand Delegation*

Bonn, den 20 April 1959

Sehr geehrter Herr Laking,

Ich habe die Ehre, Ihnen den Empfang Ihres Schreibens vom heutigen Tage zu bestätigen, das folgenden Wortlaut hat :

„Während der Verhandlungen über das Handelsabkommen zwischen den Regierungen der Bundesrepublik Deutschland und Neuseelands, das am 1. April 1959 in Kraft getreten ist, sind wir übereingekommen, dass der Inhalt des Abkommens oder die Briefe, die wir gelegentlich der Unterzeichnung des Abkommens ausgetauscht haben, die Rechte und Pflichten jeder der beiden beteiligten Regierungen, die sich aus dem Allgemeinen Zoll- und Handelsabkommen (GATT) ergeben, nicht berühren sollen.

¹ See footnote 1, p. 308 of this volume.

² See p. 126 of this volume.

Ich wäre Ihnen dankbar, wenn Sie mir Ihr Einverständnis hierzu bestätigen wollten.“

Ich bestätige hiermit, dass Vorstehendes auch meine Auffassung der Sachlage richtig wiedergibt.

Ihr sehr ergebener

Günther HARKORT

[TRANSLATION¹ — TRADUCTION²]

Dear Mr. Laking,

I have the honour to acknowledge the receipt of your communication of today's date, the text of which is as follows :

[See letter I]

I hereby confirm that the above correctly reproduces my understanding of the position.

Yours sincerely,

Günther HARKORT

EXCHANGE OF LETTERS CONCERNING THE QUOTAS FOR
CHEDDAR CHEESE, HONEY, APPLES AND PEARS

I

*Dr. G. Harkort, Leader of the German Delegation,
to Mr. G. R. Laking, Leader of the New Zealand Delegation*

[GERMAN TEXT — TEXTE ALLEMAND] [TRANSLATION¹ — TRADUCTION²]

Bonn, den 20 April 1959

Sehr geehrter Herr Laking,

Dear Mr. Laking,

Während der Verhandlungen über das Handelsabkommen, das am 1. April 1959 in Kraft getreten ist, sind wir übereingekommen, dass Cheddar-Käse und Honig in der Anlage des erwähnten Handelsabkommens mit der Bemerkung aufgeführt werden sollen : „ohne Beschränkung innerhalb des Globalkontingents“. Wir sind ferner

During the negotiations for a Trade Agreement which came into force as from 1 April 1959 we agreed that in respect of cheddar cheese and honey these commodities would be shown in the annex to the said Trade Agreement as “No restriction within the global quota”. We also agreed that if the present system of import licensing of

¹ Translation by the Government of New Zealand.

² Traduction du Gouvernement néo-zélandais.

übereingekommen, dass, falls die Bundesregierung das gegenwärtige Verfahren der Global-Ausschreibungen für diese Waren aufgeben und durch ein System von Einfuhr-Kontingenten für einzelne Staaten ersetzen sollte, Neuseeland die folgenden Kontingente eingeräumt werden würden :

Käse (Cheddar) DM 2.100.000
 Honig DM 500.000.

Hinsichtlich des Kontingents für Äpfel und Birnen besteht Einvernehmen darüber, dass es aus saisonbedingten Gründen erforderlich sein dürfte, den Betrag dieses Kontingents bereits vor der in Artikel III vorgesehenen jährlichen Überprüfung des Anhangs zu überprüfen und gleichzeitig den Zeitraum festzusetzen, während dessen die Äpfel und Birnen des neuseeländischen Jahreskontingents in die Bundesrepublik Deutschland eingeführt werden dürfen.

Ich wäre Ihnen dankbar, wenn Sie mir bestätigen würden, dass dies der Inhalt unserer Übereinkunft ist.

Ihr sehr ergebener

Günther HARKORT

these commodities should be withdrawn by the Government of the Federal Republic of Germany and a system of allocation of quotas to individual countries adopted, New Zealand would be accorded the following quotas :

Cheese (Cheddar) D.M. 2.100.000
 Honey D.M. 500.000

As regards the quota for apples and pears it is understood that for seasonal reasons it may be necessary to review the amount of that quota at some time prior to the annual review of the Annex provided for in Article III and at the same time to determine the period during which the apples and pears constituting the annual New Zealand quota may be imported into the Federal Republic of Germany.

I should be grateful if you would confirm that this is the correct meaning of our understanding.

Yours sincerely,

Günther HARKORT

II

*Mr. G. R. Laking, Leader of the New Zealand Delegation,
 to Dr. G. Harkort, Leader of the German Delegation*

Bonn, 20 April 1959

Dear Dr. Harkort,

I acknowledge receipt of your letter of 20 April, 1959, which reads as follows :

[See letter I]

I confirm that your letter sets out correctly the nature of our agreement and understanding on the matters mentioned therein.

Yours sincerely,

G. R. LAKING

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN NEW ZEALAND AND THE FEDERAL REPUBLIC OF GERMANY COMPLETING THE GERMAN TEXT OF THE TRADE AGREEMENT OF 20 APRIL 1959.² BONN, 15 JUNE 1959, AND LONDON, 18 JUNE 1959

I

Dr. Günther Harkort, Leader of the German Delegation, to Mr. G. R. Laking, Acting High Commissioner for New Zealand in the United Kingdom of Great Britain and Northern Ireland

[GERMAN TEXT — TEXTE ALLEMAND]

Bonn, den 15. Juni 1959

Sehr geehrter Herr Laking,

Bei den in englischer Sprache geführten Verhandlungen in Bonn über ein Handelsabkommen zwischen der Regierung der Bundesrepublik Deutschland und der Regierung von Neuseeland, das am 20. April 1959 unterzeichnet worden ist, wurde zwischen den beiden Delegationen eine Einigung dahingehend erzielt, dass der zweite Satz des Artikels V des Abkommens wie folgt lauten soll :

“ . . . *The two Governments agree that in such consultations they will be guided by the principle laid down in paragraph 4 of Article XXIV of the General Agreement on Tariffs and Trade that such common policies should not have the effect of raising barriers to trade between New Zealand and the Federal Republic of Germany.* ”

[TRANSLATION³ — TRADUCTION⁴]

Bonn, 15 June 1959

Dear Mr. Laking,

At the negotiations which took place in English in Bonn concerning the Trade Agreement of 20 April 1959² between the Government of the Federal Republic of Germany and the Government of New Zealand, agreement was reached between the two delegations to the effect that the second sentence of Article V of the Agreement should read as follows :

“ . . . The two Governments agree that in such consultations they will be guided by the principle laid down in paragraph 4 of Article XXIV of the General Agreement on Tariffs and Trade⁵ that such common policies should not have the effect of raising barriers to trade between New Zealand and the Federal Republic of Germany. ”

¹ Came into force on 18 June 1959 by the exchange of the said letters.

² See p. 126 of this volume.

³ Translation by the Government of New Zealand.

⁴ Traduction du Gouvernement néo-zélandais.

⁵ See footnote 1, p. 308 of this volume.

Dieser Formulierung war der amtliche englische Wortlaut des General Agreement on Tariffs and Trade Art. XXIV Nr. 4 zu Grunde gelegt worden.

Dieser Wortlaut wurde in der deutschen Fassung des Abkommens wie folgt übersetzt :

„... Bei diesen Konsultationen werden sich die beiden Regierungen von dem in Artikel XXIV Absatz 4 des Allgemeinen Zoll- und Handelsabkommens niedergelegten Grundsatz leiten lassen, dass eine derartige gemeinsame Politik dem Handel zwischen der Bundesrepublik Deutschland und Neuseeland keine Schranken setzen darf.“

Diese deutsche Übersetzung folgt nicht dem amtlichen deutschen Wortlaut des Allgemeinen Zoll- und Handelsabkommens, während, wie erwähnt, der oben angeführte englische Wortlaut dem englischen Text des erwähnten Abkommens entspricht.

Ich darf Sie daher bitten, mir Ihre Zustimmung zu erklären, dass der oben erwähnte deutsche Wortlaut dem amtlichen deutschen Wortlaut des Allgemeinen Zoll- und Handelsabkommens angepasst wird. Der deutsche Wortlaut wäre dann wie folgt :

„... Bei diesen Konsultationen werden sich die beiden Regierungen von dem in Artikel XXIV Absatz 4) des Allgemeinen Zoll- und Handelsabkommens niedergelegten Grundsatz leiten lassen, dass eine derartige gemeinsame Politik dem Handel zwischen der Bundesrepublik Deutschland und Neuseeland keine Hindernisse in den Weg legen soll.“

This wording of the English text is taken from No. 4 of Article XXIV of the General Agreement on Tariffs and Trade. This text was translated in the German version of the Agreement as follows :

„... *Bei diesen Konsultationen werden sich die beiden Regierungen von dem in Artikel XXIV Absatz 4 des Allgemeinen Zoll- und Handelsabkommens niedergelegten Grundsatz leiten lassen, dass eine derartige gemeinsame Politik dem Handel zwischen der Bundesrepublik Deutschland und Neuseeland keine Schranken setzen darf.*“

This German translation does not follow the official German text of the General Agreement on Tariffs and Trade, whereas, as already mentioned, the above English text corresponds with the English text of GATT.

I would therefore ask you to consent to adapting the above-mentioned German text to the official German text of the General Agreement on Tariffs and Trade. The amended German text would then read as follows :

„... *Bei diesen Konsultationen werden sich die beiden Regierungen von dem in Artikel XXIV Absatz 4) des Allgemeinen Zoll- und Handelsabkommens niedergelegten Grundsatz leiten lassen, dass eine derartige gemeinsame Politik dem Handel zwischen der Bundesrepublik Deutschland und Neuseeland keine Hindernisse in den Weg legen soll.*“

Mit der Erklärung Ihrer Zustimmung würde der deutsche Text des Abkommens vom 20. April 1959 als entsprechend geändert gelten.

Ihr sehr ergebener

Günther HARKORT

Upon your declaring your consent the German text of the Agreement of 20 April 1959 shall be deemed to be amended accordingly.

Yours sincerely

Günther HARKORT

II

Mr. G. R. Laking, Acting High Commissioner for New Zealand in the United Kingdom of Great Britain and Northern Ireland, to Dr. Günther Harkort, Leader of the German Delegation

NEW ZEALAND HIGH COMMISSION
LONDON, W.C. 2

18 June 1959

Dear Dr. Harkort,

I acknowledge receipt of your letter of 15 June 1959, which reads as follows :

[*See letter I*]

I confirm that the Government of New Zealand is prepared to accept the amendment of the German text of the Trade Agreement of 20 April 1959 as proposed in your letter and will regard your letter and the present reply as constituting an agreement between the two Governments on this subject.

Yours sincerely,

G. R. LAKING

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ AMENDING THE TRADE AGREEMENT OF 20 APRIL 1959² BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY. LONDON, 10 AND 24 MARCH 1960

I

Mr. G. R. Laking, Acting High Commissioner for New Zealand in the United Kingdom of Great Britain and Northern Ireland, to Dr. Werner von Bargaen, Leader of the German Delegation

NEW ZEALAND HIGH COMMISSION
LONDON W.C. 2

10 March 1960

Dear Dr. von Bargaen,

During our discussions in Bonn from 17 to 19 February 1960, concerning the revision of the Annex to the Trade Agreement between the Government of New Zealand and the Government of the Federal Republic of Germany, signed at Bonn on 20 April 1959,² we agreed that the initial period during which the Agreement shall remain in force should be extended by one year.

Accordingly, I propose that Article VIII of the Agreement be amended by the substitution of "1962" for "1961" in paragraph (a) of that Article.

If this proposal is acceptable to your Government, I propose that this letter and your reply shall be regarded as constituting an agreement between our two Governments to amend the Trade Agreement accordingly.

Yours sincerely,

G. R. LAKING

II

Dr. Werner von Bargaen, Leader of the German Delegation, to Mr. G. R. Laking, Acting High Commissioner for New Zealand in the United Kingdom of Great Britain and Northern Ireland

[GERMAN TEXT — TEXTE ALLEMAND]

London, den 24 März 1960

Sehr geehrter Herr Laking :

Ich habe die Ehre, Ihnen den Empfang Ihres Schreibens vom 10. März 1960 zu bestätigen, das in deutscher Übersetzung folgendermassen lautet :

¹ Came into force on 24 March 1960 by the exchange of the said letters.

² See p. 126 of this volume.

„Während der Besprechungen, die wir vom 17.-19. Februar 1960 in Bonn über die Änderung der Anlage des am 20. April 1959 in Bonn zwischen der Regierung der Bundesrepublik Deutschland und der Regierung von Neuseeland unterzeichneten Handelsabkommens geführt haben, sind wir dahin übereingekommen, dass die ursprünglich vereinbarte Gültigkeitsdauer des Abkommens um ein Jahr verlängert werden soll.

Dementsprechend schlage ich vor, die in Artikel VIII Abs.a) des erwähnten Abkommens enthaltene Zeitangabe „1961“ durch „1962“ zu ersetzen.

Falls dies für Ihre Regierung annehmbar ist, schlage ich vor, dass dieser Brief und Ihr Antwortschreiben als Vereinbarung einer entsprechenden Änderung des erwähnten Handelsabkommens gelten soll.“

Ich bestätige hiermit, dass meine Regierung dem in Ihrem Schreiben enthaltenen Vorschlag zustimmt.

Ihr sehr ergebener

Dr. Werner VON BARGEN

[TRANSLATION¹ — TRADUCTION²]

London, 24 March 1960

Dear Mr. Laking :

I have the honour to acknowledge the receipt of your letter of 10 March 1960, the German version of which reads as follows :

[See letter I]

I hereby confirm that my Government agrees to the proposal contained in your letter.

Yours sincerely,

Dr. Werner VON BARGEN

¹ Translation by the Government of New Zealand.

² Traduction du Gouvernement néo-zélandais.