

No. 15922

**UNITED STATES OF AMERICA
and
AUSTRALIA**

**Exchange of notes constituting an agreement relating to the
importation of meat. Washington, 25 and 28 June 1976**

Authentic text: English.

Registered by the United States of America on 2 September 1977.

**ÉTATS-UNIS D'AMÉRIQUE
et
AUSTRALIE**

**Échange de notes constituant un accord relatif à l'importa-
tion de viandes. Washington, 25 et 28 juin 1976**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 2 septembre 1977.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND AUSTRALIA RELATING TO THE IMPORTATION OF MEAT

I

June 25, 1976

Excellency:

I have the honor to refer to discussions between representatives of our two Governments relating to the importation into the United States for consumption of fresh, chilled, or frozen cattle meat (Item 106.10 of the Tariff Schedules of the United States) and fresh, chilled or frozen meat of goats and sheep, except lambs (Item 106.20 of the Tariff Schedules of the United States) during the calendar year 1976 and to the agreements between the United States and other countries, constituting the 1975 restraint program, concerning shipments of such meats to the United States. With the understanding that similar agreements also will be concluded for the calendar year 1976 with Governments of other countries that participated in the 1975 restraint program and which continue to export substantial quantities of meat to the United States, I have the honor to propose the following Agreement between our two Governments:

1. On the basis of the foregoing, and subject to paragraph 4, the permissible total quantity of imports of such meats into the United States during the calendar year 1976 from countries participating in the restraint program shall be 1,155.0 million pounds, and the Government of Australia and the Government of the United States of America shall respectively undertake responsibilities as set forth below for regulating exports to, and imports into, the United States.

2. The Government of Australia shall limit the quantity of such meats exported from Australia as direct shipments on a through bill of lading to the United States in such a manner that the quantity entered, or withdrawn from warehouse, for consumption during the calendar year 1976 does not exceed 632.2 million pounds, or such higher figure as may result from adjustments pursuant to paragraph 4.

3. The Government of the United States of America may limit to 632.2 million pounds the quantity of imports of such meats of Australian origin, whether by direct or indirect shipments, through issuance of regulations governing the entry, or withdrawal from warehouse, for consumption in the United States, provided that, with respect to imports which are direct shipments from Australia: (a) such regulations shall not be employed to govern the timing within calendar year 1976 of entry or withdrawal from warehouse for consumption of such meat from Australia; and (b) such regulations shall be issued after consultation with the Government of Australia pursuant to paragraph 5 and only in circumstances where it is evident that the quantity of such meat likely to be presented for entry or withdrawal from warehouse for consumption in the calendar year 1976 would otherwise exceed the quantity specified in paragraph 2, as it may be increased pursuant to paragraph 4. It is understood that U.S. Customs statistics of entries, or withdrawals from warehouse, for consumption will be used for purposes of this Agreement. Such statistics shall not include meats which have been refused entry because of failure to meet appropriate standards prescribed pursuant to the Federal Meat Inspection Act, as amended, and such meats will not be regarded as part of the quantity described in paragraph 2, as it may be increased pursuant to paragraph 4.

¹ Came into force on 28 June 1976, the date of the note in reply, in accordance with the provisions of the said notes.

4. The Government of the United States of America may increase the permissible total quantity of imports of such meats into the United States during the calendar year 1976 from countries participating in the restraint program or may allocate any estimated shortfall in a share of the restraint program quantity or in the initial estimates of imports from countries not participating in the restraint program. Thereupon, if no shortfall is estimated for Australia, such increase or estimated shortfall shall be allocated to Australia in the proportion that 632.2 million pounds bears to the total initial shares from all countries participating in the restraint program which are estimated to have no shortfall for the calendar year 1976. The foregoing allocation procedure shall not apply to any increase in the estimate of imports from countries not participating in the 1976 restraint program.

5. The Government of Australia and the Government of the United States of America shall consult promptly upon the request of either Government regarding any matter involving the application, interpretation or implementation of this Agreement, and regarding any increase in the total quantity of imports from Australia permissible under the restraint program including allocation of any shortfall. In particular, consultations regarding these matters and the market situation shall be held at least before the beginning of each quarter.

6. In the event that quotas on imports of such meats should become necessary, the representative period used by the Government of the United States of America for calculation of the quota for Australia shall not include the period between October 1, 1968, and June 30, 1972, or the calendar years 1975 and 1976, except by the agreement of the Government of Australia.

7. (a) To enable both Governments to follow progress under this Agreement, the Government of the United States of America shall provide to the Government of Australia as soon as possible after the end of each week Customs statistical information concerning imports of such meats from all supplying countries.

(b) As soon as possible after the end of each month the Government of Australia shall provide to the Government of the United States of America details of scheduled arrivals to December 31, 1976, ship by ship and port by port, based on actual loadings in Australia.

(c) In addition, in order to assist the Government of Australia to limit its exports pursuant to paragraph 2, the Government of the United States will provide detailed Customs statistics by ship and port of entry for meat imported from Australia as direct shipments on a through bill of lading into the United States for entry or withdrawal from warehouse for consumption, for January, February and March 1976, and such other periods as may be necessary.

I have the honor to propose that, if the foregoing is acceptable to the Government of Australia, this note and Your Excellency's confirmatory reply constitute an agreement between our two Governments which shall enter into force on the date of your reply.

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

For the Acting Secretary of State:

JOSEPH A. GREENWALD

His Excellency Nicholas F. Parkinson
Ambassador of Australia

II

EMBASSY OF AUSTRALIA
WASHINGTON, D.C.

Sir,

I have the honour to refer to your note of 25 June 1976 which reads as follows:

[*See note I*]

I have the honour to confirm that the foregoing is acceptable to the Government of Australia which agrees that your note together with this reply shall constitute an agreement between our two Governments on this matter.

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

[*Signed*]

N. F. PARKINSON
Ambassador

28 June, 1976.

The Hon. Henry A. Kissinger
Secretary of State
Washington, D.C.
