

No. 18554

**NEW ZEALAND
and
UNITED STATES OF AMERICA**

Exchange of letters constituting an agreement concerning restraint upon the importation of certain meats into the United States during the calendar year 1978. Washington, 21 December 1977 and 18 January 1978

Authentic text: English.

Registered by New Zealand on 17 April 1980.

**NOUVELLE-ZÉLANDE
et
ÉTATS-UNIS D'AMÉRIQUE**

Échange de lettres constituant un accord relatif à une limitation des importations de certaines viandes aux États-Unis durant l'année 1978. Washington, 21 décembre 1977 et 18 janvier 1978

Texte authentique : anglais.

Enregistré par la Nouvelle-Zélande le 17 avril 1980.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING RESTRAINT UPON THE IMPORTATION OF CERTAIN MEATS INTO THE UNITED STATES DURING THE CALENDAR YEAR 1978

I

The Honourable Cyrus R. Vance, Secretary of State of the United States of America, to His Excellency Mr. G. D. C. White, Ambassador Extraordinary and Plenipotentiary of New Zealand in the United States of America

DEPARTMENT OF STATE
WASHINGTON

December 21, 1977

Excellency:

I have the honor to refer to discussions among representatives of our two Governments and other Governments relating to the importation into the United States for consumption of meats described below in paragraph 1 during the calendar year 1978. With the understanding that similar agreements also will be concluded for calendar year 1978 with Governments of other countries which export substantial quantities of meat to the United States, I have the honor to propose the following Agreement between our two Governments:

1. For purposes of this Agreement, the term "such meats" shall mean fresh, chilled or frozen cattle meat (item 106.10 of the Tariff Schedules of the United States), fresh, chilled or frozen meat of goats and sheep, except lambs (item 106.20 of the Tariff Schedules of the United States), and meats which, but for processing in foreign-trade zones, territories or possessions of the United States prior to entry, or withdrawal from warehouse, for consumption in United States Customs Territory, would fall within the above descriptions (and items of the Tariff Schedules of the United States) upon such entry, or withdrawal from warehouse, for consumption.

2. This Agreement, together with similar agreements with other countries which export to the United States substantial quantities of such meats, shall constitute the 1978 restraint program. Subject to paragraph 6, the permissible total quantity of imports of such meats into the United States for consumption during the calendar year 1978 from countries party to the 1978 restraint program shall be 1,216.1 million pounds, and the Government of New Zealand 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 pursuant to the 1978 restraint program.

3. The Government of New Zealand shall limit the quantity of such meats exported from New Zealand as direct shipments or on a through bill of lading to the United States in such a manner that the quantity of such meats entered, or withdrawn from warehouse, for consump-

¹ Came into force on 18 January 1978, the date of the letter in reply, in accordance with the provisions of the said letters.

tion in United States Customs Territory during the calendar year 1978 does not exceed 272.6 million pounds, or such greater quantity as may result from adjustments pursuant to paragraph 6.

4. The Government of the United States of America may issue regulations limiting to 272.6 million pounds, or such greater quantity as may result from adjustments pursuant to paragraph 6, the quantity of such meats from New Zealand which, during calendar year 1978, may be entered, or withdrawn from warehouse, for consumption, whether such meats were shipped directly or indirectly, provided that (a) such regulations shall not be employed to govern spacing within calendar year 1978 of entry, or withdrawal from warehouse, for consumption of such meats from New Zealand, unless otherwise agreed; and (b) such regulations shall be issued after consultation pursuant to paragraph 7. It is understood that United States 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 3, as it may be increased pursuant to paragraph 6.

5. The Government of the United States of America may take appropriate steps to ensure that imports into the United States for consumption from countries not party to the 1978 restraint program do not disrupt the 1978 restraint program.

6. 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 1978 from countries party to the 1978 restraint program or may re-allocate any estimated shortfall in a share of the restraint program quantity or in the initial estimates of imports from countries not party to the 1978 restraint program. If no shortfall is estimated for New Zealand such increases or estimated shortfall as may be available shall be allocated to New Zealand in the proportion that 272.6 million pounds bears to the total initial shares from all countries party to the 1978 restraint program which are estimated to have no shortfall for the calendar year 1978. In determining the amount available for reallocation pursuant to this paragraph, the Government of the United States of America may take into account any increase in its initial estimates of imports from countries not party to the restraint program.

7. The Government of New Zealand 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 New Zealand permissible under the restraint program including allocation of any shortfall.

8. 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 New Zealand shall not include the period between October 1, 1968, and June 30, 1972, or the calendar years 1975, 1976, 1977 and 1978 except by the agreement of the Government of New Zealand.

9. (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 New Zealand 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 New Zealand shall provide to the Government of the United States of America details of scheduled arrivals to December 31, 1978, ship by ship and port by port, based on actual loadings in New Zealand.

I have the honor to propose that, if the foregoing is acceptable to the Government of New Zealand, 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 assurance of my highest consideration.

J. KATZ
For the Secretary of State

II

His Excellency Mr. G. D. C. White, Ambassador Extraordinary and Plenipotentiary of New Zealand in the United States of America, to the Honourable Cyrus R. Vance, Secretary of State of the United States of America

EMBASSY OF NEW ZEALAND
WASHINGTON, D.C.

18 January 1978

Sir:

I have the honour to refer to your note of 21 December 1977 which reads as follows:

[*See letter I*]

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

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

G. D. C. WHITE
