

No. 18578

**UNITED STATES OF AMERICA
and
AUSTRALIA**

Exchange of notes constituting an agreement relating to meat imports. Washington, 14 December 1976 and 18 January 1977

Authentic text: English.

Registered by the United States of America on 18 April 1980.

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

Échange de notes constituant un accord relatif à l'importation de viande. Washington, 14 décembre 1976 et 18 janvier 1977

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 18 avril 1980.

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

I

December 14, 1976

Excellency:

I have the honor to refer to discussions among representatives of our two Governments and other Governments relating to the importation into United States for consumption of meats described below in paragraph 1 during the calendar year 1977. With the understanding that similar agreements also will be concluded for the calendar year 1977 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 1977 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 1977 from countries party to the 1977 restraint program shall be 1196.9 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 pursuant to the 1977 restraint program.

3. The Government of Australia shall limit the quantity of such meats exported from Australia 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 consumption in United States Customs Territory during the calendar year 1977 does not exceed 653.0 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 653.0 million pounds, or such greater quantity as may result from adjustments pursuant to paragraph 6, the quantity of such meats from Australia which, during calendar year 1977, 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 1977 of entry, or withdrawal from warehouse, for consumption of such meats from Australia,

¹ Came into force on 18 January 1977, the date of the note in reply, with retroactive effect from 1 January 1977, in accordance with the provisions of the said notes.

unless otherwise agreed, and (b) such regulations shall be issued after consultation pursuant to paragraph 6. It is understood that U.S. Customs statistics of entries, or withdrawal 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 1977 restraint program do not disrupt the 1977 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 1977 from countries participating in the 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 restraint program. If no shortfall is estimated for Australia, such increase or estimated shortfall as may be available shall be allocated to Australia in the proportion that 653.0 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 1977. In determining the amount available for re-allocation 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 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.

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

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 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, 1977, ship by ship and port by port, based on actual loadings in Australia.

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 Secretary of State:
JULIUS L. KATZ

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 14 December 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.

18 January 1977

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

[Signed]
N. F. PARKINSON
Ambassador