

No. 20817

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**UNITED STATES OF AMERICA  
and  
NEW ZEALAND**

**Trade Agreement reached on the Tokyo Round of the Multilateral Trade Negotiations (with annexes and related letter dated 4 February 1980). Signed at Geneva on 21 May 1979**

*Authentic text: English.*

*Registered by the United States of America on 1 March 1982.*

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

**Accord commercial convenu lors des négociations commerciales multilatérales dites de Tokyo (avec annexes et lettre connexe datée du 4 février 1980). Signé à Genève le 21 mai 1979**

*Texte authentique : anglais.*

*Enregistré par les États-Unis d'Amérique le 1<sup>er</sup> mars 1982.*

## RESULTS OF BILATERAL NEGOTIATIONS<sup>1</sup> BETWEEN THE DELEGATIONS OF NEW ZEALAND AND THE UNITED STATES TO THE MULTILATERAL TRADE NEGOTIATIONS

The Delegation of New Zealand and the Delegation of the United States agree that, subject to approval by their relevant authorities, they have completed bilateral negotiations in the context of the Multilateral Trade Negotiations on the basis of the offers contained in the attached annexes:

- Annex 1: Tariff offers
- Annex 2: Offer by New Zealand on import licensing
- Annex 3: Offer by the United States on imports of meat
- Annex 4: Offer by the United States on imports of dairy products.

The Delegations note that the offers, as contained in the annexes, are subject to technical rectifications, including any modifications which may result from the preparation of GATT Schedules.

The Delegations further note that the offers and their acceptance are made without prejudice to their rights and obligations under the General Agreement on Tariffs and Trade.

HUGH MCPHAIL  
For the Delegation  
of New Zealand

J. SWAIN  
For the Delegation  
of the United States

Geneva, 21 May 1979

### ANNEX 1

#### TARIFF OFFERS

##### A. *Offers by New Zealand*

1. New Zealand's global tariff offer includes the offers set out below on items where the United States made specific requests, and where the United States was the principal MFN supplier in the year ended June 1977.

<i>Item</i>	<i>Description</i>	<i>Concession offered</i>
ex 10.06.000	Rice; other kinds; broken . . . . .	Free
ex 29.04.019	Other acyclic alcohols, etc.; other; other kinds . . . . .	5%
ex 29.06.009	Other phenols and phenol-alcohols . . . . .	5%
ex 29.14.000	Monocarboxylic acids, etc.; other kinds . . . . .	5%
ex 29.16.039	Carboxylic acids, etc.; other kinds . . . . .	5%

<sup>1</sup> Came into force on 4 February 1980, with retroactive effect from 1 January 1980, the date on which schedules XIII (New Zealand) and XX (United States) to the Geneva (1979) Protocol\* became schedules to the General Agreements on Tariffs and Trade,\*\* in accordance with the provisions of the said related letter.

\* United Nations, *Treaty Series*, vols. 1187 to 1193, No. A-814XC.

\*\* *Ibid.*, vol. 55, p. 187.

<i>Item</i>	<i>Description</i>	<i>Concession offered</i>
ex 29.21.000	Other esters of mineral acids, etc. ....	5%
29.25.000	Carboxamide-function compounds, etc. ....	5%
29.31.000	Organo-sulphur compounds ....	5%
ex 29.35.009	Heterocyclic compounds, etc.; other ....	5%
30.05.001	Sterile surgical catgut, etc. ....	5%
33.04.029	Mixtures of two or more odiferous substances, etc.; other kinds ....	35%
34.02.000	Organic surface active agents, etc. ....	35%
ex 35.04.000	Peptones and other protein substances and their derivatives ....	5%
ex 37.05.000	Plates, imperforated film and perforated film, etc.; other ....	15%
ex 38.11	Timber preserving preparations ....	20%
ex 38.11	Other insecticides and fungicides; other kinds; other ....	20%
ex 70.06.000	Plate glass ....	10%
ex 82.03.009	Pliers, etc.; other ....	5%
82.04.001	Hammers, having only iron or steel striking face or faces ....	5%
ex 82.04.079	Hand tools, other kinds ....	5%
ex 82.04.079	Vices, joiners clamps; as determined ....	5%
ex 84.06.001	Aircraft engines; other ....	5%
ex 84.06.001	Parts of aircraft engines; other ....	5%
ex 84.06.051	Internal combustion piston engines; other kinds; other ....	5%
ex 84.22.009	Loaders, shovel type, specially designed for use in underground mines ....	35%
ex 84.22.009	Lifting, handling, etc. machinery; other ....	35%
ex 84.23.051	Scrapers; having a struck capacity exceeding 4.587m <sup>3</sup> ....	5%
ex 84.23.051	Scrapers; other ....	5%
ex 84.23.061	Rock boring machinery ....	5%
84.49.001	Chain saws ....	5%
ex 84.59.059	Machines and mechanical appliances, etc; other ....	35%
85.11.009	Industrial and laboratory electric furnaces, etc.; other ....	35%
ex 85.24.001	Carbon brushes ....	10%
ex 85.24.009	Arc lamp carbons, etc.; other ....	5%
ex 86.09.000	Parts of railway stock; other ....	40%
ex 88.03.000	Parts for goods falling in heading No. 88.01 or 88.02; other ....	5%
90.17.019	Other electro-medical apparatus ....	5%
ex 90.17.029	Medical, dental, etc. instruments, etc.; other ....	10%
98.03.001	Propelling and sliding pencils ....	15%

2. In addition to the above items, New Zealand's global tariff offer contains offers on other tariff items, as set out below, which were the subject of specific requests by the United States.

<i>Item</i>	<i>Description</i>	<i>Concession offered</i>
ex 10.06.000	Rice, in the husk or husked, etc. ....	Free
ex 10.06.000	Rice; other kinds; other ....	Free
ex 12.02.001	Soya bean flour and meal; as approved ....	65c/100kg
20.06.041	Nuts, roasted; other ....	Free
ex 29.06.009	Cresols, xylenols ....	5%

<i>Item</i>	<i>Description</i>	<i>Concession offered</i>
ex 29.23.009	Single or complex oxygen-function amino compounds; other .....	5%
ex 35.04.000	Hide powder, whether or not chromed .....	5%
ex 37.01.009	Photographic plates and film, etc.; other kinds .....	5%
37.08.009	Chemical products for use in photography; other .....	25%
84.10.029	Pumps, etc.; other .....	30%
84.19.001	Washing machines for bottles and other containers .....	5%
ex 88.02.002	Powered aircraft; civil .....	5%
90.20.009	Apparatus based on the use of X-rays, etc.; other .....	5%

3. In addition to the above items New Zealand's global tariff offer contains offers on a wide range of other tariffs for which the United States was the principal MFN supplier in the year ended June 1976.

4. Supplementary tariff offers, made by New Zealand in response to specific requests from the United States.

<i>Item</i>	<i>Description</i>	<i>Concession offered</i>
<i>(a) Agricultural products</i>		
02.06.009	{ Bacon and ham, salted and smoked	10%
	{ Other pigmeat, smoked .....	
05.04.001	Sausage casings, of hog guts .....	Free
08.02.001	Oranges, fresh .....	Free
08.02.005	{ Lemons, fresh	Free
	{ Grapefruit, fresh .....	
ex 08.04.001	Grapes, fresh (1/7-31/12) .....	Free
08.06.001*	{ Apples, fresh	Free
	{ Pears, fresh .....	
11.01.001	Cereal flours, with additives .....	25%
11.01.029	Cereal flours, other .....	20%
16.02.011	Turkey, prepared or preserved .....	25%
16.02.031	Other canned meat .....	10%
ex 21.07.009	Textured vegetable protein .....	10%
24.01.001	Tobacco, unmanufactured, for cigars .....	Free
24.01.005	Tobacco, unmanufactured, for cigarettes .....	\$70.00/100kg**
<i>(b) Industrial products</i>		
37.02.009	Film in rolls, unexposed, other .....	5%
38.14.005	Oxidation inhibitors .....	15%
38.14.009	Anti-knock preps, other .....	15%
38.19.079	Other chemical products .....	10%
70.17.000	Laboratory, etc.; glassware .....	Free
84.08.009	Parts of aircraft engines .....	5%
84.34.009	Machinery for typesetting, etc., other .....	Free
84.64.001	Gaskets and similar joints of metal sheeting .....	5%
84.64.009	Other gaskets .....	30%
87.06.052	Other parts of tractors .....	Free

<i>Item</i>	<i>Description</i>	<i>Concession offered</i>
ex 90.25.009	Instruments for physical or chemical analysis, etc., other than as determined .....	5%***
ex 90.28.009	Electrical measuring checking analysing, etc., apparatus, other than as determined .....	5%***

\* The New Zealand Apple and Pear Marketing Board will undertake to import a minimum quantity of 3,000 MT on a global basis.

\*\* Binding of "\$70.00/100kg minus 25% of the amount by which the CIF value exceeds \$360/100kg, provided that the specific rate of duty so determined shall not be less than \$40.00/100kg".

\*\*\* These bindings are offered on the condition that New Zealand retains the right to withdraw approvals and make determinations.

### B. *Offers by the United States*

#### 1. Offers made by the United States in response to specific requests from New Zealand.

<i>Item</i>	<i>Description</i>	<i>Concession offered</i>
106.30	Lamb meat .....	0.5c/lb
115.20	Milk or cream, over 5.5 but not over 45%, butterfat, within quota .....	12c/gal
116.00	Butter and cream over 45% butterfat, Nov. 1-Mar. 31, within quota .....	5.6c/lb
116.10	Butter and cream over 45% butterfat, Apr. 1-Jul. 15, within quota .....	5.6c/lb
116.20	Butter and cream over 45% butterfat, Jul. 16-Oct. 31, within quota .....	5.6c/lb
117.15	Cheese, cheddar, not processed otherwise than by division into pieces .....	12%
121.54	Sheep skins, vegetable tanned, in the rough .....	2.4%
306.10	Wool, Aleppo, etc., and other wool not finer than 40s, on the skin .....	2.2c/clean lb
306.11	Wool, Aleppo, etc., and other wool not finer than 40s, in the grease or washed, not sorted .....	2.5c/clean lb
306.12	Wool, Aleppo, etc., and other wool not finer than 40s, in the grease or washed, sorted .....	2.5c/clean lb
306.13	Wool, Aleppo, etc., and other wool not finer than 40s, scoured .....	3c/clean lb
306.21	Wool, other, finer than 40s but not finer than 44s, in the grease or washed, not sorted .....	3c/clean lb
306.22	Wool, other, finer than 40s but not finer than 44s, in the grease, or washed, sorted .....	3c/clean lb
306.23	Wool, other, finer than 40s but not finer than 44s, scoured .....	4c/clean lb
306.30	Wool, other, finer than 44s, on the skin .....	4.5c/clean lb
306.32	Wool, other, finer than 44s, in the grease or washed, sorted .....	10.5c/clean lb
307.64	Wool or hair yarn, other .....	9%
308.06	Other silk, nes, processed but not made into yarn .....	3%
374.30	Hosiery, of wool, not embroidered .....	20%
ex 493.16	Casein mixtures, chief value casein, not including dried milk and not for retail sale .....	0.2c/lb
660.75	Hydrojet engines for motor boats and parts .....	2.5%

2. The United States undertakes to make a maximum effort to maintain the following tariff concessions on items of interest to New Zealand.

<i>Item</i>	<i>Description</i>	<i>Concession offered</i>
100.75	Horses, live, not for slaughter valued over \$150/head .....	Free
106.10	Beef and veal, fresh/chilled/frozen .....	2c/lb
107.55	Beef and veal, prep. or pres., other, valued not over 30c/lb .....	2c/lb
107.60.40	Beef and veal, prep. or pres., other, valued over 30c/lb .....	4%
107.75.20	Lamb or mutton, except offal, nes, prep. or pres., valued over 30c/lb .....	Free
111.92	Fish, nes, smoked or kippered, not otherwise prep. or pres., and not in airtight containers .....	Free
146.90	Cherries, fresh, not in airtight or watertight containers .....	Free
ex 146.75	Raspberries, prep. or pres .....	7%
177.62	Wool grease, nes .....	1.3c/lb
192.20	Cut flowers .....	8%
252.79	Other papers, nspf, not impregnated, coated, etc., weighing over 9 but not over 18 lbs/ream .....	Free
306.31	Wool, other, finer than 44s, in the grease or washed, not sorted .....	10c/clean lb
306.33	Wool, other, finer than 44s, scoured .....	11c/clean lb
360.65	Floor coverings over 50% wool pile or tuft insert, valued not over 40c/sq.ft ..	5%
360.70	Floor coverings over 50% wool pile or tuft insert, valued over 40c/sq.ft ...	7%

3. Duty suspension on wool. Subject to the requirements of United States law, the United States will seek to maintain the existing temporary duty suspension on wool provided for in TSUS Items 306.00 through 306.24.

### *C. Implementation of Tariff Concessions*

1. New Zealand agrees to implement in full the concessions listed in section A of this annex, with effect from 1 January 1980.

2. The United States agrees to implement the concessions listed in section B of this annex as follows:

- (a) For wool items listed in section B.1. (TSUS 306.10; 306.11; 306.12; 306.13; 306.21; 306.22; 306.23; 306.30; 306.32), the tariff duties will be reduced to the concession rate shown in three equal annual stages beginning on 1 January 1980.
- (b) For certain items listed in section B.1., namely TSUS 106.30; 115.20; 116.00; 116.10; 116.20; 117.15; 308.06; ex 493.16; and 660.75, the concession rate shown will be implemented in full on 1 January 1980.
- (c) For other items listed in section B.1., and items listed in section B.2., the United States undertakes to implement the tariff concessions as rapidly as possible in accordance with the Trade Act of 1974.
- (d) For woollen yarn (TSUS 307.64), the United States undertakes to hold bilateral discussions on questions relating to the classification of imports of carpet yarn, with a view to implementing the concession offered as soon as possible.

## ANNEX 2

## NEW ZEALAND IMPORT LICENSING OFFER MADE IN RESPONSE TO SPECIFIC UNITED STATES REQUESTS

## A. New Zealand agrees to exempt the following items from import licensing:

<i>Item</i>	<i>Description</i>
16.02.011	Prepared or preserved turkey
41.02.009	Dressed leather, equine
84.11.001	Vacuum pumps for milking machines
ex 84.34.009	Machinery, for type setting
ex 84.35.000	Printing machinery
ex 84.47.001	Other wood-working machinery
ex 84.48	Parts of machinery in 84.47
ex 85.07	Shavers and hair clippers
ex 88.02.000	Civil aircraft
ex 88.03.000	Parts of aircraft
ex 92.12.011	Blank recording tapes

B. New Zealand agrees to provide additional licensing allocation for items falling within the basic and C categories, as follows:

1. In the case of certain foodstuffs in retail packs, new, basic licences would be issued to the extent of 10 percent of bulk imports in 1977/78:

- ex 08.05.000 Almonds, in retail packs
- ex 10.06.000 Rice, in retail packs

2. For certain items, additional licensing provision would be made by

- (a) In the case of basic items, by increasing the allocation above that provided for in the Import Licensing Schedule and/or providing for some new entrants, or
- (b) In the case of "C" items, by
  - (i) Increasing the initial allocation provided for in the Import Licensing Schedule, or
  - (ii) Creating an initial basic allocation.

<i>Item</i>	<i>Description</i>
03.01.029	Fish fillets
03.03.011	Crustaceans and molluscs, raw, in retail packs
03.03.021	Crustaceans and molluscs, raw, other packs
ex 11.01.001	Specialty flours
ex 12.02.001	Soya bean meal and flour
16.02.021	Canned meat, preparations
16.02.031	Canned meat, other
16.02.039	Preserved meat, other than canned
20.06.041	Nuts, roasted
41.02.002	Crust or rough-tanned bovine leather
83.02.009	Base metal fittings and mountings
ex 84.47.001	Other wood-working machinery
ex 84.49.009	Pneumatic or non-electric hand-tools
85.12.001	} Electrical heating apparatus
85.12.009	
97.04	Coin-operated amusement machines

3. For certain items, a new separate basic licence would be created, with further provisions being made to meet reasonable demand:

- ex 21.07.009 Textured vegetable protein
- ex 71.16.001 } Imitation jewellery
- ex 71.16.009 }

4. For certain items, the existing "C" allocations would be replaced with a substantial basic provision subject to automatic licensing issue:
- ex 84.17.001 Water heaters, non-electric, domestic
  - 84.17.005 Pasteurisers
  - 84.18.031 } Filtering and purifying machinery
  - 84.18.039 }
  - 84.18.011 Hydro-extractors
  - ex 84.21 Spraying and dusting machinery
  - 84.22.005 Lifts, for buildings
5. For certain items, where a duty concession in the New Zealand customs tariff is applied, a system of replacement licensing would be introduced with the effect that licence issue would be automatic to offset licence usage or sales performance and to ensure reasonable stocks:
- 84.61.021 } Taps, cocks, valves, etc.
  - 84.61.029 }
  - 85.15.021 Chassis and radio frequency units for radio and TV.

C. 1. New Zealand agrees to implement the offers listed in A and B above with effect from 1 January 1980.

2. New Zealand undertakes that licensing allocations for the items concerned would not be diminished in subsequent years, nor would exempted items be subject to reconcontrol, unless emergency action is required to safeguard industry or if, as a result of further deterioration in New Zealand's balance of payments situation, such action was considered necessary by the New Zealand Government. In such an event, the United States would be informed and invited to consult on the situation, with a view to achieving a mutually satisfactory solution.

### ANNEX 3

#### OFFER BY THE UNITED STATES ON IMPORTS OF MEAT

1. The United States agrees to incorporate in schedule XX a minimum global access commitment for imports of fresh, chilled or frozen beef, veal, mutton (excluding lamb meat) and goat meat (TSUS 106.10 and 106.20) at 1.2 billion pounds annually.

2. When the base quota calculated in accordance with the U.S. Meat Import Law (PL 88-482) is at or above this level and voluntary restraint agreements are in effect, a minimum global access level of 1.3 billion pounds would be provided.

3. If, in any year, the United States maintains limitations on imports, the United States agrees that country allocations within any minimum global access commitment or level shall be allocated among supplying countries on the basis of shares of the meat articles described in paragraph 1, taking into account the position of traditional suppliers during a representative period. Any allocation to new entrants shall be subject to consultation.

4. When imports through the operation of the U.S. Meat Import Law (PL 88-482) or any subsequent legislation have been allocated up to the levels provided for in this agreement, any shortfalls in country allocations will be reapportioned promptly among those suppliers able to furnish additional quantities to maintain importations at the minimum levels set forth.

5. The United States notes New Zealand's deep concern at the possibility of counter-cyclical formula based legislation and the possibility that, if such legislation resulted in a level of global imports below 1.3 billion pounds, this could be detrimental to New Zealand interests.



## ANNEX 4

## OFFER BY THE UNITED STATES OF IMPORTS OF DAIRY PRODUCTS

1. The United States will provide, annually, a nominal quota quantity of chocolate crumb imports from New Zealand, thereby permitting New Zealand to participate in prospective shortfalls in utilisation of quotas from other countries of origin as specified in part 3 of the appendix to the Tariff Schedules of the United States under items number 950.15 and 950.16.

2. The United States will provide and bind in schedule XX a minimum annual quota quantity of 17,422 metric tons of cheese imported from New Zealand to be allocated among the following articles:

<i>TSUS Appendix item number</i>	<i>Articles</i>	<i>Quota quantity Jan 1-Dec 31 Metric tons</i>
950.08A	Cheddar cheese and cheese and substitutes for cheese containing or processed from cheddar .....	3,100
950.08B	American-type cheese, including Colby, washed curd, and granular cheese (but not including cheddar) and cheese and substitutes for cheese containing, or processed from, such American-type cheese .....	2,000
950.10D	Cheese and substitutes for cheese provided for in items 117.75 and 117.85, part 4C, schedule 1 (except cheese not containing cow's milk; cheese, except cottage cheese, containing 0.5 percent or less by weight of butterfat, and articles within the scope of other import quotas provided for in this part) .....	11,322
950.10E	Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of sub-part C, part 4, schedule 1 (except articles within the scope of other import quotas provided for in this part) .....	1,000

3. The United States will implement the quotas, in full, beginning January 1, 1980.

## RELATED LETTER

February 4, 1980

Dear Mr. Ambassador:

I refer to the results of bilateral negotiations between the Delegations of New Zealand and the United States to the Multilateral Trade Negotiations, signed May 21, 1979.

The United States intends to treat this document, the tariff provisions of which have been superseded by schedules XIII (New Zealand) and XX (United States) to the Geneva (1979) Protocol,<sup>1</sup> as an agreement between our two Governments as contracting parties to GATT, effective January 1, 1980, when both such schedules became schedules to GATT.<sup>2</sup>

Sincerely,

[Signed]

ROBERT C. CASSIDY, Jr.  
General CounselHis Excellency Merwyn Norrish  
Ambassador E. & P.  
Washington, D.C.

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<sup>1</sup> United Nations, *Treaty Series*, vols. 1187 to 1193, No. A-814XC.

<sup>2</sup> *Ibid.*, vol. 55, p. 187.