

No. 20807

**UNITED STATES OF AMERICA
and
AUSTRIA**

Arrangement concerning agricultural products, reached on the Tokyo Round of the Multilateral Trade Negotiations (with annexes and related letters dated 30 January and 14 April 1980). Initialed and signed at Vienna on 12 April and 17 October 1979

Authentic text: English.

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

**ÉTATS-UNIS D'AMÉRIQUE
et
AUTRICHE**

Arrangement concernant des produits agricoles, convenu lors des négociations commerciales multilatérales dites de Tokyo (avec annexes et lettres connexes en date des 30 janvier et 14 avril 1980). Paraphé et signé à Vienne les 12 avril et 17 octobre 1979

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 1^{er} mars 1982.

ARRANGEMENT¹ BETWEEN THE UNITED STATES AND AUSTRIA CONCERNING AGRICULTURAL PRODUCTS

I. CHEESES

1. The United States agrees to bind in Schedule XX of the General Agreement on Tariffs and Trade² the quota levels by type of cheese listed in Annex II. These quotas will be established under the authority of Section 22 of the Agricultural Adjustment Act of 1933 in compliance with the GATT Waiver of 1955.

2. The United States agrees that its import system will be adjusted so that:

- The cheeses which are listed in Annex I will not be subject to quotas; and
- The other cheeses will be freely imported within the limits of fixed quotas.

3. The global volume of the quotas granted to Austria for cheeses subject to the quota system will amount to a minimum of 7,850 metric tons. The distribution of the quotas between the different varieties is that listed in Annex II of the present arrangement. The U.S. agrees to take all necessary measures to permit the maximum utilization of the quotas. It is, however, understood that in the event Austria is unable to supply a given annual quota, the U.S. will authorize a temporary country of origin adjustment for the remainder of the quota year so that U.S. importers and licensees may be able to use their import licenses elsewhere.

4. Austria agrees not to grant restitutions or other government payments in a manner so as to result in price of cheese of Austrian origin below the prices of like U.S. domestic cheese at the wholesale level. Any government payments applied in a manner inconsistent with this commitment would be subject to counteraction by the U.S.

II. AUSTRIA TARIFF AND NON-TARIFF CONCESSIONS TO THE UNITED STATES

1. In securing the access to the US market for Austrian cheeses, Austria agrees to grant in return

a) The concessions listed in Annex III

b) A quota for fresh or chilled high quality beef in cuts for use in hotels and restaurants (ex sub-heading No. 02.01 B1 of the Austrian Customs Tariff) according to the definition of Annex IV.

This quota amounts to 300 metric tons during the first year and shall increase to 600 metric tons within eight years.

These concessions will be part of Austria's GATT obligations. They will be marked with "C" and will be conditional upon the maintenance and/or improvement of the access granted by the United States to its market for Austrian cheeses. In the event of any modification of this import regime to the disadvantage of Austria these

¹ Came into force on 14 April 1980, with retroactive effect from 1 January 1980, the date on which schedules XX (United States)* and XXXII (Austria)** to the Geneva (1979) Protocol*** became schedules to the General Agreement on Tariffs and Trade,† in accordance with the provisions of the related letters.

* United Nations, *Treaty Series*, vol. 1189, p. 2.

** *Ibid.*, vol. 1190, p. 253.

*** *Ibid.*, vol. 1187, p. 2.

† See note 2 below.

² United Nations, *Treaty Series*, vol. 55, p. 187.

concessions may be modified or withdrawn without having recourse to the procedures of Article XXVIII.

2. This quota may be granted in parts according to seasonal demand.

The following cuts, which shall be in accordance with the definition of Annex IV, are admitted:

- Portioned steaks;
- Tenderloins (in separate packings weighing each 1,50 kg or more, without fat and sidemuscles).

3. Each consignment shall be accompanied by a certificate of origin. Such certificates issued by the U.S. Department of Agriculture shall be presented to the Austrian Customs Authority upon clearance for home consumption. This certificate shall contain furthermore the following statement:

“The product as regards origin and quality meets the requirements of the definition of high quality beef as contained in the quota arrangement between Austria and the U.S. from 12 April 1979”.

Each shipment shall be directly consigned from the USA to Austria.

4. Both parties agree that Austria's ability to import beef meat is dependent on its exports of beef and live bovine animals. Austria may therefore in critical circumstances, when its own exports of beef or live animals are substantially reduced or made impossible by measures of other countries, defer the annual opening of the high quality beef quota or parts of it or to suspend it totally.

In such circumstances Austria shall notify the USA accordingly and shall engage in bilateral consultations prior and with respect to the proposed actions. Both parties shall endeavour to reach an agreement within 30 days from the date the request for consultations has been received.

In critical circumstances where such a delay would cause irreversible damages Austria may provisionally apply the above mentioned actions even prior to consultations.

III. The annexes hereto constitute an integral part of this Arrangement.

For the delegation of Austria:
Subject to ratification

[Signed]

Dr. RUDOLF WILLENPART
Director
Vienna, 17 October 1979

I certify that this document contains the text I initialed on April 12, 1979 for the Delegation of the United States, with only minor technical changes which do not affect its substance or meaning.

[Signed — Signé]¹

December 28, 1979

¹ Signed by Alonzo L. McDonald — Signé par Alonzo L. McDonald.

ANNEX I

In accordance with Arrangement, the cheeses covered by the following tariff categories of the tariff schedules of the United States shall not be subject to quota:

<i>TSUS No.</i>	<i>Description</i>
117.0020	Stilton cheese, in original loaves, product of England
117.0520	Stilton cheese, other, product of England
117.1000	Bryndza cheese
117.3000	Gjetost cheese, made from goat's milk whey or from whey obtained from a mixture of goat's milk and not more than 20 percent of cow's milk
117.3500	Gjetost cheese, other
ex 117.4060	Goya cheese, in original loaves
117.4500	Roquefort cheese, in original loaves, product of France
117.5000	Roquefort cheese, other, product of France
117.6060	Gammelost and Nokkelost cheeses
117.6500	Cheeses made from sheep's milk, in original loaves and suitable for grating
117.6700	Pecorino cheese, made from sheep's milk, in original loaves, not suitable for grating
117.7000	Other sheep's milk cheese
117.7575	Other goat's milk cheese valued not over 25 cents per pound
117.8575	Other goat's milk cheese valued over 25 cents per pound
(to be established)	Soft ripened cow's milk cheeses meeting the following definition: "Soft ripened cheese is cured or ripened by biological curing agents such as molds, yeasts, and other organisms which have formed a prominent crust on the surface of the cheese. The curing or ripening is conducted so that the cheese visibly cures or ripens from the surface toward the center. Fat content in the dry matter is not less than fifty (50) percent. Moisture content, calculated by weight of the non-fatty matter, is not less than sixty-five (65) percent. "The term soft ripened cheese does not include cheeses with mold, blue or otherwise, distributed throughout the interior of the cheese."

The following non-comprehensive list is given for illustrative purposes only. Administrative cooperation should be established at the technical level concerning any difficulty related to the classification of these cheeses:

Bibress	Pont-l'Évêque
Brie	Reblochon
Camembert	St. Marcellin
Cambré	Taleggio
Carré de l'Est	(Examples offered for sale under commercial names)
Chaource	Boursault
Coulommiers	Caprice des Dieux
Epoisses	Ducs (Suprême des)
Limbourg	Explorateur
Livarot	
Maroilles	
Munster — from France and Germany along both sides of the Rhine	

ANNEX II

CHEESE QUOTAS — AUSTRIA

<i>TSUS Appendix item No.</i>	<i>Commodity</i>	<i>Annual import quota Jan.1-Dec.31 (MT)</i>
950.10B	Swiss or Emmenthaler cheese with eye formation	6,280
950.10C	Other than Swiss or Emmenthaler with eye formation (reported statistically as Gruyere-process)	920
950.10D	Cheeses and substitutes for cheese provided for in items 117.75 and 117.85, part 4C Schedule 1 of the Tariff Schedules of the United States (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)	650

ANNEX III

<i>Tariff item Number</i>	<i>Description of products</i>	<i>Base rate of duty</i>	<i>Concession rate of duty</i>
		<i>In % ad val. or in Schilling per 100 kg</i>	
02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen: ex C. Turkeys, frozen	—	(C) 150,—*
	* Remark: This concession applies to unsubsidized imports which respect the threshold price.		
08.05	Nuts other than those falling within heading No. 08.01, fresh or dried, shelled or not: A. Almonds: 1. Unshelled	56,—	(C) 25,—
	2. Shelled: a. Bitter almonds	Free	Free
	b. Other	105,—	(C) 50,—
08.12	Fruit, dried, other than that falling within heading No. 08.01, 08.02, 08.03, 08.04 or 08.05: A. Plums: 1. Unpacked or in separate packings of 10 kg or more: a. In separate packings of 80 kg or more	56,—	(C) 40,—
	b. In separate packings of less than 80 kg and down to 10 kg	84,—	(C) 40,—
	c. Unpacked	unbound	(C) 40,—
	2. In other packings	84,—	(C) 40,—
16.02	Other prepared or preserved meat or meat offal: B. Of poultry: ex 2. Of turkeys, in airtight containers of sheet or plate iron or steel, containing each 5 kg or less	30% but not less than S 400,— per 100 kg	(C) 20% but not less than S 250,— per 100 kg

Tariff item Number	Description of products	Base rate of duty	Concession rate of duty
		In % ad val. or in Schilling per 100 kg	
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: B. Other: ex 3. Peaches, preserved in airtight containers of sheet or plate iron or steel, with a total content of sugar of 25% or less by weight expressed as invert sugar	32%	(C) 19%
	4. Mixtures of fruit, preserved in airtight containers, containing not less than four separate descriptions of fruit, except apples, in which the percentage of pears does not exceed 35% by weight	12% and S 300,- per 100 kg	(C) 7% and S 175,- per 100 kg
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit: A. Concentrated juices: 3. From fruits of heading No. 08.01 and subheading Nos. 08.02 D and E: ex b. Grapefruit juice, frozen	270,-	(C) 170,-

ANNEX IV

DEFINITION OF HIGH QUALITY BEEF

1. Tenderloins (in separate packings weighing each 1,50 kg or more, without fat and sidemuscles) or portioned steaks from carcasses possessing the following characteristics:

- A) Minimum external white fat covering over the ribeye muscle at the 12th rib of .4 inch to .9 inch.
- B) Carcass weight of 600 to 850 pounds.
- C) Minimum ribeye area at 12th rib: 9 square inches.
- D) Maximum age: 30 months. Carcass must have no visible ossification of cartilage buttons over tips of spinous processes associated with the 1st through 11th thoracic vertebrae.
- E) Minimum intermuscular fat intermingled in lean in longissimus (ribeye) muscle at the 12th rib (equivalent to modest or fat content of lean of 6.0 minimum, wet tissue basis, for longissimus).

NOTE: This will not apply to other muscles of carcass.

- F) Color: Lean must be a bright, cherry red color at time of cutting of carcass.
- G) Fresh chilled carcasses or cuts must be at a temperature (internal of ribeye muscle) of less than 4 degrees C when packed for shipment.

OR

2. Carcasses or any cuts from cattle not over 30 months of age which have been fed for 100 days or more on a nutritionally balanced, high energy feed concentrate ration containing no less than 70% grain, and at an average feeding rate of at least 20 pounds total feed per day.

EXPLANATORY NOTE

A) Carcasses or cuts of beef graded or certified as "Prime" or "Choice" by U.S. standards, shall be regarded as meeting the requirements of definition 1 or 2 without further certification. Bilateral consultations between competent authorities of respective governments shall be held in the event the U.S. standards change.

B) In the case of definition 2, the governments of exporting countries will certify to the governments of importing countries the fact that cattle are not over 30 months of age, have been fed for 100 days or more with a nutritionally balanced, high energy feed concentrate ration containing no less than 70% grain, and at an average feeding rate of at least 20 pounds total feed per day.

RELATED LETTERS DATED 30 JANUARY 1980 AND 14 APRIL 1980

[For the texts of the related letters, see p. 227 of this volume.]
