

No. 20806

**UNITED STATES OF AMERICA
and
AUSTRIA**

Agreed record of discussions constituting an agreement concerning motor vehicle tax, reached on the Tokyo Round of the Multilateral Trade Negotiations (with memorandum of understanding and related letters dated 30 January and 14 April 1980). Done at Geneva on 11 April 1979

Authentic text: English.

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

**ÉTATS-UNIS D'AMÉRIQUE
et
AUTRICHE**

Procès-verbal approuvé constituant un accord concernant les taxes des véhicules à moteur, convenu lors des négociations commerciales multilatérales dites de Tokyo (avec mémorandum d'accord et lettres connexes en date des 30 janvier et 14 avril 1980). Fait à Genève le 11 avril 1979

Texte authentique : anglais.

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

AGREED RECORD OF DISCUSSIONS¹

11 April 1979
11.30 h

Today, in a bilateral meeting between the US-MTN-Delegation and the Delegation of Austria, Mr. Willenpart confirmed that the following concessions will be included in the final Tariff Offer of Austria as soon as the Memorandum of Understanding on the Austrian Motor Vehicle Tax is accepted by the United States:

<i>TNr.</i>	<i>Description</i>	<i>Base rate of duty</i>	<i>Offer</i>
29.03 A	Ortho-toluene sulphochloride	8%	
		+ S 7.800,-	6%
29.25 D	Para-ethoxyphenylurea (for example, dulcin)	10%	
		+ S 7.800,-	6%
29.26 A	Ortho-benzoic sulphamide, its salts and derivatives (for example, saccharin)	10%	
		+ S 7.800,-	6%
29.36 B	Orthotoluenesulphonamide, orthosulphonamidobenzoic acid and their substitution products	10%	
		+ S 7.800,-	6%
84.61	Taps, cooks, valves and similar appliances:		
C	Steel plates valves	11%	9%
D	Other	15%	11%

He furthermore pointed out that no adjustment of the Austrian Tariff Offer is made consequently to the adjustments made so far by the United States to their Tariff Offer as a result of negotiations carried out with other participants in the Multilateral Trade Negotiations. Austria reserves its right to proceed to such adjustments should the United States not accept the Memorandum mentioned above.

These additional concessions are proposed in order to compensate the United States for having renounced to their right to modify or withdraw concessions of benefit to Austria as specified in the exchange of letters dated 16 June 1967 and 4 July 1967, respectively.

MEMORANDUM OF UNDERSTANDING

Consequently to the decision by the Austrian Government that it can no longer maintain the declaration on the relationship among tax rates contained in the letters exchanged between the United States and Austria on 16 June 1967 and 4 July 1967, respectively, negotiations have been carried out within the framework of the Tokyo Round of Multilateral Trade Negotiations.

¹ Came into force on 14 April 1980, with retroactive effect as of 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.

In these negotiations which were carried out in accordance with the principles of GATT¹ Article XXVIII the Government of Austria has offered to the United States Government compensatory tariff concessions which were included in the final Tariff Offer List of Austria and accepted by the Government of the United States as satisfactory compensations.

Upon entry into force of the proposed tariff reductions the United States will renounce to the right to modify or withdraw concessions of benefit to Austria specified in the exchange of letters mentioned above.

It was, therefore, agreed by the US-Delegation to the Multilateral Trade Negotiations and the Austrian Delegation that the exchange of letters dated 16 June/4 July 1967 shall be considered as being null and void.

RELATED LETTERS

I

OFFICE OF THE SPECIAL REPRESENTATIVE
FOR TRADE NEGOTIATIONS
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON

January 30, 1980

Dear Mr. Ambassador:

In October 1979 your Government gave us a copy of the Arrangement,^{*2} negotiated by our Governments during the Multilateral Trade Negotiations, concerning agricultural products which had been initialed on April 12, 1979 (but not then dated). This later copy was signed by Mr. Willenpart, and contained a few rectifications of the earlier copy. We appreciate your sending us this signed and rectified copy. Since Mr. McDonald, who initialed the earlier copy in April, is no longer with the Trade Representative's Office, he has signed the later copy to certify that it is a rectified copy of what he initialed on April 12. Enclosed is a copy containing this certification.

I also refer to the Agreed Record of Understanding of April 11, 1979, and the Memorandum referred to therein, regarding the Austrian motor vehicle tax, negotiated during the Multilateral Trade Negotiations. In order to comply with certain technical domestic legal requirements, the United States intends to treat these documents relating to agricultural products and motor vehicles as agreements between our two Governments as contracting parties to GATT, effective January 1, 1980 when Schedules XX (United States)³ and XXXII (Austria)⁴ to the Geneva (1979) Protocol⁵

* Dated Apr. 12 and Oct. 17, 1979.

¹ United Nations, *Treaty Series*, vol. 55, p. 187.

² See p. 235 of this volume.

³ United Nations, *Treaty Series*, vol. 1189, p. 2.

⁴ *Ibid.*, vol. 1190, p. 253.

⁵ *Ibid.*, vol. 1187, p. 2.

both became schedules to GATT. It is recognized that the tariff provisions of these agreements have been superseded by such Schedules.

Sincerely,

[Signed]

ROBERT C. CASSIDY, Jr.
General Counsel

Enclosure: Arrangement

His Excellency Karl Herbert Schober
Ambassador of the Embassy of Austria
Washington, D.C.

II

AUSTRIAN EMBASSY

Washington, April 14, 1980

Ref. No. 2664A/80

Dear Mr. Cassidy,

I have the honor to inform you, with reference to your letter of January 30, 1980, that the competent Austrian authorities have taken notice of its contents.

The "Arrangement between the United States and Austria concerning agricultural products" was published in the Austrian Federal Gazette (*Bundesgesetzblatt*) Nr. 17/1980, a copy of which is enclosed for your records.

Sincerely yours,

[Signed]

NIKOLAUS SCHERK
Counselor

Encl.

Mr. Robert C. Cassidy, Jr.
General Counsel
Office of the Special Representative for Trade Negotiations
Executive Office of the President
Washington, D.C.
