

No. 24043

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**AUSTRALIA  
and  
UNITED STATES OF AMERICA**

**Exchange of notes constituting an agreement regarding  
the importation of meat into the United States (with  
exchange of letters of 19 September 1983). Washington,  
8 and 19 September 1983**

*Authentic text: English.*

*Registered by Australia on 24 April 1986.*

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

**Échange de notes constituant un accord relatif à l'importa-  
tion de viande aux États-Unis (avec échange de lettres du  
19 septembre 1983). Washington, 8 et 19 septembre 1983**

*Texte authentique : anglais.*

*Enregistré par l'Australie le 24 avril 1986.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING THE IMPORTATION OF MEAT INTO THE UNITED STATES

I

DEPUTY UNITED STATES TRADE REPRESENTATIVE  
EXECUTIVE OFFICE OF THE PRESIDENT  
WASHINGTON, D.C.

September 8, 1983

Excellency:

I have the honor to refer to discussions among representatives of our two governments relating to the importation into the United States for consumption of meats described below in paragraph 1 during calendar year 1983. In the context of those discussions, 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: (a) fresh, chilled, or frozen cattle meat (Item 106.10 of the Tariff Schedules of the United States); (b) fresh, chilled, or frozen meats of goats and sheep, except lambs (Items 106.22 and 106.25 of the Tariff Schedules of the United States); (c) prepared beef and veal items (except sausage), whether fresh, chilled, or frozen, but not otherwise preserved (Items 107.55 and 107.62 of the Tariff Schedules of the United States); and (d) 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. The Government of Australia shall limit the quantity of such meats exported from Australia to the United States of America as direct shipments or shipments on a through bill of lading in such a manner that the quantity of such meats entered, or withdrawn from warehouse for consumption, into the United States Customs Territory during the calendar year 1983 does not exceed 600 million pounds, or such greater quantity as may result from adjustments pursuant to paragraph 4.

3. The Government of the United States of America may issue regulations limiting to 600 million pounds, or such greater quantity as may result from adjustments pursuant to paragraph 4, the quantity of such meats from Australia which, during calendar year 1983, may be entered, or withdrawn from warehouse,

<sup>1</sup> Came into force on 19 September 1983, the date of the note in reply, in accordance with the provisions of the said notes.

for consumption, whether such meats were shipped directly or indirectly. 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 those meats shall not be regarded as part of the quantity described in paragraph 2, as it may be increased pursuant to paragraph 4. It is also understood that the Government of the United States of America will consult with the Government of Australia should regulations other than those directing the United States Customs Service to alter its entry procedures and to prohibit entry to transhipped meat be required.

4. 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 1983 from Australia or may reallocate any shortfalls in imports from other supplying countries. Imports of such meats during the calendar year 1983 from countries which have not entered into, and are not expected to enter into, agreements with the Government of the United States of America are projected to total 135.5 million pounds. If it is subsequently estimated by the Government of the United States of America that there will be a shortfall in collective imports from these supplying countries, the Government of the United States of America shall promptly reallocate such shortfall to countries which have entered into agreements with the Government of the United States of America. After consultations with the government of the country involved, the Government of the United States of America may declare a shortfall for any of the countries which have entered into agreements. In the event a shortfall is declared, the Government of the United States of America shall promptly consult with the governments of countries party to an agreement to determine an appropriate reallocation among those countries party to an agreement but not expected to have a shortfall. Any available shortfall shall be promptly reallocated.

5. 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 this Agreement, including reallocation of any shortfall.

6. (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, 1983, 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 assurance of my highest consideration.

[Signed]

ROBERT E. LIGHTHIZER  
Deputy United States Trade Representative

His Excellency Sir Robert Cotton  
Ambassador of Australia  
Washington, D.C.

## II

EMBASSY OF AUSTRALIA  
WASHINGTON, D.C.  
AMBASSADOR SIR ROBERT COTTON, KCMG

Dear Mr. Ambassador,

I have the honour to refer to your note of 8 September 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, Mr. Ambassador, the renewed assurances of my highest consideration.

[Signed — Signé]<sup>1</sup>  
Embassy of Australia  
Washington, D.C.  
19 September 1983

The Hon. Robert E. Lighthizer  
Deputy United States Trade Representative  
Executive Office of the President  
Washington, D.C.

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<sup>1</sup> Signed by Robert Cotton — Signé par Robert Cotton.

## EXCHANGE OF LETTERS

## I

EMBASSY OF AUSTRALIA  
WASHINGTON, D.C.  
AMBASSADOR SIR ROBERT COTTON, KCMG

19 September 1983

Dear Mr. Ambassador,

I refer to the exchange of notes between us of today's date constituting agreement between our two Governments concerning the importation of Australian meat into the United States of America for the calendar year 1983.

Pursuant to the assurances given by the United States side when the above agreement was reached, it is the understanding of my Government that the voluntary restraint level of 600 million pounds established for calendar year 1983 in no way prejudices the minimum access undertaking that the Government of the United States has given the Government of Australia in the bilateral understanding on meat negotiated between our two countries in the Multilateral Trade Negotiations.

Furthermore, it is the understanding of my Government that:

- (a) The United States authorities would seek to give the earliest possible indication of any shortfall by suppliers other than Australia and that, as provided for in paragraph 4 of the exchange of notes between us, Australia would benefit from reallocation of any such shortfall quantity;
- (b) With regard to any future arrangements to limit the total quantity of meat articles specified in paragraph 1 of the exchange of notes which may be permitted entry into the United States, export performance during calendar year 1983 would be excluded from determining the quantities of such meat articles which have been supplied by Australia and other countries during a representative period.

I would appreciate your confirmation of the understandings in this letter.

Yours sincerely,

[Signed — Signé]<sup>1</sup>

The Hon. Robert E. Lighthizer  
Deputy United States Trade Representative  
Executive Office of the President  
Washington, D.C.

<sup>1</sup> Signed by Robert Cotton — Signé par Robert Cotton.

## II

DEPUTY UNITED STATES TRADE REPRESENTATIVE  
EXECUTIVE OFFICE OF THE PRESIDENT  
WASHINGTON, D.C.

September 19, 1983

Excellency:

I refer to your letter of today's date setting out the understanding of the Government of Australia concerning the exchange of notes between us constituting an agreement between our two Governments concerning the importation of Australian meat into the United States of America. I am pleased to confirm that my Government also shares that understanding.

Sincerely yours,

[Signed]

ROBERT E. LIGHTIZER

His Excellency Sir Robert Cotton  
Ambassador of Australia  
Washington, D.C.