

No. 26662

**AUSTRALIA
and
UNITED STATES OF AMERICA**

**Exchange of notes constituting an agreement relating to the
limitation of Australian exports of meat to the United
States. Washington, 27 September 1988**

Authentic text: English.

Registered by Australia on 8 June 1989.

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

**Échange de notes constituant un accord relatif au contingen-
tement des exportations de viande de l'Australie vers
les États-Unis. Washington, 27 septembre 1988**

Texte authentique : anglais.

Enregistré par l'Australie le 8 juin 1989.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA RELATING TO THE LIMITATION OF AUSTRALIAN EXPORTS OF MEAT TO THE UNITED STATES

I

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

September 27, 1988

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 1988. In the context of those discussions, I have the honor to propose the following Agreement between our two Governments which has the purpose of avoiding the imposition of quotas in 1988 under the Meat Import Act of 1979:

1. For purposes of the 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 meat 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 the 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, in response to the request of the Government of the United States of America and without prejudice to its GATT rights, agrees to take such action as may be necessary to 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 1988 shall not exceed 800 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 800 million pounds, or such greater quantity as may result from

¹ Came into force on 27 September 1988, the date of the note in reply, in accordance with the provisions of the said notes.

adjustments pursuant to paragraph 4, the quantity of such meats from Australia which, during calendar year 1988, may be entered, or withdrawn from warehouse for consumption, whether such meats were shipped directly or indirectly. It is understood that United States Customs Service 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 which, as a consequence of such failure, have been reexported or destroyed. 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 any such regulations (other than those directing the United States Customs Service to alter its entry procedures and to prohibit entry to transshipped meat) be required.

4. The Government of the United States of America shall increase the permissible total quantity of imports of such meats into the United States during the calendar year 1988 from Australia in the event of any shortfalls in imports from other supplying countries. Imports of such meats during the calendar year 1988 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 280.4 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 Service 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, 1988, 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]

CLAYTON YEUTTER
United States Trade Representative

His Excellency F. Rawdon Dalrymple, A.O.
Ambassador of Australia
Washington, D.C.

II

EMBASSY OF AUSTRALIA
WASHINGTON, D.C.

27 September 1988

Excellency:

I have the honor to refer to your note dated 27 September 1988, relating to the limitation of Australian exports of meat to the United States of America, which reads as follows:

[See note I]

I have the honor to confirm that the foregoing is acceptable to the Government of Australia and that your note and this reply shall constitute an Agreement on the matter between our two Governments which shall enter into force on the date of this reply.

Accept, Excellency, the renewed assurance of my highest consideration.

[Signed]

F. RAWDON DALRYMPLE
Ambassador

The Honorable Clayton Yeutter
United States Trade Representative
Washington, D.C.