

No. 30318

**AUSTRALIA
and
UNITED STATES OF AMERICA**

**Exchange of notes constituting an agreement concerning
meat exports by Australia to the United States of America
in 1993. Washington, 19 January and 23 February
1993**

Authentic text: English.

Registered by Australia on 28 September 1993.

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

**Échange de notes constituant un accord relatif aux exporta-
tions de viande par l'Australie aux États-Unis d'Amé-
rique durant l'année 1993. Washington, 19 janvier et
23 février 1993**

Texte authentique : anglais.

Enregistré par l'Australie le 28 septembre 1993.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING MEAT EXPORTS BY AUSTRALIA TO THE UNITED STATES OF AMERICA IN 1993

I

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

January 19, 1993

Dear Ambassador Cook,

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 1993. 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 1993 under the Meat Import Act of 1979:

1. For purposes of the Agreement, the term "such meats" shall mean: (A) fresh, chilled, or frozen bovine meat (items 0201.10.00, 0201.20.60, 0201.30.60, 0202.10.00, 0202.20.60, and 0202.30.60 of the Harmonized Tariff Schedule of the United States (HTS)); (B) fresh, chilled, or frozen meat of goats and sheep, except lambs (items 0204.21.00, 0204.22.40, 0204.23.40, 0204.41.00, 0204.42.40, 0204.43.40, and 0204.50.00 of the HTS); (C) processed meat of beef or veal other than high quality beef cuts (items 0201.20.40, 0201.30.40, 0202.20.40, and 0202.30.40 of the HTS); 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 HTS) 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 rights under the General Agreement on Tariffs and Trade, 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

¹ Came into force on 23 February 1993, the date of the note in reply, in accordance with the provisions of the said notes.

manner that the quantity of such meats entered, or withdrawn from warehouse, for consumption in the United States customs territory during calendar year 1993 shall not exceed 694.9 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 694.9 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 1993, 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 that have been refused entry because of failure to meet appropriate standards prescribed pursuant to the Federal Meat Inspection Act, 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 any such regulations (other than those directing the United States Customs Service to alter its entry procedures and to prohibit entry of 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 calendar year 1993 from Australia in the event of any shortfalls in imports from other supplying countries. Imports of such meats during calendar year 1993 from countries that have not entered into, and are not expected to enter into, agreements with the Government of the United States of America limiting imports of such meats into the United States of America during calendar year 1993, are projected to total 139.2 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, no later than November 15, 1993, reallocate such a shortfall to countries that have entered into agreements with the Government of the United States of America. After consultations with the government of the country or countries involved, the Government of the United States of America may declare a shortfall for any of the countries that have entered into agreements. In the event a shortfall is declared, the Government of the United States of America shall reallocate such shortfall to countries that have entered into agreements on the basis of the average level of shipments of such meats attained by those countries in the most recent five years during which such shipments were unrestrained.

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, U.S. 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 through December 31, 1993, 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 that shall enter into force on the date of your reply.

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

Sincerely,

[Signed]

CARLA A. HILLS

His Excellency Michael John Cook
Ambassador of Australia
Washington, D.C.

II

EMBASSY OF AUSTRALIA
WASHINGTON, D.C.

23 February, 1993

Dear Ambassador Kantor,

I have the honour to refer to Ambassador Hill's letter dated 19 January 1993, 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 honour to confirm that the foregoing is acceptable to the Government of Australia and that Ambassador Hills's letter 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.

Yours sincerely,

[Signed]
MICHAEL J. COOK
Ambassador

The Honourable Mickey Kantor
United States Trade Representative
Washington, D.C.
