

GENERAL AGREEMENT ON

CONFIDENTIAL

TEX.SB/1619

28 September 1989

TARIFFS AND TRADE

Textile Surveillance Body

ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES

Notification under Articles 7 and 8

Amendment of the bilateral agreement between the United States and Burma

Note by the Chairman

Attached is a notification received from the United States of a modifications in its agreement with Burma resulting from the implementation of the harmonized commodity code by the United States.¹

This notification has been made in accordance with a request made by the Textiles Committee that agreements concluded with non-participants in the MFA be notified.

¹The bilateral agreement is contained in COM.TEX/SB/1353.

*English only/Anglais seulement/Inglés solamente



UNITED STATES TRADE REPRESENTATIVE

1-3 AVENUE DE LA PAIX

1202 GENEVA, SWITZERLAND

Telephone: 32 09 70

August 10, 1989

The Honorable
Ambassador Marcelo Raffaelli
Chairman, Textiles Surveillance Body
General Agreement on Tariffs & Trade
Rue de Lausanne 154
1211 Geneva

Dear Ambassador Raffaelli:

Pursuant to the provisions of Articles 7 and 8 of the Arrangement Regarding International Trade in Textiles, I am informing the Textiles Surveillance Body of the amendment of several bilateral textile agreements between the United States of America and governments not participating in the MFA. Each of these amendments involves modifications to take account of changes involving implementation by the United States of the harmonized commodity code (Harmonized System). The governments involved are: Burma, the German Democratic Republic, Haiti and Nepal. Copies of the notes giving effect to these amendments are attached.

Sincerely,

Robert E. Shepherd
Minister Counsellor

Attachment

AMENDED	DOC ISSUED	FILED
REC 15 AUG 1989		
For	Act.	Inf.
Director General:		
TEB		
OPER. DEPT. A		X
OPER. DEPT. B		



Textiles Division

Public Release

United States Department of State
Bureau of Economic and Business Affairs
Washington, D.C.

January 3, 1989

UNITED STATES AND BURMA AMEND BILATERAL TEXTILE AGREEMENT

The United States and Burma exchanged notes on November 17, 1988 and December 13, 1988 to amend their bilateral textile agreement. Text of the notes follow:

UNITED STATES NOTE

December 17, 1988

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Union of Burma and has the honor to refer to the arrangement regarding International Trade in Textiles, with annexes, done at Geneva on December 20, 1973 and extended by protocols adopted respectively on December 14, 1977, December 22, 1981 and July 31, 1986, at Geneva (hereinafter referred to as The Arrangement) and to the bilateral agreement concerning trade in cotton and man-made fiber textiles and silk blends and other vegetable fiber apparel products effected by the exchange of notes dated August 25, and September 16, 1987 (The Agreement).

The Government of the United States of America will implement the harmonized commodity code (Harmonized System) on January 1, 1989. In order to facilitate successful implementation of the Harmonized System, the Embassy would like to describe how the Harmonized System will affect the treatment of textile products exported from Burma to the United States on or after January 1, 1989.

- I. All textile shipments from Burma subject to U.S. import quotas which are exported in 1988 and which arrive in the United States on or after January 1, 1989, will be charged to the appropriate

unfilled 1988 quota limit. All quota charges for shipments exported on or after January 1, 1989 will be made according to the Harmonized System.

- II. The Agreement provides for calendar-year "Agreement years" that end on December 31. As such, all 1988 overshipments will be charged to the applicable 1989 Harmonized System category.
- III. All provisions of The Agreement regarding the Harmonized System will take effect January 1, 1989. In particular, Annex A(2) will replace Annex A(1). Please note that all measurements under the Harmonized System must be in metric units rather than imperial units.
- IV. In order to bring The Agreement into conformity with the Harmonized System the Embassy has the honor to propose that paragraph 2 of The Agreement be replaced with the following:
 - 2 A) The textiles and textile products covered by this Agreement are those summarized in Annex A(2). The system of categories and the rates of conversion into square meters equivalent (SME) listed in Annex A(2) shall apply in implementing this Agreement.
 - 2 B) Tops, yarns, piece goods, made-up articles, garments, and other textile manufactured products (being products which derive their chief characteristics from their textile components) of cotton, wool, man-made fibers, silk blends, non-cotton vegetable fibers, or blends thereof, in which any

or all of these fibers in combination represent the chief weight of the product, are subject to this Agreement. Components of an article which are not considered relevant to the classification under the general rules of interpretation or the legal notes to Section XI of the Harmonized System are likewise to be disregarded here.

2C) For the purposes of this Agreement, textile products covered by sub-paragraph B above shall be classified as:

(I) Man-made fiber textiles, if the product is in chief weight of man-made fibers, unless:

(a) The product is knitted or crocheted apparel in which wool equals or exceeds 23 percent by weight of all fibers, in which case the product will be a wool textile;

or

(b) The product is apparel, not knitted or crocheted, in which wool equals or exceeds 36 percent by weight of all fibers; in which case the product will be a wool textile;

(c) The product is a woven fabric in which wool equals or exceeds 36 percent by weight of all fibers, in which case the product will be a wool textile.

(II) Cotton textiles, if not covered by (I) and if the product is in chief weight of cotton, unless the product is a woven fabric in which wool equals or exceeds 36 percent by weight of all fibers, in which case the product will be a wool textile.

(III) Wool textiles, if neither of the foregoing applies, and the product is in chief weight of wool.

(IV) Silk blend or non-cotton vegetable fiber textiles, if none of the foregoing applies and the product is in chief weight of silk or non-cotton vegetable fiber, unless:

(a) Cotton with wool and/or man-made fibers in the aggregate equal or exceed 50 percent by weight of the component fibers thereof and the cotton component equals or exceeds the weight of each of the total wool and/or man-made fiber components, in which case the product will be a cotton textile.

(b) If not covered by (IV) (a) and wool exceeds 17 percent by weight of all component fibers, in which case the product will be considered a wool textile.

(c) If not covered by (IV) (a) or (b) and man-made fibers in combination with cotton and/or wool in the aggregate equal or exceed 50 percent by weight of the component fibers thereof and the man-made fiber component exceeds the weight of the total wool and/or total cotton component, in which case the product will be considered a man-made fiber textile.

(d) Notwithstanding the above, garments which contain 70 percent or more by weight silk (unless they also contain over 17 percent by weight wool), and products other than garments which contain 85 percent or more by weight silk, are not subject to this agreement. Silk blend and non-cotton

vegetable fiber sweaters, as determined above, shall be divided into "silk blend" sweaters and "non-cotton vegetable fiber" sweaters. For the purposes of this provision sweaters shall be classified as "silk blend" if the silk component exceeds by weight the non-cotton vegetable fiber component (if any). Sweaters not classified as "silk blend" sweaters in accordance with the foregoing shall be classified as "non-cotton vegetable fiber" sweaters. Garments containing 70 percent or more by weight silk and over 17 percent by weight wool shall be classified as wool textiles, under subparagraph C (IV) (b).

(d) Coverage under this paragraph is intended to be identical with the terms of the arrangement and in conformance with the July 31, 1986, protocol of extension. In the event of a question regarding whether a product is covered by this Agreement by virtue of being in chief weight of cotton, wool, man-made fiber, silk blend, or non-cotton vegetable fiber, the chief value of the fibers may be considered.

If the foregoing is acceptable to your government, this note and a note of confirmation on behalf of the Government of the Union of Burma shall constitute an amendment to The Agreement concerning classification language.

The Embassy of the United States of America
avails itself of this opportunity to renew to the
Ministry of Foreign Affairs of the Union of Burma
the assurances of its highest consideration.

Embassy of the United States of America,
Rangoon, November 17, 1988



BURMA NOTE

Rangoon, December 13, 1988

The Ministry of Foreign Affairs of the Government of the Union of Burma presents its compliments to the Embassy of the United States of America and has the honour to refer to the latter's Note No. 0948 of 17-11-88, regarding the bilateral agreement concerning trade in cotton and man-made fiber textiles and silk blends and other vegetable fiber apparel products effected by the exchange of notes dated August 25, and September 16, 1987 (The Agreement).

The authorities concerned in the Government of the Union of Burma have duly noted the planned implementation of the harmonized commodity code (Harmonized System) on January 1, 1989, and the detailed explanation describing how the Harmonized System will affect the treatment of textile products exported from Burma to the United States on or after January 1, 1989.

It has been noted also that the adoption of the Harmonized Commodity Code by the Government of the United States of America would require amendment to the Bilateral Textile Agreement to bring the classification language of the agreement into conformity with the Harmonized Commodity Code and that the classification language does not alter Burma's access to the United States market as all quota levels remain as negotiated in The Agreement.

The Ministry of Foreign Affairs has the honour, therefore, to inform the acceptance of the proposal contained in the Embassy's Note under reference.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its highest consideration.

The Embassy of the United
States of America,
Rangoon.

