

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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## AGRICULTURE DOCUMENTATION INVENTORY OF NON-TARIFF MEASURES

"Other" Non-Tariff Measures Notified as  
Affecting Products in CCCN Chapters 1 to 24 in:

### UNITED STATES

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This document is one in a series which updates the information originally circulated in the MTN/3E/DOC/10 and Addenda series. For non-tariff measures (NTM) other than those covered by this document please refer to document AG/DOC/1 which provides an overview of the way in which NTM information is organized within the AG/DOC/- series.

I. Introductory Note by the Secretariat

1. As regards the non-tariff measures previously notified in respect of the United States, and recorded in MTN/3E/DOC/10/Add.18 and Supplement 1 and Corrigenda 1 and 2, the United States delegation has advised the secretariat that several of the non-tariff measures in question have been abolished or have been modified substantially, requesting therefore that the notifications concerned be deleted, as appropriate, from the Inventory.

2. The products concerned (CCCN-numbers, for convenience of reference of CCCN-using countries, in parentheses), and the reason given for requesting deletion of the notification of the Inventory are as follows:

- canned clams (ex 16.05), American Selling Price Valuation was abolished;
- sugar confectionery not containing cocoa (17.04), chocolate and other food preparations containing cocoa (18.06)<sup>1/</sup> and pastry, biscuits and fine baker's wares (19.08), Final List Valuation abolished;
- spirits (whisky, gin, etc.) (22.09), "Wine Gallon Basis", Valuation System abolished.

3. The United States has also requested that the notification regarding past government procurement practices ("Buy American") for, inter alia, agricultural products be deleted in the revision of MTN/3E/DOC/10/Add.18, as the United States procurement practices are now governed by the "Agreement on Government Procurement" negotiated in the Tokyo Round.

4. As regards another notification, relating to sugar (17.01), and applied in accordance with the provisions of the United States Sugar Act, which was in force until December 1974, it will be seen from AG/DOC/2/US/1 and AG/DOC/6/US/1 (the latter a "new" notification by the United States) that the import system and the regulations of the United States for sugar have undergone substantial change. Another notification, relating to "tomato paste" (ex 20.02) has also been affected by significant changes, leading to a more favourable treatment of imports from the notifying country. These two notifications are not included in this document, pending a respecification, if appropriate or desired, by the notifying countries concerned.

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<sup>1/</sup> Partial deletion only, see page 5.

## II. "Other" Non-Tariff Measures

Product: (CCCN)	Country or group maintaining measures:	Countries indicating an interest:
Fish, fresh (live or dead), chilled or frozen (03.01)	United States	Canada

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(a) Description: Valuation for duty purposes/customs classification

"Skin-on" blocks of frozen perch (CCCN ex 03.01) are classified for duty purposes as fillets and are subject to a tariff of 1.875 cents per pound, instead of being now duty free under the "frozen blocks" designation (ex 03.01).

(b) Comments by other countries:

Canada: The requirement that fish in blocks be skinned does not appear to have any technological basis. At the time the regulation was put into effect, ocean perch were not exported in the form of blocks. Ocean perch are too small to be skinned and now (while they meet the tariff classification in all other respects) they are discriminated against compared with "other fish blocks". Since the import tariff for "blocks" is (or is going to be) "duty free" the discrimination has become more pronounced.

(c) Comments by country maintaining the measures:

United States Tariff Schedule definition of "blocks" specifies that products included in this category must be skinned. The problem is not an administrative matter on which there is flexibility to act, but a question of customs classification, and it is difficult to foresee a solution. When new products are coming out that have to be classified in the existing tariff schedules, these do raise problems. Rather than searching for an amendment of the Tariff Schedule, the importer may, in case it is needed, present a complaint concerning the customs classification of his products.

Product: (CCCN)	Country or group maintaining measures:	Countries indicating an interest:
Sausages and other prepared or preserved meat or meat offal (16.01) and (16.02)	United States	Switzerland

(a) Description: Technical and administrative procedures<sup>1</sup>:

Complicated procedures, involving considerable incidental costs for the exporter, can hinder exports to the United States of products and preserves based on meat.

(b) Comments by other countries<sup>1</sup>:

- A very detailed indication is required of the ingredients contained in preserved products, according to requirements that are stricter than for domestic production, so that there is discrimination against the imported product.
- Special labels or packaging are required, and the imprinting on the lid of tins must comply with American standards. All labels are closely examined at the border, whereas only spot checks are done on the United States produced foods.
- Monthly inspections of the manufacturing plant in the exporting country by a veterinary surgeon of the producing country and, once a year, by an official of the United States Department of Agriculture.
- With effect from the end of 1974, labels on nutrition information (based on United States standards) are also required.

(c) Comments by country maintaining the measures:

The same standards apply without discrimination to local produce and to imports. For products based on meat, the requirements are based on the Wholesome Meat Act (see COM.AG/W/4/Add.3 and 4). The inspection systems of meat and packing plants should be equal to United States standards. The annual volume of imports into the United States shows that it is possible to meet the requirements. The Fair Packing and Labelling Act, which came into force in 1967, provides additional prescriptions of the requirements concerning labelling and packing of foodstuffs.

<sup>1</sup> Also relevant for AG/DOC/4/US/1 and AG/DOC/7/US/1

Product: (CCCN)	Country or group maintaining measures:	Countries indicating an interest:
Chocolate and other food preparations containing cocoa (18.06)	United States	Switzerland

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(a) Description: Technical and administrative procedures<sup>1</sup>:

(chocolate ex 18.06)

Complicated procedures, involving considerable incidental costs for the exporter, can hinder exports to the United States of chocolate.

(b) Comments by other countries<sup>1</sup>:

- A very detailed indication is required of the ingredients contained in preserved products, according to requirements that are stricter than for domestic production, so that there is discrimination against the imported product.
- Special labels or packaging are required, and the imprinting on the lid of tins must comply with American standards. All labels are closely examined at the border, whereas only spot checks are done on the United States produced foods.
- Inspections of the manufacturing plant in the exporting country once a year, by an official of the United States Department of Agriculture.
- With effect from the end of 1974, labels on nutrition information (based on United States standards) are also required.

(c) Comments by country maintaining the measures:

The same standards apply without discrimination to local produce and to imports. The requirements are based on the Food, Drug and Cosmetic Act. The Fair Packing and Labelling Act, which came into force in 1967, provides additional prescriptions of the requirements concerning labelling and packing of foodstuffs.

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<sup>1</sup>Also relevant for AG/DOC/4/US/1 and AG/DOC/7/US/1

Miscellaneous Charges and Taxes:

Product: (CCCN)	Country or group maintaining measures:	Countries indicating an interest:
Other fermented beverages (for example, cider, perry and mead) (22.07)	United States	EEC

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(a) Description: Classification of "sparkling cider", or perry, for excise tax purposes (ex 22.07)

"Sparkling cider" or perry is treated as a sparkling wine (such as champagne), with an excise tax of \$3.40 or \$2.40 per gallon. "Still cider", classed as a still wine of comparable strength, pays an excise tax of only 17 cents a gallon.

(b) Comments by other countries:

EEC: This disparate treatment, which is completely anomalous, effectively prevents the sale of our sparkling ciders and perries in the United States. (For customs duty purposes "still" and "sparkling" ciders are treated the same.)

(c) Comments by country maintaining the measures:

This excise tax, which is of the nature of a domestic consumption tax, is applied to the domestic and imported products at the same rate and in the same way.

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