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September 23, 2009

**IMPLEMENTATION OF BEEF HORMONES  
MEMORANDUM OF UNDERSTANDING**

By: Frank J. Desiderio ([fdesiderio@gdlsk.com](mailto:fdesiderio@gdlsk.com))

In July 1999, in accordance with a World Trade Organization decision in favor of the United States in the *EC-Beef Hormones* dispute, the U.S. Trade Representative (USTR) imposed 100 percent *ad valorem* duty on a list of EC products.

On January 23, 2009, the USTR published a notice announcing its intent to modify the July 1999 list. The January action would have removed certain products contained on the July 1999 list and added others. The January 2009 notice initially specified an effective date of March 23, 2009, but the USTR subsequently, and repeatedly, delayed the effective date of the modification until September 19, 2009.

A reduced list of products subject to additional duties (at a rate of 100 percent *ad valorem*) has been in place since March 23, 2009. The March 23, 2009 list includes most products covered by the July 1999 action but some products were deleted.

Significantly, **products removed** from the July 1999 list in March of 2009 include:

Tomatoes prepared or preserved by otherwise than by vinegar or acetic acid (HTS 2002.10)

Rusks, toasted bread and similar toasted products (HTS 1905.40)

Juice of any other single fruit, not elsewhere specified or included, not fortified with vitamins or minerals...(HTS 2009.80.60)

Roasted Chicory or other coffee substitutes and extracts, essences...(HTS 2101.30)

Prepared mustard (HTS 2103.30.40)

Soups and broths and preparations therefor (HTS 2104.41)

Single Yarn (other than sewing thread...containing 85 percent or more artificial staple fibers (HTS 5510.11)

**The Trade Representative has decided to leave in place the 100 percent *ad valorem* duties on products that have been subject to such duties since March 23, 2009.** For convenience and clarity, a schedule of products covered is annexed.

This action implements U.S. obligations under the first phase of the Memorandum of Understanding (MOU), while maintaining additional duties that have applied since March 23, 2009 in order to pursue additional market access under subsequent phases of the MOU.

A possible second phase of the MOU would have the EC expand the beef TRQ to 45,000 metric tons and the United States suspend all of the additional duties imposed in connection with the WTO *EC-Beef Hormones* dispute.

If you have any questions regarding this recent notice, its application to your products or the measures necessary to ensure compliance, you may contact Mr. Desiderio directly at (212) 557-4000.

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### Annex

	Articles the product of Austria, Belgium, Denmark, Finland, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, or Sweden:	
	Meat of bovine animals, fresh or chilled (provided for in heading 0201):	
9903.02.21	Articles of subheading 0201.10.05, 0201.10.10, 0201.20.02, 0201.20.04, 0201.20.06, 0201.20.10, 0201.20.30, 0201.20.50, 0201.30.02, 0201.30.04, 0201.30.06, 0201.30.10, 0201.30.30 or 0201.30.50 .....	100%
9903.02.22	Articles of subheading 0201.10.50, 0201.20.80 or 0201.30.80 .....	100%
	Meat of bovine animals, frozen (provided for in heading 0202):	
9903.02.23	Articles of subheading 0202.10.05, 0202.10.10, 0202.20.02, 0202.20.04, 0202.20.06, 0202.20.10, 0202.20.30, 0202.20.50, 0202.30.02, 0202.30.04, 0202.30.06, 0202.30.10, 0202.30.30 or 0202.30.50 .....	100%
9903.02.24	Articles of subheading 0202.10.50, 0202.20.80 or 0202.30.80 .....	100%
9903.02.25	Meat of swine, fresh or chilled (provided for in subheading 0203.11, 0203.12 or 0203.19) .....	100%
9903.02.26	Carcasses and half-carcasses of swine, frozen (provided for in subheading 0203.21) .....	100%
9903.02.27	Hams, shoulders and cuts thereof, with bone in, of swine, frozen (provided for in subheading 0203.22) .....	100%
9903.02.28	Edible offal of bovine animals, fresh or chilled (provided for in subheading 0206.10) .....	100%
9903.02.29	Edible offal of bovine animals, frozen (provided for in subheading 0206.21, 0206.22 or 0206.29) .....	100%
9903.02.30	Roquefort cheese (provided for in subheading 0406.40.20 or 0406.40.40) ..	100%
9903.02.32	Truffles, fresh or chilled (provided for in subheading 0709.59.10) .....	100%
9903.02.34	Other prepared or preserved meat, meat offal or blood, of liver of any animal (provided for in subheading 1602.20) .....	100%

	Articles the product of France:	
9903.02.43	Hams, shoulders and cuts of meat of swine, with bone in, salted, in brine, dried or smoked (provided for in subheading 0210.11) . . . . .	100%
9903.02.44	Wool grease (other than crude wool grease) and fatty substances derived from wool grease (including lanolin) (provided for in subheading 1505.00.90) . . . . .	100%
9903.02.45	Chocolate and other food preparations containing cocoa, in blocks, slabs or bars, filled, weighing 2 kg or less each (provided for in subheading 1806.31) . . . . .	100%
9903.02.46	Lingonberry and raspberry jams (provided for in subheading 2007.99.05) . .	100%
	Articles the product of Austria or France:	
9903.02.83	Juice of any other single fruit, not elsewhere specified or included, not fortified with vitamins or minerals, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter (provided for in subheading 2009.80.60) . . . . .	100%