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Appendix B - Agriculture TRQs Between the United States and Canada

Section A: General Provisions on USMCA TRQs

1. This Appendix sets out modifications to the Harmonized Tariff Schedule of the United States (HTSUS) that reflect the tariff rate quotas (TRQs) that the United States shall apply to certain originating goods from Canada under this Agreement. In particular, originating goods of Canada included under this Appendix shall be subject to the rates of duty set out in this Appendix in lieu of the rates of duty specified in Chapters 1 through 97 of the HTSUS. Notwithstanding any other provision of the HTSUS, originating goods of Canada in the quantities described in this Appendix shall be permitted entry into the territory of the United States as provided in this Appendix. Furthermore, except as provided below, any quantity of originating goods imported from Canada under a TRQ provided for in this Appendix shall not be counted toward the in-quota quantity of any TRQ provided for such goods under the United States' WTO Tariff Schedule, the United States' WTO Schedule of Concessions, or any other trade agreement.
2. Except as provided below, the United States shall administer all TRQs provided for in this Agreement and set out in this Appendix on a first-come, first-served basis.
3. "Quota year" in this Appendix means calendar year.
4. The product or products covered by each TRQ set out below are informally described in the title to the paragraph setting out the TRQ. These titles are included solely to assist readers in understanding this Appendix and shall not alter or supersede the coverage for each TRQ established by reference to the relevant Table 1 provisions.
5. For the purposes of this Appendix, the term "metric tons" shall be abbreviated as "MT".

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Section B: United States USMCA Country-Specific TRQs

1. TRQ – US 1: Fluid Cream, Sour Cream, Ice Cream, and Milk Beverages

- (a) This paragraph sets out a tariff-rate quota for the originating goods of Canada described in subparagraph (d). The TRQ set out in this paragraph is designated in Appendix A of the Schedule of the United States to Annex 2-B (Tariff Commitments) with the designation “US 1”.
- (b) The aggregate quantity of originating goods of Canada described in subparagraph (d) that shall be permitted to enter free of duty in in each quota year under this TRQ is:

Quota Year	Aggregate Quantity (‘000 Liters)
1	1,750
2	3,500
3	5,250
4	7,000
5	8,750
6	10,500

Starting in quota year seven, the quantity shall increase at a compounded annual growth rate of one per cent for the subsequent thirteen years.

- (c) Goods entered in aggregate quantities in excess of the quantities listed in subparagraph (b) shall continue to receive MFN tariff treatment.
- (d) This paragraph applies to the following Table 1 provisions: AG04014025, AG04015025, AG04039016, AG 21050020 and AG22029928

2. TRQ – US 2: Skim Milk Powder

- (a) This paragraph sets out a tariff-rate quota for the originating goods of Canada described in subparagraph (d). The TRQ set out in this paragraph is designated in Appendix A of the Schedule of the United States to Annex 2-B (Tariff Commitments) the designation “US 2”.

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- (b) The aggregate quantity of originating goods of Canada described in subparagraph (d) that shall be permitted to enter free of duty in in each quota year under this TRQ is:

Quota Year	Aggregate Quantity (MT)
1	1,250
2	2,500
3	3,750
4	5,000
5	6,250
6	7,500

Starting in quota year seven, the quantity shall increase at a compounded annual growth rate of one per cent for the subsequent thirteen years.

- (c) Goods entered in aggregate quantities in excess of the quantities listed in subparagraph (b) shall continue to receive MFN tariff treatment.
- (d) This paragraph applies to the following Table 1 provisions: AG04021050 and AG04022125.

3. TRQ – US 3: Butter, Cream and Cream Powder

- (a) This paragraph sets out a tariff-rate quota for the originating goods of Canada described in subparagraph (d). The TRQ set out in this paragraph is designated in Appendix A of the Schedule of the United States to Annex 2-B (Tariff Commitments) with the designation “US 3”.
- (b) The aggregate quantity of originating goods of Canada described in subparagraph (d) that shall be permitted to enter free of duty in in each quota year under this TRQ is:

Quota Year	Aggregate Quantity (MT)
1	750
2	1,500
3	2,250
4	3,000
5	3,750
6	4,500

Starting in quota year seven, the quantity shall increase at a compounded annual growth rate of one per cent for the subsequent thirteen years.

- (c) Goods entered in aggregate quantities in excess of the quantities listed in subparagraph (b) shall continue to receive MFN tariff treatment.
- (d) This paragraph applies to the following Table 1 provisions: AG04015075, AG04022190, AG04039065, AG04039078, AG04051020, AG04052030, AG04052070, AG04059020,

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AG21069026

and

AG21069036

4. TRQ – US 4: Cheese

- (a) This paragraph sets out a tariff-rate quota for the originating goods of Canada described in subparagraph (d). The TRQ set out in this paragraph is designated in the Appendix A of the Schedule of the United States to Annex 2-B (Tariff Commitments) with the designation “US 4”.
- (b) the aggregate quantity of originating goods of Canada described in subparagraph (d) that shall be permitted to enter free of duty in each quota year under this TRQ is:

Quota Year	Aggregate Quantity (MT)
1	2,083
2	4,167
3	6,250
4	8,333
5	10,416
6	12,500

Starting in quota year seven, the quantity shall increase at a compounded annual growth rate of one per cent for the subsequent thirteen years.

- (c) Goods entered in aggregate quantities in excess of the quantities listed in subparagraph (b) shall continue to receive MFN tariff treatment.
- (d) This paragraph applies to the following Table 1 provisions: AG04061008, AG04061018, AG04061028, AG04061038, AG04061048, AG04061058, AG04061068, AG04061078, AG04061088, AG04062028, AG04062033, AG04062039, AG04062048, AG04062053, AG04062063, AG04062067, AG04062071, AG04062075, AG04062079, AG04062083, AG04062087, AG04062091, AG04063018, AG04063028, AG04063038, AG04063048, AG04063053, AG04063063, AG04063067, AG04063071, AG04063075, AG04063079, AG04063083, AG04063087, AG04063091, AG04064070, AG04069012, AG04069018, AG04069032, AG04069037, AG04069042, AG04069048, AG04069054, AG04069068, AG04069074, AG04069078, AG04069084, AG04069088, AG04069092, AG04069094, AG04069097 and AG19019036.

5. TRQ – US 5: Whole Milk Powder

- (a) This paragraph sets out a country-specific tariff-rate quota for the originating goods of Canada described in subparagraph (d). The TRQ set out in this paragraph is designated in Appendix A of the Schedule of the United States to Annex 2-B (Tariff Commitments) with the designation “US 5”.

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- (b) The aggregate quantity of originating goods of Canada described in subparagraph (d) that shall be permitted to enter free of duty in each quota year under this TRQ is:

Quota Year	Aggregate Quantity (MT)
1	115
2	230
3	345
4	460
5	575
6	690

Starting in quota year seven, the quantity shall increase at a compounded annual growth rate of one per cent for the subsequent thirteen years.

- (c) Goods entered in aggregate quantities in excess of the quantities listed in subparagraph (b) shall continue to receive MFN tariff treatment.
- (d) This paragraph applies to the following Table 1 provisions: AG04022150, AG04022950, AG23099028 and AG23099048.

6. TRQ – US 6: Dried Yogurt, Sour Cream, Whey, and Products of Milk Constituents

- (a) This paragraph sets out a country-specific tariff-rate quota for the originating goods of Canada described in subparagraph (e). The TRQ set out in this paragraph is designated in Appendix A of the Schedule of the United States to Annex 2-B (Tariff Commitments) with the designation “US 6”.
- (b) The aggregate quantity of originating goods of Canada described in subparagraph (e) that shall be permitted to enter free of duty in each quota year under this TRQ is:

Quota Year	Aggregate Quantity (MT)
1	1,838
2	3,677
3	5,515
4	7,353
5	9192
6	11,030

Starting in quota year seven, the quantity shall increase at a compounded annual growth rate of one per cent for the subsequent thirteen years.

- (c) With respect to goods described in subparagraph (e) entered in quantities in excess of the quantities listed in subparagraph (b):
- (i) for those goods provided for in Table 1 provisions AG04041015 and AG04041090, duties shall be removed in accordance with the provisions of staging category B10

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in the General Notes to the Schedule of the United States to Annex 2-B (Tariff Commitments); and

- (ii) goods provided for in any other Table 1 provision described in subparagraph (e) shall continue to receive MFN tariff treatment.
- (d) Starting on January 1 of quota year 10, originating goods of Canada provided for in Table 1 provisions AG04041015 and AG04041090 shall not count towards the quantities specified in subparagraph (b).
- (e) This paragraph applies to the following Table 1 provisions: AG04031050, AG04039045, AG04039055, AG04039095, AG04041015, AG04041090 and AG04049050

7. TRQ – US 7: Concentrated Milk

- (a) This paragraph sets out a country-specific tariff-rate quota for the originating goods of Canada described in subparagraph (d). The TRQ set out in this paragraph is designated in Appendix A of the Schedule of the United States to Annex 2-B (Tariff Commitments) with the designation “US 7”.
- (b) The aggregate quantity of originating goods of Canada described in subparagraph (d) that shall be permitted to enter free of duty in each quota year under this TRQ is:

Quota Year	Aggregate Quantity (MT)
1	230
2	460
3	690
4	920
5	1,150
6	1,380

Starting in quota year seven, the quantity shall increase at a compounded annual growth rate of one per cent for the subsequent thirteen years.

- (c) Goods entered in aggregate quantities in excess of the quantities listed in subparagraph (b) shall continue to receive MFN tariff treatment.
- (d) This paragraph applies to the following Table 1 provisions: AG04029170, AG04029190, AG04029945, AG04029955 and AG04029990.

8. TRQ – US 8: Other Dairy

- (a) This paragraph sets out a country-specific tariff-rate quota for the originating goods of Canada described in subparagraph (e). The TRQ set out in this paragraph is designated in Appendix A of the Schedule of the United States to Annex 2-B (Tariff Commitments) with the designation “US 8”.

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- (b) The aggregate quantity of originating goods of Canada described in subparagraph (e) that shall be permitted to enter free of duty in each quota year under this TRQ is:

Quota Year	Aggregate Quantity (MT)
1	317
2	633
3	950
4	1,267
5	1,583
6	1,900

Starting in quota year seven, the quantity shall increase at a compounded annual growth rate of one per cent for the subsequent thirteen years.

- (c) With respect to goods described in subparagraph (e) entered in quantities in excess of the quantities listed in subparagraph (b):
- (i) for those goods provided for in Table 1 provision AG15179060, duties shall be removed in accordance with the provisions of staging category B5 in the General Notes to the Schedule of the United States to Annex 2-B (Tariff Commitments);
 - (ii) goods provided for in any other Table 1 provision described in subparagraph (e) shall continue to receive MFN tariff treatment.
- (d) Starting on January 1 of quota year 5, originating goods of Canada provided for in Table 1 provision AG15179060 shall not count towards the quantities specified in subparagraph (b).
- (e) This paragraph applies to the following Table 1 provisions: AG15179060, AG17049058, AG18062026, AG18062028, AG18062036, AG18062038, AG18062082, AG18062083, AG18062087, AG18062089, AG18063206, AG18063208, AG18063216, AG18063218, AG18063270, AG18063280, AG18069008, AG18069010, AG18069018, AG18069020, AG18069028, AG18069030, , AG19011016, AG19011026, AG19011036, AG19011044, AG19011056, AG19011066, AG19012015, AG19012050, , AG19019062, AG19019065, AG21050040, AG21069009, AG21069066 and AG21069087.

9. TRQ – US 9: Sugar

- (a) This paragraph sets out a country-specific tariff-rate quota for the originating goods of Canada described in subparagraph (e). The TRQ set out in this paragraph is designated in Appendix A of the Schedule of the United States to Annex 2-B (Tariff Commitments) with the designation “US 9”.
- (b) The aggregate quantity of originating goods of Canada described in subparagraph (e) that shall be permitted to enter free of duty in each quota year under this TRQ is 9,600 MT.

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However, no quantity shall be permitted to enter free of duty unless wholly obtained from sugar beets produced in Canada.

- (c) In any year in which the United States Secretary of Agriculture (the Secretary) makes a determination to permit the importation into the United States at in-quota tariff rates of additional quantities of refined sugar (other than specialty sugar) above the quantities made available at those rates pursuant to its commitments under the WTO Agreement and other trade agreements, including this Agreement, (additional in-quota rate imports of refined sugar), the quantity set out for that year in subparagraph (b) shall be increased by an amount equal to 20 per cent of the quantity of additional in-quota rate imports of refined sugar that the Secretary determines to permit to enter into the United States in that year. Any increase pursuant to this subparagraph of a quantity set out in subparagraph (b) shall not take effect until the date on which the additional in-quota rate imports of refined sugar are permitted entry into the United States. Refined sugar imported pursuant to this subparagraph can be made from non-originating raw sugar. Nothing in this paragraph shall alter Canada's rights under the WTO Agreement with respect to any increase by the United States of the quantities of refined sugar permitted to be imported above the quantities made available at in-quota tariff rates pursuant to its commitments under the WTO Agreement and other trade agreements, including this Agreement.
- (d) Goods entered in quantities in excess of the quantities provided under subparagraph (b) and, goods not wholly obtained from sugar beets produced in Canada, shall continue to receive MFN tariff treatment.
- (e) This paragraph applies to the following Table 1 provisions: AG17011250, AG17011350, AG17011450, AG17019130, AG17019950, AG17029020 and AG2106946.

10. TRQ – US 10: Sugar Containing Products

- (a) This paragraph sets out a country-specific tariff-rate quota for the originating goods of Canada described in subparagraph (g). The TRQ set out in this paragraph is designated in Appendix A of the Schedule of the United States to Annex 2-B (Tariff Commitments) with the designation "US 7".
- (b) The aggregate quantity of originating goods of Canada described in subparagraph (g) that shall be permitted to enter free of duty in each quota year under this TRQ is 9,600 MT.
- (c) In any year for which Canada has provided the United States with a written notification in accordance with the terms of subparagraph (d) of Canada's intent to require export certificates for the exportation of goods for import under this TRQ, the above quantity shall only be eligible for duty-free treatment if the U.S. importer makes a declaration to U.S. Customs and Border Protection (Customs), in the form and manner determined by Customs, that a valid export certificate issued by the Government of Canada is in effect for the goods.

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- (d) Canada shall provide the United States with the notification referred to in subparagraph c) at least 150 days prior to the start of each year in which Canada requires an export certificate for the exportation of goods for import under this TRQ. Canada shall provide the notification in writing to the U.S. Contact Point designated pursuant to Article 30.5 (Agreement Coordinator and Contact Points).
- (e) Goods entered within the quantity listed in subparagraph (b) that are provided for in Table 1 provisions AG17019148, AG17019158, AG17022028, AG17023028, AG17024028, AG17026028, AG17029058, AG17029068, AG18061015, AG18061028, AG18061038, AG18061055 and AG18061075 can be made from sugar refined in Canada. Refined means a change to a good of HS subheading 1701.91 or 1701.99 from any other subheading.
- (f) Goods entered in quantities in excess of the quantity listed in subparagraph (b) shall continue to receive MFN tariff treatment.
- (g) This paragraph applies to the following Table 1 provisions: AG17019148, AG17019158, AG17022028, AG17023028, AG17024028, AG17026028, AG17029058, AG17029068, AG17049068, AG17049078, AG18061015, AG18061028, AG18061038, AG18061055, AG18061075, AG18062073, AG18062077, AG18062094, AG18062098, AG18069039, AG18069049, AG18069059, AG19011076, AG19012025, AG19012035, AG19012060, AG19012070, AG19019068, AG19019071, AG21011238, AG21011248, AG21011258, AG21012038, AG21012048, AG21012058, AG21039078, AG21069072, AG21069076, AG21069080, AG21069091, AG21069094, and AG21069097.

Table 1

<u>Heading</u>	<u>Article Description</u>
AG04014025	Provided for in tariff item 04014025
AG04015025	Provided for in tariff item 04015025
AG04015075	Provided for in tariff item 04015075
AG04021050	Provided for in tariff item 04021050
AG04022125	Provided for in tariff item 04022125
AG04022150	Provided for in tariff item 04022150
AG04022190	Provided for in tariff item 04022190
AG04022950	Provided for in tariff item 04022950
AG04029170	Provided for in tariff item 04029170
AG04029190	Provided for in tariff item 04029190
AG04029945	Provided for in tariff item 04029945
AG04029955	Provided for in tariff item 04029955
AG04029990	Provided for in tariff item 04029990
AG04031050	Provided for in tariff item 04031050
AG04039016	Provided for in tariff item 04039016
AG04039045	Provided for in tariff item 04039045

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AG04039055	Provided for in tariff item 04039055
AG04039065	Provided for in tariff item 04039065
AG04039078	Provided for in tariff item 04039078
AG04039095	Provided for in tariff item 04039095
AG04041015	Provided for in tariff item 04041015
AG04041090	Provided for in tariff item 04041090
AG04049050	Provided for in tariff item 04049050
AG04051020	Provided for in tariff item 04051020
AG04052030	Provided for in tariff item 04052030
AG04052070	Provided for in tariff item 04052070
AG04059020	Provided for in tariff item 04059020
AG04061008	Provided for in tariff item 04061008
AG04061018	Provided for in tariff item 04061018
AG04061028	Provided for in tariff item 04061028
AG04061038	Provided for in tariff item 04061038
AG04061048	Provided for in tariff item 04061048
AG04061058	Provided for in tariff item 04061058
AG04061068	Provided for in tariff item 04061068
AG04061078	Provided for in tariff item 04061078
AG04061088	Provided for in tariff item 04061088
AG04062028	Provided for in tariff item 04062028
AG04062033	Provided for in tariff item 04062033
AG04062039	Provided for in tariff item 04062039
AG04062048	Provided for in tariff item 04062048
AG04062053	Provided for in tariff item 04062053
AG04062063	Provided for in tariff item 04062063
AG04062067	Provided for in tariff item 04062067
AG04062071	Provided for in tariff item 04062071
AG04062075	Provided for in tariff item 04062075
AG04062079	Provided for in tariff item 04062079
AG04062083	Provided for in tariff item 04062083
AG04062087	Provided for in tariff item 04062087
AG04062091	Provided for in tariff item 04062091
AG04063018	Provided for in tariff item 04063018
AG04063028	Provided for in tariff item 04063028
AG04063038	Provided for in tariff item 04063038
AG04063048	Provided for in tariff item 04063048
AG04063053	Provided for in tariff item 04063053
AG04063063	Provided for in tariff item 04063063

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AG04063067	Provided for in tariff item 04063067
AG04063071	Provided for in tariff item 04063071
AG04063075	Provided for in tariff item 04063075
AG04063079	Provided for in tariff item 04063079
AG04063083	Provided for in tariff item 04063083
AG04063087	Provided for in tariff item 04063087
AG04063091	Provided for in tariff item 04063091
AG04064070	Provided for in tariff item 04064070
AG04069012	Provided for in tariff item 04069012
AG04069018	Provided for in tariff item 04069018
AG04069032	Provided for in tariff item 04069032
AG04069037	Provided for in tariff item 04069037
AG04069042	Provided for in tariff item 04069042
AG04069048	Provided for in tariff item 04069048
AG04069054	Provided for in tariff item 04069054
AG04069068	Provided for in tariff item 04069068
AG04069074	Provided for in tariff item 04069074
AG04069078	Provided for in tariff item 04069078
AG04069084	Provided for in tariff item 04069084
AG04069088	Provided for in tariff item 04069088
AG04069092	Provided for in tariff item 04069092
AG04069094	Provided for in tariff item 04069094
AG04069097	Provided for in tariff item 04069097
AG15179060	Provided for in tariff item 15179060
AG17011250	Provided for in tariff item 17011250
AG17011350	Provided for in tariff item 17011350
AG17011450	Provided for in tariff item 17011450
AG17019130	Provided for in tariff item 17019130
AG17019148	Provided for in tariff item 17019148
AG17019158	Provided for in tariff item 17019158
AG17019950	Provided for in tariff item 17019950
AG17022028	Provided for in tariff item 17022028
AG17023028	Provided for in tariff item 17023028
AG17024028	Provided for in tariff item 17024028
AG17026028	Provided for in tariff item 17026028
AG17029020	Provided for in tariff item 17029020
AG17029058	Provided for in tariff item 17029058
AG17029068	Provided for in tariff item 17029068
AG17049058	Provided for in tariff item 17049058

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AG17049068	Provided for in tariff item 17049068
AG17049078	Provided for in tariff item 17049078
AG18061015	Provided for in tariff item 18061015
AG18061028	Provided for in tariff item 18061028
AG18061038	Provided for in tariff item 18061038
AG18061055	Provided for in tariff item 18061055
AG18061075	Provided for in tariff item 18061075
AG18062026	Provided for in tariff item 18062026
AG18062028	Provided for in tariff item 18062028
AG18062036	Provided for in tariff item 18062036
AG18062038	Provided for in tariff item 18062038
AG18062073	Provided for in tariff item 18062073
AG18062077	Provided for in tariff item 18062077
AG18062082	Provided for in tariff item 18062082
AG18062083	Provided for in tariff item 18062083
AG18062087	Provided for in tariff item 18062087
AG18062089	Provided for in tariff item 18062089
AG18062094	Provided for in tariff item 18062094
AG18062098	Provided for in tariff item 18062098
AG18063206	Provided for in tariff item 18063206
AG18063208	Provided for in tariff item 18063208
AG18063216	Provided for in tariff item 18063216
AG18063218	Provided for in tariff item 18063218
AG18063270	Provided for in tariff item 18063270
AG18063280	Provided for in tariff item 18063280
AG18069008	Provided for in tariff item 18069008
AG18069010	Provided for in tariff item 18069010
AG18069018	Provided for in tariff item 18069018
AG18069020	Provided for in tariff item 18069020
AG18069028	Provided for in tariff item 18069028
AG18069030	Provided for in tariff item 18069030
AG18069039	Provided for in tariff item 18069039
AG18069049	Provided for in tariff item 18069049
AG18069059	Provided for in tariff item 18069059
AG19011016	Provided for in tariff item 19011016
AG19011026	Provided for in tariff item 19011026
AG19011036	Provided for in tariff item 19011036
AG19011044	Provided for in tariff item 19011044
AG19011056	Provided for in tariff item 19011056

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AG19011066	Provided for in tariff item 19011066
AG19011076	Provided for in tariff item 19011076
AG19012015	Provided for in tariff item 19012015
AG19012025	Provided for in tariff item 19012025
AG19012035	Provided for in tariff item 19012035
AG19012050	Provided for in tariff item 19012050
AG19012060	Provided for in tariff item 19012060
AG19012070	Provided for in tariff item 19012070
AG19019036	Provided for in tariff item 19019036
AG19019062	Provided for in tariff item 19019062
AG19019065	Provided for in tariff item 19019065
AG19019068	Provided for in tariff item 19019068
AG19019071	Provided for in tariff item 19019071
AG21011238	Provided for in tariff item 21011238
AG21011248	Provided for in tariff item 21011248
AG21011258	Provided for in tariff item 21011258
AG21012038	Provided for in tariff item 21012038
AG21012048	Provided for in tariff item 21012048
AG21012058	Provided for in tariff item 21012058
AG21039078	Provided for in tariff item 21039078
AG21050020	Provided for in tariff item 21050020
AG21050040	Provided for in tariff item 21050040
AG21069009	Provided for in tariff item 21069009
AG21069026	Provided for in tariff item 21069026
AG21069036	Provided for in tariff item 21069036
AG21069046	Provided for in tariff item 21069046
AG21069066	Provided for in tariff item 21069066
AG21069072	Provided for in tariff item 21069072
AG21069076	Provided for in tariff item 21069076
AG21069080	Provided for in tariff item 21069080
AG21069087	Provided for in tariff item 21069087
AG21069091	Provided for in tariff item 21069091
AG21069094	Provided for in tariff item 21069094
AG21069097	Provided for in tariff item 21069097
AG22029928	Provided for in tariff item 22029928
AG23099028	Provided for in tariff item 23099028
AG23099048	Provided for in tariff item 23099048

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