

GENERAL AGREEMENT ON
TARIFFS AND TRADE

RESTRICTED

COM.TEX/SB/544

10 March 1980

Special Distribution

Textiles Surveillance Body

Original: English

ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES

Article 4:4 Notification

Bilateral Agreement between Austria and Hong Kong

The Textiles Surveillance Body has received from Austria a notification of a bilateral agreement which has been concluded under Article 4 of the Arrangement^{1/} between Austria and Hong Kong.

The TSB, pursuant to its procedure regarding bilateral agreements notified under Article 4^{2/}, has examined the relevant documentation and is circulating the text of this agreement to participating countries for their information.^{3/}

^{1/} For the previous agreement see COM.TEX/SB/417.

^{2/} See COM.TEX/SB/35, Annex B.

^{3/} For observations by the TSB see COM.TEX/SB/557, paragraph 7.

MEMORANDUM OF UNDERSTANDING

Introduction

1. This Memorandum of Understanding sets out the arrangements that have been agreed between Hong Kong and Austria regarding Hong Kong's exports of certain textile products to Austria.
2. These arrangements have been made under the Arrangement Regarding International Trade in Textiles and in particular under Article 4 thereof.

Coverage

3. These arrangements shall apply to Hong Kong's exports to Austria of the textile products set out in column (d) of Annex I to this Memorandum.

Restraint Period

4. Hong Kong shall restrict exports of the products set out in column (d) to the limits set out in column (e) for the periods set out in column (f) of Annex I, save as provided for in paragraphs 8 to 10 below.
5. Austria and Hong Kong agree that it is desirable for administrative reasons to record in column (g) of Annex I the notional twelve-month limit for item no. 3 of Annex I.
6. For the purposes of these arrangements, Austria shall admit imports of the textile products of Hong Kong origin set out in Annex I only where such imports are covered by export licences issued by the Hong Kong Trade Industry and Customs Department within the restraint periods set out in column (f) and endorsed to the effect that the consignments concerned have been debited to the agreed limits.
7. Furthermore, Austria shall admit imports of the textile products of Hong Kong origin set out in Annex I where such imports are covered by export licences for items no. 1 and no. 2 of Annex I issued by the Hong Kong Trade Industry and Customs Department on or before 31 January 1980, under the terms of the Memorandum of Understanding regarding restrained items between Hong Kong and Austria signed in Vienna on 6 November 1978 and in Hong Kong on 17 November 1978, and for item no. 3, under the terms of the Memorandum of Understanding regarding export authorization items between Hong Kong and Austria signed in Vienna on 6 November 1978 and in Hong Kong on 17 November 1978.

Swing

8. The limits in column (e) in respect of items no. 1 and no. 2 of Annex I, and the notional twelve-month limit in respect of item no. 3 of Annex I may be increased during the restraint period by up to five per cent provided that a corresponding reduction is applied to the limits for other products.

9. For the purposes of calculating such corresponding reductions, the conversion factors listed in column (h) of Annex I shall apply.

Carryover and Carry forward

10. Should these arrangements be continued for a further period, the carryover and carry forward provisions set out in Annex B of the Arrangement Regarding International Trade in Textiles shall apply.

Re-export

11. Austria will, as far as possible, inform Hong Kong when imports into Austria of the textile products set out in Annex I that have been debited to the agreed limits are subsequently re-exported from Austria. Hong Kong may then credit the quantities involved to the appropriate limits. To this end an administrative arrangement has been agreed between Austria and Hong Kong as set out in Annex II.

Exchange of Statistics

12. Hong Kong will provide Austria with half-monthly statistics of the textile products set out in Annex I licensed for export to Austria and debited to the limits set out in column (e) of Annex I.

13. Austria will provide Hong Kong with quarterly statistics of total imports and of imports from Hong Kong and from other significant suppliers of each of the textile products set out in Annex I.

Consultations

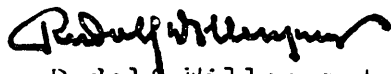
14. Austria and Hong Kong agree to consult, at the request of either party, on any matter arising from the implementation of these arrangements.

15. If Hong Kong considers that, as a result of the restraint imposed by these arrangements, Hong Kong is being placed in an inequitable position vis-a-vis a third country, Hong Kong may request Austria to consult with a view to remedial action such as a reasonable modification of these arrangements.

Annexes

16. Annexes I and II hereof shall be an integral part of this Memorandum.

For Austria



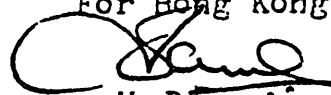
Dr. Rudolf Willenpart

Director

Federal Ministry for Trade,
Commerce and Industry

Vienna, 10 December 1979

For Hong Kong



W. Dorward

Director

Trade Industry & Customs

Hong Kong, 19 December 1979

Annex I

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
Item No.	Austrian Statistical Classification No.	Hong Kong Statistical Classification No.	Description	Limit in pieces	Period of limitation on exports	Notional twelve-month limit in pieces	Conversion factors for swing purposes (pieces per kilogram)
1	ex 61.03 11 ex 61.03 21	ex 843 957 ex 843 977 844 111 844 112 ex 844 121 ex 844 122	Shirts, not knitted or crocheted, wholly or mainly of cotton or of discontinuous synthetic fibres	1,030,097	1 February 1980 to 31 January 1981		5.00
2	61.02 63 61.02 65	843 511 843 512 843 521 843 522 ex 843 957 ex 843 977	Blouses, not knitted or crocheted, wholly or mainly of cotton or of man-made fibres, women's, girls' and infants' wear	969,000	1 February 1980 to 31 January 1981		5.00

(a) Item No.	(b) Austrian Statistical Classification No.	(c) Hong Kong Statistical Classification No.	(d) Description	(e) Limit in pieces	(f) Period of limitation on exports	(g) Notional twelve-month limit in pieces	(h) Conversion factors for swing purposes (pieces per kilogram)
3	61.01 53 61.01 55 61.02 83 61.02 85	842 321 842 322 842 331 842 332 ex 843 421 ex 843 422 ex 843 431 ex 843 432 843 947 843 948 ex 843 957 843 967 843 968 ex 843 977	Slacks, shorts, jeans, trousers and divided skirts, not knitted or crocheted, wholly or mainly of cotton or of man-made fibres	1,551,666	1 December 1979 to 31 January 1981	1,330,000	1.76

Annex II

Notwithstanding the provisions of paragraph 6 and in furtherance of paragraph 11, Austria and Hong Kong agree the following administrative arrangement :

- (a) For presentation to Austria in support of an application for a corresponding import licence, an export licence ceases to be valid upon the expiration of one hundred and twenty days from the date of issue of the export licence. All export licences covering restrained items will be endorsed to this effect;
- (b) Austria will provide Hong Kong at monthly intervals with a list of export licences which have been presented to Austria in support of applications for import licences indicating the quantity covered by each corresponding import licence issued; and
- (c) In respect of export licences of which the validity of one hundred and twenty days referred to in (a) above has expired and which are not shown on the lists of export licences provided by Austria pursuant to (b) above, Hong Kong will notify Austria, as soon as possible, the numbers of such export licences and the quantity covered by each export licence with an indication that the quantities will be credited back to Hong Kong for re-use if nothing is heard from Austria within three weeks from the date of such notification.

MEMORANDUM OF UNDERSTANDING

1. Having examined the current pattern and development of trade in certain textile products exported from Hong Kong to Austria, Austria and Hong Kong agree that, an export authorisation system involving the following arrangements shall be introduced for the period 1st February 1980 to 31st January 1981 in respect of the products listed in the Annex to this Memorandum.
2. Hong Kong shall require all exports to Austria of the products listed in the Annex to be covered by export authorisations issued by the Hong Kong Trade Industry and Customs Department. An export authorisation shall be issued only on evidence of a firm contract for the supply of the goods involved and shall be valid for up to 6 months from the date of issue.
3. Export licences to ship goods covered by an export authorisation will be issued by Hong Kong on presentation of the relevant export authorisation within the latter's validity period. An export licence shall be valid for 28 days from the date of issue. Hong Kong shall not issue export licences in respect of exports to Austria of products listed in the Annex which are not covered by a valid export authorisation.
4. Hong Kong shall provide Austria with half-monthly statistical returns showing the quantities covered by export authorisations issued to Hong Kong exporters in respect of the products listed in the Annex. Hong Kong agrees to notify Austria immediately upon receipt of any applications for export authorisations in exceptionally large amounts in a particular product.
5. Austria shall admit imports of the textile products of Hong Kong origin listed in the Annex where such imports are accompanied by a copy of an export licence issued by the Hong Kong Trade Industry and Customs Department.
6. Austria may request Hong Kong to suspend the issue of export authorisations if, in the opinion of Austria, the Austrian market is being disrupted in terms of the definition of market disruption in Annex A of the Arrangement Regarding International Trade in Textiles, by imports

from Hong Kong of any of the products covered by these arrangements. Such a request shall be accompanied by a request for consultations under Article 3 of the Arrangement Regarding International Trade in Textiles and by a detailed factual statement of the reasons and justification for the request for consultations, including the latest data concerning elements of market disruption.

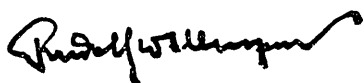
7. Upon receipt of such a request for suspension and for consultations, Hong Kong shall suspend immediately the issue of export authorisations in respect of the relevant product. Hong Kong may, however, continue to issue export licences against valid export authorisations issued before such a suspension.

8. Where the issue of export authorisations is suspended, Hong Kong may extend the validity of an existing export authorisation for a period not exceeding 90 days, if it is satisfied that the failure to apply for an export licence within the validity period of the export authorisation has been caused by circumstances beyond the control of the person to whom the export authorisation was issued.

9. Hong Kong and Austria agree to consult, at the request of either party, on any matter arising from the implementation of these arrangements.

10. The Annex to this Memorandum shall be an integral part of it.

For Austria




Dr. Rudolf Willenpart

Director

Federal Ministry for Trade,
Commerce and Industry

Vienna, 10 December 1979

For Hong Kong



W. Dorward

Director

Trade Industry & Customs

Hong Kong, 19 December 1979

Item No.	Austrian Statistical Classification No.	Hong Kong Statistical Classification No.	Description
(3)	ex 61.01 23 ex 61.01 25 ex 61.01 29 61.01 71 61.01 73 61.01 75	ex 842 411 ex 842 422 ex 842 412 ex 842 431 ex 842 421 ex 842 432	Jackets, including anoraks and blazers, not knitted or crocheted, wholly or mainly of cotton of wool or of man-made fibres, men's and boys' wear.
(4)	ex 61.01 33 ex 61.01 35	ex 842 191 842 935 ex 842 192 842 942 842 932 842 943 842 933 842 944 842 934 842 945	Coats, including rain-coats but excluding capes and gowns, not knitted or crocheted, wholly or mainly of cotton or of man-made fibres, men's and boys' wear.
(5)	ex 61.01 23 ex 61.01 25	ex 842 938 842 936 ex 842 939 842 937 ex 842 948 842 946 ex 842 949 842 947	Gymnastic pants, ski-jackets, ski-vests and swimwear, not knitted or crocheted, wholly or mainly of cotton or of man-made fibres, men's and boys' wear.
(6)	61.01 41 61.01 43 61.01 45	ex 842 211 ex 842 222 ex 842 212 ex 842 231 ex 842 221 ex 842 232	Suits, not knitted, or crocheted, wholly or mainly of cotton, of wool or of man-made fibres, men's and boys' wear.
(7)	ex 61.03 11 ex 61.03 19 ex 61.03 21 ex 61.03 29	ex 844 213 ex 844 224 ex 844 214 ex 844 297 ex 844 223 ex 844 298	Pyjamas and night-shirts, not knitted or crocheted, wholly or mainly of cotton or of man-made fibres, men's and boys' wear.
(9)	61.02 51 61.02 53 61.02 55 61.02 71 61.02 73 61.02 75	843 311 843 421 843 312 843 422 843 321 843 431 843 322 843 432 843 331 ex 843 937 843 332 ex 843 957 843 411 ex 843 977 843 412	Dresses and skirts, not knitted or crocheted, wholly or mainly of cotton, of wool or of man-made fibres, women's, girls' and infants' wear.

Item No.	Austrian Statistical Classification No.	Hong Kong Statistical Classification No.	Description
(10)	ex 61.02 33 ex 61.02 35	ex 843 121 843 946 ex 843 122 ex 843 957 ex 843 131 843 963 ex 843 132 843 964 843 943 843 965 843 944 843 966 843 945 ex 843 977	Coats, including rain-coats but excluding capes and gowns, not knitted or crocheted, wholly or mainly of cotton or of man-made fibres, women's, girls' and infants' wear.
11)	61.02 43 61.02 45	ex 843 221 ex 843 232 ex 843 222 843 234 843 224 843 235 843 225 ex 843 957 ex 843 231 ex 843 977	Costumes and trouser suits, including two- or three-piece suits, not knitted or crocheted, wholly or mainly of cotton or of man-made fibres, women's, girls' and infants' wear.
12)	ex 61.02 31 ex 61.02 33 ex 61.02 35	ex 843 111 ex 843 132 ex 843 112 ex 843 937 ex 843 121 ex 843 957 ex 843 122 ex 843 977 ex 843 131	Jackets, not knitted or crocheted, wholly or mainly of cotton, of wool or of man-made fibres, women's, girls' and infants' wear.
13)	ex 60.04 49	ex 846 282 ex 846 283 ex 846 286 ex 846 287 ex 846 292	Briefs, drawers, panties undershorts, and the like, knitted or crocheted, wholly or mainly of cotton.
14)	ex 60.04 49	846 211 846 212	Shirts, knitted or crocheted, wholly or mainly of cotton, men's and boys' wear.
	ex 60.05 31 ex 60.05 33 ex 60.05 61 ex 60.05 63 ex 60.05 81 ex 60.05 83	845 930 ex 845 937 845 950 ex 845 957	Blouses, knitted or crocheted, wholly or mainly of cotton or of synthetic fibres, women's, girls' and infants' wear.
	ex 60.04 49	ex 846 282 ex 846 283 ex 846 286 ex 846 287 ex 846 292	Singlets and undershirts, including underwear T-shirts, knitted or crocheted, wholly or mainly of cotton, men's, boys', women's, girls' and infants' wear.

Item No.	Austrian Statistical Classification No.	Hong Kong Statistical Classification No.	Description	
15)	ex 60.04 28 ex 60.04 49	846 284 846 285 846 290 846 291 ex 846 292 846 333 846 334 846 343	846 344 ex 846 345	Pyjamas and other night garments, knitted or crocheted, wholly or mainly of cotton or of synthetic fibres.
16)	ex 60.05 31 ex 60.05 32 ex 60.05 33 ex 60.05 61 ex 60.05 62 ex 60.05 63 ex 60.05 81 ex 60.05 82 ex 60.05 83	ex 845 111 ex 845 112 ex 845 113 ex 845 114 ex 845 115 ex 845 121 ex 845 122 ex 845 123 ex 845 124 ex 845 125	ex 845 131 ex 845 132 ex 845 133 ex 845 134 ex 845 135	Jackets, sweaters, cardigans, pullovers and jumpers, knitted or crocheted, wholly or mainly of cotton, of wool or of synthetic fibres.
17)	ex 60.05 31 ex 60.05 32 ex 60.05 33 ex 60.05 61 ex 60.05 62 ex 60.05 63 ex 60.05 81 ex 60.05 82 ex 60.05 83	ex 845 211 ex 845 212 ex 845 218 ex 845 221 ex 845 222 ex 845 228	ex 845 231 ex 845 232 ex 845 238	Dresses, knitted or crocheted, wholly or mainly of cotton, of wool or of synthetic fibres.
18)	ex 60.05 31 ex 60.05 32 ex 60.05 33 ex 60.05 61 ex 60.05 62 ex 60.05 63 ex 60.05 81 ex 60.05 82 ex 60.05 83	845 906 845 907 845 913 845 914 ex 845 917 845 926 845 927 845 933 845 934 ex 845 937	845 945 845 947 845 953 845 954 ex 845 957	Slacks, shorts, jeans and trousers, knitted or crocheted, wholly or mainly of cotton, of wool or of synthetic fibres.

Underwear T-shirts are single-coloured, not patterned nor printed T-shirts. Multi-coloured, patterned or printed T-shirts which are packed and shipped together with matching briefs as sets of underwear are considered as underwear T-shirts.