

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Limited Distribution

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ARTICLE XIX - ACTION BY AUSTRIA

Certain types of Cement and Certain Preparations Containing Cement

Addendum

The following communication, dated 24 February 1993, has been received from the Permanent Mission of Austria.

Austria is taking emergency action under Article XIX in respect of imports of certain types of cement and certain preparations containing cement. This measure provides for the introduction of country specific quotas of imports of 300,000 tons in total for an eleven-month period starting on 1 February 1993 for imports of the concerned products originating in Poland, Romania, the Czech Republic and the Slovak Republic.

The products concerned by this measure are defined as follows:

- 2523 - Portland cement, aluminous cement ("ciment fondu"), slag cement, supersulphate cement and similar hydraulic cements, whether or not coloured or in the form of clinkers,
 - Portland cement:
- 29 - Other
- 90 - Other hydraulic cements

Cement contained in:

- 3823 - Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural product), not elsewhere specified or included: residual products of the chemical or allied industries, not elsewhere specified or included.
 - 50 - Non-refractory mortars and concretes
 - 90 - Other

The objectives of this measure are to prevent imports at price levels lower than those for similar products obtained in Austria as well as in such increased quantities, causing serious injury to domestic producers and disturbances on the Austrian market.

Austria is prepared to enter into consultations under Article XIX with any Contracting Party having a substantial interest in exporting the concerned products to the Austrian market.

The English text of the relevant Ordinance of the Federal Minister for Economic Affairs is enclosed.

Decree of the Federal Minister for Economic Affairs
on the determination of import quotas

In accordance with section 13 of the 1984 Foreign Trade Act, in the version of Federal Law Gazette No. 377/1988, it is decreed:

1. For imports of cement of sub headings 2523 29, 2523 90, cement shares in not fireproof mortar and concrete of sub heading 3823 50 and cement, mixed with other merchandise, not containing used oils or their derivatives, of sub heading 3823 90, originating in Poland, Romania, Slovakia or Czechia, for the time 1 February 1993, to 31 December 1993, the quotas given in the annex are fixed.
2. The quotas are distributed according to the licence principles of the 1984 Foreign Trade Act, due consideration being given to the provisions stated below.
3.
 - (1) On application, import licences for 90 per cent of the quotas for imports originating in Czechia or Slovakia respectively have to be granted to applicants who made imports in accordance to licences based on the decree Federal Law Gazette No. 454/1991, in the version of Federal Law Gazette No. 534/1992.
 - (2) Applications according to paragraph 1 must have been received by the Federal Ministry for Economic Affairs by 12 February 1993. Application rights not exercised until this date cannot be considered.
4.
 - (1) The quotas are distributed on the basis of all applications received after 1 February 1993, and present on 15 February 1993, provided they comply with specifications and have been duly completed. Applications are considered as complying with specifications and duly completed in particular, if they are supplemented by an original invoice or an original pro forma invoice.
 - (2) If more than one application is received from one applicant, these are considered as one application for distribution purposes. Where the total quantity contained in the applications according to paragraph 1 is covered by the respective quota all applications must be satisfied to their full amount.
 - (3) Where the total quantity of applications in accordance with section 3, paragraphs 1 or 2, exceeds the quota, the latter must be divided by the number of applications. All applications not exceeding the quotient obtained by the procedure stated in the first sentence, must subsequently be fully satisfied. The remaining quota is then divided once more by the number of remaining applications. Applications covered by the quotient thereby obtained, must be satisfied. Once all applications exceed

the quotient, the remaining quota is to be distributed in equal amounts among all applications.

- (4) Where the quota is not used up upon the first distribution according to paragraphs 2 and 3, applications received after 1 May 1993, are dealt with in the order of reception, until the quota is used up. If several applications are received on one and the same day and their cumulated value exceeds the remaining quota, the remainder is to be divided among applicants according to the provisions of paragraph 3.
 - (5) Licences on the basis of this decree must be forwarded to the Federal Ministry for Economic Affairs after having been used or at the latest immediately after their expiry. Where it is ascertained on the basis of returned licences that these were not used or not fully used, the quantity not used is to be added to the quota and distributed in accordance with the provisions of paragraph 4.
5. This decree enters into force on 1 February 1993.

ANNEX

<u>Country of origin</u>	<u>Quantity in metric tons</u>
Poland	50,000
Romania	50,000
Slovakia	100,000
Czechia	100,000