

# GENERAL AGREEMENT ON

## TARIFFS AND TRADE

RESTRICTED

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5 May 1993

Limited Distribution

Original: English

### ARTICLE XIX - ACTION BY AUSTRIA

#### Certain Types of Cement and Certain Preparations Containing Cement

##### Supplement

The following communication, dated 28 April 1993, has been received from the Permanent Mission of Austria.

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, No. 184, in the version of Federal Law Gazette No. 16/1993, 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, of an origin other than in an EC- or EFTA-Member State, for the time 15 April 1993 to 14 April 1994, an import quota of 100,000 tonnes is fixed.
2. The quota is 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 quota have to be granted to applicants able to prove having made imports of products referred to in section 1 during 1 January 1993 and 31 March 1993.  
  
(2) Applications according to paragraph 1 must have been received by the Federal Ministry for Economic Affairs by 3 May 1993. Application rights not exercised until this date cannot be considered.

4. (1) The quota is distributed on the basis of all applications received after 15 April 1993, and being present on 3 May 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, paragraph 1 or 2 or section 4, paragraph 1 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 quotas are not used up upon the first distribution according to paragraphs 2 and 3, applications received after 3 May 1993, are dealt with in the order of reception, until the quotas are 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 distributed among applicants according to the provisions of paragraph 3.
  - (5) Licences on the basis of this decree must be forwarded immediately to the Federal Ministry for Economic Affairs after having been used or at the latest 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 15 April 1993.