

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

L/7204/Add.1
5 May 1993

Limited Distribution

Original: English

ARTICLE XIX - ACTION BY AUSTRIA

Certain Types of Fertilizer

Addendum

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 mixtures of ammonium nitrate with calcium carbonate or other inorganic non fertilizing substances of sub heading 3102 40 and mineral or chemical fertilizers containing the three fertilizing elements nitrogen, phosphorus and potassium of sub heading 3105 20, of an origin other than in an EC- or EFTA-Member State, for the time 15 April 1993 to 14 April 1994 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 have to be granted to applicants able to prove having made imports of products referred to in section 1 during 15 March 1992 and 14 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 quotas are 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 quota is 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 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 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.

ANNEX

<u>Tariff item No.</u>	<u>Quantity in metric tons</u>
3102 40	30,000
3105 20	30,000