GENERAL AGREEMENT

ON TARIFFS AND TRADE

RESTRICTED COM.TEX/SB/1883* 12 April 1994 Special Distribution

(94-0643)

Textiles Surveillance Body

Original: English

ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES

Notification under Article 4

Bilateral Agreement between Austria and India

The Textiles Surveillance Body received a notification from Austria of an agreement concluded with India for the period 1 January to 31 December 1994, with the possibility of a further twelve-month extension.¹

The TSB, pursuant to its procedures regarding agreements concluded under Article 4,² has examined the relevant documentation and is forwarding the text of the notification to participating countries for their information.

^{&#}x27;The previous bilateral agreement and an amendment are contained in COM.TEX/SB/1726 and 1802.

²See COM.TEX/SB/35, Annex B.

^{*}English only/Anglais seulement/Inglés solamente.

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF AUSTRIA AND THE GOVERNMENT OF THE REPUBLIC OF INDIA RELATING TO THE EXPORT OF CERTAIN COTTON AND MAN-MADE FIBRE TEXTILE PRODUCTS FROM INDIA FOR IMPORT INTO AUSTRIA

Introduction

1. This Memorandum of Understanding (MOU) sets out the arrangements that have been agreed between the Government of Austria and India regarding the export of certain cotton and man-made fibre textile products from India for import into Austria.

2. This MOU has been made having regard to the Arrangement Regarding International Trade in Textiles (hereinafter referred to as "the ARRANGEMENT") done at Geneva on 20 December 1973. as extended by the Protocols of 31 July 1986, of 31 July 1991, and of 9 December 1992 and in particular to Article 4 of the ARRANGEMENT.

Restraint periods

- 3. The term of this MOU will be the period from 1 January 1994 through 31 December 1994.
- 4. (i) The application of all the provisions of the Memorandum of Understanding shall be extended automatically for a period of one more year up to 31 December 1995, unless either party notifies the other at least six months before 31 December 1994 that it does not agree with this extension. Any such extension of the Memorandum of Understanding shall be brought into conformity with any successor to the current Protocol of Extension to the MFA, if changes are made therein.
 - (ii) This MOU will cease to have effect from the date the Uruguay Round transition arrangement for integration of the textile sector into the GATT comes into force.

Restraint levels and growth rate

5. Except as provided for in paragraphs 11 and 12 below, the Government of India will restrain its exports to Austria of the cotton and man-made fibre textile products described in Annex I for the calender year commencing 1 January 1994 to the limits specified therein.

6. Should this MOU be extended for the year 1995 in terms of paragraph 4 of this MOU, the Government of India will restrain its exports of the cotton and man-made fibre products described in Annex I to the limits specified therein advanced by the growth rate specified in Column D except as provided for in paragraphs 11 and 12 below.

7. With reference to Article 12.3 of the ARRANGEMENT, the limitations set out in this MOU will not apply to handloom fabrics of the cottage industry, hand-made textile products made of such handloom fabrics as defined in Annex II, and traditional folklore handicraft textile products known as "India items" as listed in Annex III, when accompanied on importation by a certificate validated by the competent Indian authorities. A sample certificate is contained in Annex IV.

Administration

3. Upon presentation of Original Export certificates for exports to Austria (sample is at Annex V) issued by the competent Indian authorities for the items mentioned in Annex I, the competent Austrian authority will issue corresponding import licences to the importers mentioned in the Export Certificate.

9. For the purpose of applying for Import Licences to be issued upon presentation of Export Certificates as indicated in paragraph 8 above, the validity of these Export Certificates shall expire six months after the end of the agreement year during which they were issued.

10. The Government of India will make efforts to see that undue concentration of exports of cotton and man-made fibre textile products specified in Annex I from India to Austria is avoided. However, while doing so, due regard will be paid to demand pattern and seasonal aspects of the trade.

Carry-over and carry-forward

11. The export level for any category during any agreement year may be exceeded by a carry-over of 11 per cent and a carry-forward of 6 per cent. A carry-over is available when there has been a shortfall in exports during the previous agreement year and a carry-forward becomes available when quantities are advanced from the ensuing agreement year. Whenever carry-forward is utilized the quantity involved shall be deducted from the export level established for the same category in the following year. The combination of carry-over and carry-forward shall not exceed 12 per cent. All percentages relating to carry-over and carry-forward will be calculated on the base quota levels for the receiving year.

Swing

12. The base level for a category during any agreement year can be exceeded after notification to the Government of Austria, up to 6 per cent of such level by utilization of swing from the base level of any other category for the relevant agreement year.

Exchange of statistics

13. India will provide Austria with information in respect of exports of cotton and man-made fibre textile products specified in Annex I showing the numbers and dates of Export Certificates and the names of exporters and importers. This will be done on a monthly basis within a period of 30 days from the end of the relevant month.

14. Austria will provide India with information on Import Licences issued and Export Certificates against which such Import Licences have been issued. The details furnished will include Import Licence numbers, Export Certificate numbers, date and quantity involved. This information shall be furnished on a monthly basis within a period of 30 days from the end of the relevant month.

Statistical surveillance

15. In respect of cotton textiles and textile products from India to Austria listed in Annex VI, competent Austrian authorities will, upon presentation of the original Export Certificates issued by Indian authorities, automatically issue licences for the import of these products from India.

16. The Indian authorities will inform the Government of Austria on a monthly basis of the number and date of Export Certificates issued as well as the quantities of the aforesaid products covered by these export certificates. 17. The Government of Austria will provide the Government of India on a monthly and cumulative basis with information regarding respective import licences issued.

18. Should exports of products set out in Annex VI from India to Austria develop in a manner which, in the view of the Government of Austria, calls for action under Article 4, paragraph 2 of the ARRANGEMENT the Government of Austria may request consultations with the Government of India with a view to reaching an agreement on mutually acceptable terms. The request for such consultations shall be accompanied by a statement containing the relevant specific factual information of the real risk of market disruption (as defined in Annex A of the ARRANGEMENT) which, in the view of the Government of Austria, makes necessary the request for consultations. The Government of India agrees to consult within 30 days from the date on which the request for consultations has been received, and to make its best efforts to complete such consultations, within 30 days of its commencement.

Consultations

19. Either Government has the right to request consultations with the other Government on any matter arising from the implementation or operation of this MOU. Any consultations held under this paragraph shall be approached by both parties in a spirit of cooperation and with the object of reconciling any differences between them as follows:

- Any request for consultations will be notified in writing to the other Government;
- the request for consultations will be accompanied by a statement setting out the reasons and circumstances which, in the opinion of the requesting Government, justify the submission of such a request;
- the other Government will accept such a request and such consultations will be held within 30 days of the date of notification of the request;
- both Governments will enter into consultations with a view to reaching a mutually acceptable conclusion within 30 days of the date on which actual consultations commence.

20. Any consultations held under these provisions will be approached by both Governments in a spirit of cooperation and with a desire to reconcile the differences between them.

Re-exports

21. The Government of Austria will inform the Government of India as far as possible when imports into Austria of the cotton and man-made fibre products subject to this MOU are subsequently re-exported from Austria. When such re-exports have been debited by the Indian Government to quantitative limits the Government of India may then credit the quantities involved to the appropriate restraint levels.

<u>Revision</u>

22. Either Government may at any time propose revisions to the terms of this MOU having regard to the ARRANGEMENT and any successor to the Protocol of Extension of 9 December 1992.

23. The Annexes of I-VI of this Memorandum of Understanding (and the AGREED MINUTES) will be considered an integral part of it.

Final provisions

24. This Memorandum of Understanding will become effective on 1 January 1994.

NEW DELHI, 9 November 1993.

(S. NARAYANAN) For the delegation of the Government of the Republic of INDIA (GERHARD WAAS) For the delegation of the Government of the Republic of AUSTRIA

(F) (G) Carry-over/ Conversion Carry-forward factor	11/6 % 180 gms/pieces	11/6 % 217 gms/pieces	11/6 % 217 gms/pieces
(E) Swing	8 9	89	জ ম
(D) Growth	o %	8	¢ 8
(C) Restraint level	575,000	263,000	1,236,000
(B) Product description	Woven women's or girls' blouses, shirts and shirt-blouses of man-made fibres and cotton (excluding tops without a closing and opening arrangement) (Pieces)	Woven men's or boy's shirts of cotton (Pieces)	Woven men's or boy's shirts of man-made fibres (Pieces)
(A) Item No.	1. 6206.30 6206.40	2. 6205.20	3. 6205.30

ANNEX I Restraint Levels

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ANNEX II

Cottage industry products

1. The exemption provided for in paragraph 7 of this MOU of cottage industry products will apply only to the following products:

- (a) Handloom textile fabrics, being fabrics woven on looms operated solely by hand or foot and made in the cottage industry of India.
- (b) Garments of other textile products, made in the cottage industry of India having been handmade from handloom textile fabrics as described above.
- (c) Traditional folklore handicraft textile products of India as described in Annex III.

2. The exemption will apply only in respect of products covered by a certificate issued by the competent Indian authorities conforming to the specimen in Annex IV. Such certificates will indicate the grounds on which exemption is based.

3. In cases where the competent Austrian authorities have doubts about the handloom origin of the items listed in Annex I, the Government of Austria may, pending import clearance by the competent Austrian authorities, refer such cases to the Government of India for settlement of such doubts.

4. The Government of India will inform the Government of Austria on a monthly basis the numbers and dates of handloom/folklore certificates issued as well as the quantities involved in respect of the items listed in Annex I.

5. This supersedes the arrangements on certification of these products as established between the Government of Austria and the Government of India on 13 April 1976, and 20 May 1976.

ANNEX III

Agreed List of India Items i.e. Traditional Folklore Handicraft Textile Products of India

Indian items are traditional folklore handicraft textile products uniquely and historically Indian made in the cottage industry. They cover the products enumerated below (clothes and clothing accessories, decorative furnishings) and such other items as may be agreed upon from time to time.

1. Clothes and clothing accessories

All the garments and accessories listed below are uniquely and historically Indian traditional folklore textile products on account of their similarity in shape and design with those of clothes and accessories traditionally worn in India.

The products listed below must have all the following characteristics:

- They are produced in cottage industry units they do not include zip fasteners they are ornamented in the characteristic Indian folk styles, using one of the following methods:
- hand painting, hand printing, handicraft batik or handicraft tie and dye (kalamkari);
- embroidery by hand (zari);
- appliqué work of sequins, glass or wooden beads, shells, mirrors or ornamental motifs of textile or other materials by hand;
- extra-weft ornamentation of cotton silk or art silk, metal thread (zari).

ITEMS	
INDIAN	
LIST OF	

	Name	Description
	Kurta	A loose, almost straight-cut shirt or tunic-like garment, reaching the hips, mid-thighs, knee or ankles with quarter, half or full-length narrow or loose sleeves with or without buttons (not plain).
2. P	Pherron	A short or full-length, extremely loose-fitting dress with long, loose sleeves, without buttons, embroidered, ornamented or printed.
3. C	Chola	A full-length, loose-fitting dress-like garment, with sleeves, mainly for indoor wear.
4. P	Churidar pyjama	Trouser, loose at waist (with drawstring or hooks) tapering to a narrow fit at the ankle.
5. S	Salwar	Loose-fitting trousers, legs either straight or baggy with extra fullness at the thighs.
6, G	Garara	Loose-fitting trousers with frills or flaring below the knee.
7. T	Tamba	Loose-fitting trousers with typical Indian hand ornamentation.
8. L	Lungi	A long cylindrical garment worn as a wrap around the lower half of the body.
9. A	Angharka	A full-length, light-weight coat-like garment closing in front with a decorative cord or ribbon, with sleeves.
10. B	Bagal Bandini	A knee-length jacket or coat-like garment closing at the side with strings, with half sleeves or without sleeves.
11. A	Aba	A full-length dress with close-fitting bodice, long, wide skirt, with sleeves.
12. B	Burka	A full-length cape-like garment, covering the weaver's head and body, with aperture for eyes covered with gauze or lace.
13. J	Jawahar jacket	A loose-fitting jacket or waistcoat worn over a kurta, with or without buttons.
14. C	Choli	A short bodice with or without sleeves crocheted or woven.
15. C	Ghagra lahnga	An ankle-length, very wide skirt with drawstring or hooks at waist.

No.	Name	Description
16.	Pavadai	A set made of a full ankle-length skirt and a bodice.
17.	Dupatta	A very light woven scarf about 120 cm x 80 cm worn with kurta and churidar.
18.	Ohdani	A cloth about 2 m x 1 m with much ornamentation.
19.	Patka	A long stole, non-printed, ornamented with art work.
20.	Gulu-band	Neckband with traditional art work.
21.	Kamarband	Decorated waistband and textile belt.
22.	Bazuband	Decorative arm-band.
23.	Mathapait	Decorative forehead band.
24.	Safa	Headwear made up of traditional embroidery work.
II. Decorative furnishings		
25.	Toran	A textile article, traditionally used to decorate door posts, embroidered or with appliqué work in folk motifs.
26.	Tombai	Cylindrical hanging with appliqué work, of hand-printed, hand-painted or hand-embroidered fabrics, traditionally hung from ceilings or in doorways.
27.	Shamiana	Canopy of awning with appliqué work of squares or triangles in contrasting colours, used as ceiling decoration.
28.	Kalamkari	Wall hangings with mythological scenes depicted by hand-painting or hand-printing using wax.
29.	Temple hangings	Hand-painted or hand-printed hangings with traditional mythological or religious motifs.
30.	Chakla	Embroidered wall-hangings, with or without mirror work, depicting folk motifs.
31.	Batik wall hangings	Wall hangings of cotton, with designs created by the traditional handicraft batik process (hand-waxing, dyeing and boiling being repeated for each colour).
32.	Chahdani posh	A decorative cover for a teapot or coffee pot.
33.	Takiagilaf	A cushion cover decorated with Indian motifs.

No.	Name	Description
34.	Phulkhari	Decorative embroidered cloth with close darning stich employed with strands of untwisted silk to make the flower-like embroideries.
35.	Gaddiposh	Decorative version of the bedspread, scinetimes quilted.
36.	Handknotted carpets	Having wool!en or cotton warp and weft and a woollen knotted pile, of which each knot or loop is made by hand and joins two warp threads. After each row of knots is completed, a weft thread is passed through the warp. The pile is subsequently shorn by hand to give the carpet the desired thickness. The traditional patterns used are common to India and neighbouring regions of South and Central Asia, and usually consist of stylized floral, animal and geometrical motifs, in either a single design or repeated several times within a border. Carpets with traditional pictorial designs (e.g. court, hunting, polo, jungle scenes etc.) modern designs with Indian motifs from ancient monuments and murals, and carpets in a single colour, without pattern, are also produced by hand in India.
37.	Hand-woven carpets	Of the Kelem, Schumuk and Karamanie types.
38.	Gabba	Floor-coverings produced by hand-embroidery or by appliqué work on a base consisting or woven wool, felt, or jute, with or without a cotton backing.
39.	Namdas	A floor covering with felted woollen surface with or without traditional embroideries in various shapes and sizes.

ANNEX IV

Handloom/Folklore Certificate

1. Exporter (name, full address)	ORIGINAL	2. No.
3. Consignee (name, full address)	CERTIFICATE in regard to HANDI OF THE COTTAGE INDUSTRY an PRODUCTS, issued in conformity w trade in textile products with Austria.	d TRADITIONAL FOLKLORE with and under the condition regulating
4. Place and date of shipment - means of transport	5. Supplementary details	
6. DESCRIPTION OF GOODS	7. Quantity	8. F.o.b. value
 9. CERTIFICATION BY THE COMPETENT AUT the undersigned, certify that the consignment de (a) Handloom textile fabrics, being fabrics wove of India. (b) Garments or other textile products, made in t fabrics as described above. (c) Traditional folklore handicraft textile product 	escribed above includes only the following on looms operated solely by hand or he cottage industry of India having been	foot and made in the cottage industry n hand-made from handloom textile
10. Competent authority (name and address)	At	On
	(Signature)	(Stamp)

* Delete what is not applicable.

ANNEX V

Export Certificate

1. Exporter (name, full address)	ORIGINAL	2. No.
	3. Quota Year	4. Category No.
5. Consignee (name, full address)	INE EXPORT CE (Textile p	RTIFICATE
6. Place and date of shipment - means of transport	7. Supplementary details	
8. Description of goods	9. Quantity	10. F.o.b. value
 CERTIFICATION BY THE COMPETENT AUTHORITY the undersigned, certify that the goods described above have year shown in box No. 3 in respect of the category shown in b with the Government of Austria. 12. Competent authority (name, full address) 	e been charged against the quanti ox No. 4 by the provisions regula	tative limit established in the ating trade in textile products
	At (Signature)	On (Stamp)

ANNEX VI

A	B	С	D
Cat. No.	AUSTRIA HS No.	CCCN	Product description
(a)	5208	5508 and	Woven fabrics of cotton, containing 35 % or more by weight of cotton, weighing not more than 200 g/m ² .
	5209	5509	Woven fabrics of cotton containing 85 % or more by weight of cotton, weighing more than 200 g/m ² .
	5210		Woven fabrics of cotton, containing less than 85 % by weight of cotton mixed mainly or solely with man-made fibres, weighing not more than 200 g/m ² .
	5211		Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 g/m^2 .
	5212		Other woven fabrics of cotton.
	5802 10		- Terry towelling and similar woven terry fabrics, of cotton;
(b)	6107 11		Men's or boys' underpants and briefs knitted or crocheted, of cotton.
	6107 21	6004 ex	Men's or boys' nightshirts and pyjamas, knitted or crocheted, of cotton.
	6108 19 ex		Women's or girls' slips and petticoats, knitted or crocheted, of cotton.
	6108 21		Women's or girls' briefs and panties knitted or crocheted, of cotton.
	6108 31		Women's or girls' nightdresses and pyjamas, knitted or crocheted, of cotton.
	6109 10		T-shirts, singlets and other vests, knitted or crochetect, of cotton.
(c)	6101 20	6005 ex	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski- jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading No. 6103, of cotton.
	6102 20		Women's or girls' overcoats, car-coats, capes, cloaks, anoraks (including ski- jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading No. 6104, of cotton.
	6103 10 ex		Men's or boys' suits, knitted or crocheted, of cotton.
	6103 22		Men's or boys' ensembles, knitted or crocheted, of cotton.
	6103 32		Men's or boys' jackets and blazers, knitted or crocheted, of cotton.
	6103 42		Men's or boys' trousers, bib and brace overalls, breeches and shorts, knitted or crocheted, of cotton.
	6104 12		Women's or girls' suits, knitted or crocheted, of cotton.
	6104 22		Women's or girls' ensembles, knitted or crocheted, of cotton.
	6104 32		Women's or girls' jackets and blazers, knitted or crocheted, of cotton.
	6104 42		Women's or girls' dresses, knitted or crocheted, of cotton.
	6104 52		Women's or girls' skirts and divided skirts, knitted or crocheted, of cotton.
	6104 62		Women's or girls' trousers, bib and brace overalls, breeches and shorts, knitted or crocheted, of cotton.
	6106 10		Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted, of cotton.
	6107 91		Men's or boys' hathrobes, dressing gowns and similar articles, knitted or crocheted, of cotton.
	6108 91		Women's or girls' negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted, of cotton.

A	В	с	D
Cat. No.	AUSTRIA HS No.	CCCN	Product description
	6110 20		Jerseys, pullovers, cardigans, waist-coats and similar articles, knitted or crocheted, of cotton.
	6112 11		Track suits, knitted or crocheted, of cotton.
	6112 20 ex		Ski-suits, knitted or crocheted, of cotton.
	6112 39 ex		Men's or boys' swimwear, knitted or crocheted, of cotton.
	6112 49 ex		Women's or girls swimwear, knitted or crocheted, of cotton.
	6114 20		Other garments, knitted or crocheted, of cotton.
	6117 10 ex		Shawls, scarves, mufflers, mantillas, veils and the like, knitted or crocheted, of cotton.
	6117 20 ex		Ties, bow ties and cravats, knitted or crocheted, of cotton.
	6117 80 ex		Other clothing accessories, knitted or crocheted, of cotton.
	6117 90 ex		Parts of garments or of clothing accessories, knitted or crocheted, of cotton.
(d)	6201 12	6101 ex	Men's or boys' overcoats, raincoats, car-coats, capes, cloaks and similar articles, other than those of heading No. 6203, of cotton.
	6201 92		Men's or boys' anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading No. 6203, of cotton.
	6203 19 ex		Men's or boys' suits, of cotton.
	6203 22		Men's or boys' ensembles, of cotton.
	6203 32		Men's or boys' jackets and blazers, of cotton.
	6203 42		Men's or boys' trousers, bib and brace overalls, breaches and shorts, of cotton.
	6207 91		Men's and boys' singlets and other vests, bathrobes, dressing gowns and similar articles of cotton.
	6210 10 ex		Garments, made up of fabrics of headings No. 5602 or 5603, of cotton.
	6210 20 ex		Other garments, made up of fabrics of heading No. 5903, 5906 or 5907, of the type described in subheadings 6201 11 to 6201 19, of cotton.
	6210 40 ex		Other men's or boys' garments made up of fabrics of heading No. 5903, 5906 or 5907, of cotton.
	6211 11		Men's or boys' swimwear, of cotton.
	6211 32		Other men's or boys' garments, of cotton.
	6202 12	6102 ex	Women's or girls' overcoats, raincoats, car-coats, capes, cloaks and similar articles other than those of heading No. 6204, of cotton.
	6202 92		Women's or girls' anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading No. 6204, of cotton.
	6204 12		Women's or girls' suits, of cotton.
	6204 22		Women's or girls' ensembles, of cotton.
	6204 32		Women's or girls' jackets and blazers of cotton.
	6204 42		Women's or girls, dresses, of cotton.
	6204 52		Women's or girls' skirts and divided skirts, of cotton.
	6202 62		Women's or girls' trousers, bib and brace overalls, breeches and shorts, of cotton.

A	В	с	D
Cat. No.	AUSTRIA HS No.	CCCN	Product description
	6208 91		Women's or girls' singlets and other vests, briefs, panties, negligees, bathrobes, dressing gowns and similar articles, of cotton.
	6210 30 ex		Garments made up of heading 5903, 5906 or 5907. of the type described in subheadings 6202 11 to 6202 19, of cotton.
	6210 50 ex		Other women's or girls' garments made up of fabrics of heading No. 5903, 5906, of cotton.
	6211 12		Women's or girls' swimwear, of cotton.
	6211 20 ex		Ski-suits, of cotton.
	6211 42		Other women's or girls' garments, of cotton.
(f)	6302 51	6202 ex	Table linen, not knitted nor crocheted, of cotton.
	6303 60		Toilet linen and kitchen linen, of terry towelling or similar terry fabrics of cotton.
	6303 91		Other kitchen linen, of cotton.
(g)	6303 10 ex	6202 ex	Bed linen, knitted or crocheted, of cotton.
	6303 21		Other bed linen, printed, of cotton.
	6303 31		Other bed linen, of cotton.

Agreed Minute

Both delegations agreed that if restraint levels were introduced for any category or categories of products, that were subject to quantitative limits in the previous MOUs but were subsequently removed, the annual levels so reintroduced shall not be less that the previous restraint levels duly increased by an annual growth rate, as far as possible.

Agreed Minute

Austria and the Republic of India agree to abide fully by the provisions of paragraph 18 of the Protocol of Extension dated 31 July 1986.

In particular, the introduction of the Harmonized System shall not affect the ability of a participant of this Memorandum to use or benefit fully from it.

In accordance with paragraph 18 above, either Government has the right to request consultations with the other Government on any matter arising from the introduction of the Harmonized System.

Agreed Minute

During the consultations between the delegations of the Government of India and the Government of Austria held at New Delhi on 8-9 November 1993, the delegation of India expressed concerns about the possibility of increases in import restrictions on textiles and clothing in Austria as a consequence of Austria's accession negotiations with the European Communities, and expressed the point of view that appropriate remedies may have to be worked out to safeguard the rights of access of India's textiles and clothing products to Austria. The delegation of the Government of Austria took note of the concerns of the delegation of the Government of India.