

GENERAL AGREEMENT ON  
TARIFFS AND TRADE

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URUGUAYAN RECOURSE TO ARTICLE XXIII

Action Taken by Contracting Parties in Compliance  
with the Recommendations of 16 November 1962

AUSTRIA

At the twentieth session the CONTRACTING PARTIES adopted the report of the Panel on Uruguayan Recourse to Article XXIII and approved the recommendations formulated by the Panel in terms of paragraph 2 of Article XXIII with respect to certain measures applied by seven contracting parties. In accordance with the general recommendation noted in paragraph 20 of the Panel's report, the contracting parties concerned were asked to report on their action taken to comply with those recommendations or any other satisfactory adjustment by 1 March 1963. The following communication, dated 28 February 1963, has been received from the permanent mission of Austria.

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With reference to document L/1923 of 15 November 1962 I have the honour to inform you about the following action taken by the Austrian authorities in order to comply with the CONTRACTING PARTIES' Recommendations following the recourse of Uruguay to Article XXIII of the General Agreement.

With respect to the quantitative import restrictions for tariff items 02.01, 16.02, 16.03 and 10.03 the Austrian authorities will take a position in the near future as to whether these restrictions are covered by the provisions of paragraph 1(a)(ii) of the Torquay Protocol to the General Agreement on Tariffs and Trade of 21 April 1951. In view of the extent and the significance of the legal questions to be examined in order to arrive at a decision on this question, the statement of the Austrian authorities ... can not be expected before 1 March 1963.

As far as the quantitative import restrictions for tariff item 15.07 are concerned, ... a global quota for GATT countries has been opened on 1 January 1963. The Austrian import régime for the tariff item in question has thus been relaxed and put on a non-discriminatory basis.

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With respect to tariff item 53.07 , ... sub-item 53.07A (effect yarns and fancy yarns, not put up for retail sale) has been liberalized for GATT countries on 1 January 1963.

As far as sub-item 53.07B is concerned (other yarn of combed sheep's or lambswool, not put up for retail sale), Austria is ready to enter into bilateral negotiations with Uruguay in order to reach a satisfactory solution by mutual agreement. As to the place for such negotiations, Austria suggests either Geneva or Vienna.

With regard to tariff item 53.11, ... sub-item 53.11A (furnishing fabrics, other than those with raised pile, of sheep's or lambswool or of fine animal hair) has been liberalized for GATT countries on 1 January 1963.

As far as sub-item 53.11B is concerned (other woven fabrics of sheep's or lambswool or of fine animal hair), the offer for negotiations noted above is also valid.

As regards the mixing regulation in respect of wheat, the Federal Ministry for Agriculture and Forestry has published a decree with effect of 1 March 1963 which clarifies unequivocally the non-discriminatory character of the so-called mixing regulation. The decree obliges mills only to purchase also wheat of an average quality without any regard for its origin, whenever they use high quality wheat which again can either be of domestic or of foreign origin. In the view of the Austrian authorities these mixing regulations are no longer prohibited by paragraph 5 of Article III of the General Agreement and are thus not contrary to the GATT.

I have also been instructed to inform you that Austria is ready at the time of the negotiations on tariff item 53.07B and 53.11B to enter into consultations on the global quota for tariff item 15.07 and to submit all information on the mixing regulation in the present form and, without prejudice to the expected clarification on the applicability of the reservation under the Torquay Protocol, on the import practice for the agricultural items referred to in the second paragraph of this note.

