

GENERAL AGREEMENT ON
TARIFFS AND TRADE

RESTRICTED

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ANTI-DUMPING LEGISLATION OF AUSTRIA

The following communication, dated 16 March 1979, has been received from the Permanent Mission of Austria.

Upon instructions by my authorities I am transmitting under the cover of this letter an amendment to the Austrian Anti-Dumping Law which entered into force on 5 December 1978.

FEDERAL LAW OF 5 DECEMBER 1978, AMENDING THE ANTI-DUMPING
LAW 1971 (ANTI-DUMPING AMENDING LAW 1978)

Parliament has enacted:

Article I

The Anti-Dumping Law 1971, Austrian Federal Legal Gazette No. 384, is amended to read as follows:

1. Paragraph 31, sub-paragraph (2), is amended to read as follows:

"(2) Where this federal law provides that the Advisory Board should be heard, it shall be convened without delay by the Federal Minister for Trade, Commerce and Industry. A statement of the main facts shall be attached to the letter of invitation."

2. Paragraph 34, sub-paragraph (4) is deleted.

3. Section VIII is amended to read as follows:

SECTION VIII

Provisional Measures

36. In a case where an investigation has been initiated and sufficient evidence of dumping and of injury produced, the normal value [paragraph 22, sub-paragraph (2)] or the basic price [paragraph 22, sub-paragraph (7)] shall be determined provisionally by decree after hearing the Advisory Board, provided this measure appears necessary to prevent further injury.

37. In a case where an investigation has been initiated and sufficient evidence produced that a premium or subsidy has been granted, directly or indirectly, in the country of origin or in the exporting country for the extraction, production or export of this product thereby causing injury, the amount of premium or subsidy referred to in paragraph 26, sub-paragraph (2) shall be determined provisionally by decree after hearing the Advisory Board, provided this measure appears necessary to prevent further injury.

38. (1) Decrees according to paragraph 36 or paragraph 37 shall be published in the "Amtsblatt zur Wiener Zeitung" (Official Gazette of the Wiener Zeitung). They enter into force on the day following their publication and cease to have effect upon entry

into force of a decree according to paragraph 22, sub-paragraph (1) or paragraph 26, sub-paragraph (1) concerning the like product, in any case, however, at the latest three months following their publication. They shall be annulled immediately, if the circumstances upon which they were based have ceased to exist.

- (2) In pursuance of decrees according to paragraph 36 or paragraph 37, the customs office shall assess the anti-dumping or countervailing duty provisionally.
- (3) In a case where the decree according to paragraph 36 or paragraph 37 is annulled or ceases to have effect without a decree according to paragraph 22, sub-paragraph (1) or paragraph 26, sub-paragraph (1) coming simultaneously into effect, the decision given according to sub-paragraph (2) shall be rescinded.
- (4) The provisional assessment shall be:
 - (a) declared definitive, if in pursuance of the decree according to paragraph 22, sub-paragraph (1) or paragraph 26, sub-paragraph (1) an anti-dumping or countervailing duty were to have been assessed which is equal to or higher than the duty assessed provisionally, or
 - (b) replaced by a definitive assessment in conformity with the decree according to paragraph 22, sub-paragraph (1) or paragraph 26, sub-paragraph (1), if in pursuance of this decree an anti-dumping or countervailing duty has to be assessed which is less than the duty assessed provisionally.

39. The issuance or annulment of a decree according to paragraph 36 or paragraph 37 shall be notified to the authorities of countries of exportation or origin.

40. The paragraphs 5, 22, sub-paragraph (2) last sentence, sub-paragraphs (3), (5), (6) and (7) and the paragraphs 27, 34 and 35 shall be applied to this section by analogy.

4. The following shall be inserted after Section VIII:

SECTION IX

Final Clauses

41. Paragraph 4 of the Customs Tariff Law 1958, Austrian Federal Law Gazette No. 74, shall not be applicable as long as this federal law is in force.

42. (1) The Federal Minister for Trade, Commerce and Industry shall, unless otherwise provided for in this federal law, implement this federal law; with regard to paragraphs 22, sub-paragraph (1), 26, sub-paragraph (1), 36 and 37 in agreement with the Federal Minister for Finance. If the implementation of the paragraphs 22, sub-paragraph (1), 26, sub-paragraph (1), 36 and 37 concerns goods for which according to the Foreign Trade Law 1968, Austrian Federal Law Gazette No. 314, import or export licences issued by the Federal Minister for Agriculture and Forestry are required, his consent is required as well.
- (2) The Federal Minister for Finance shall implement paragraphs 2, 3, 5, 34, 35, sub-paragraphs (2) and (3), 38, sub-paragraphs (2) to (4) inclusive and 41.
- (4) The Federal Minister of Justice shall implement paragraph 32, sub-paragraph (3).

Article II

The competence for the implementation of this federal law shall be determined by paragraph 42 of the Anti-Dumping Law 1971 in the wording of Article I of that law.

Kirchschläger

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