

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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Group of Negotiations on Goods (GATT)

Negotiating Group on Safeguards

DRAFTING HISTORY OF ARTICLE XIX AND ITS PLACE IN GATT

Background Note by the Secretariat

I. Introduction

1. During its meeting held on 25 and 27 May 1987, the Negotiating Group on Safeguards requested the secretariat to prepare a paper on the drafting history of Article XIX and its place in GATT (MTN.GNG/NG9/2, para. 30).
2. This note is prepared in response to this request. It is issued on the responsibility of the secretariat.

II. Drafting history of Article XIX

3. The text of the General Agreement is based on the Charter for an International Trade Organization of the United Nations (The Havana Charter) drawn up by the Preparatory Committee of the United Nations Conference on Trade and Employment. The first draft of the Havana Charter was submitted by the United States to the opening session of the Preparatory Committee, held in London in October 1946. Article 29 of that draft contained provisions for "Emergency Action on Imports of Particular Products"¹. These provisions were modelled on corresponding provisions in the Reciprocal Trade Agreement of 1942 between the United States and Mexico. The 1945 congressional debate on the law that authorized the United States to join GATT had decided that an "escape clause" was necessary in all treaties involving the granting of concessions by the United States so that these could be renegotiated if situations of an emergency character arose.

4. The escape clause became Article 34 of the draft that emerged from the London meeting in October 1946. Three additional elements were included. The first relates to "... a product which is the subject of a concession with respect to the preference ..." which eventually became Paragraph 1(b) of Article XIX. The second is the exemption of "prior consultation" under "critical and exceptional circumstances". The third concerns the degree of retaliation in "serious cases", when the Organization "may authorize an affected Member to suspend concessions or obligations in addition to those which may be substantially equivalent to the action originally taken".

¹Text in Annex I

5. The London draft was discussed in New York in January and February 1947 and in Geneva during May to August 1947. Article 34 of the New York draft became Article 40 of the Geneva draft. Paragraph 1 was divided into 1(a) and 1(b) with the latter specifically referring to "any product which is the subject of a concession with respect to a preference". Paragraph 3 was also divided into 3(a) and 3(b), with 3(b) specifically referring to actions taken without prior consultation. Paragraph 4 was a new paragraph concerning actions vis-à-vis non-Members.

6. The Geneva draft was submitted to the Conference held in Havana between November 1947 and March 1948. Fifty-three of the fifty-six states participating in the Conference signed the Final Act. Article 40 of the Final Act¹ was taken without any substantive change from the Geneva draft.

7. Governments participating in the drafting of the Charter also drew up the General Agreement on Tariffs and Trade, which came into force before work on the Havana Charter was finished. It was during the New York meeting in early 1947 that a decision to include the escape clause in the text of the GATT was made. Subsequent changes in that clause in the New York and Geneva ITO drafts were carried over into the General Agreement which was signed on 30 October 1947. Article XIX corresponds to Article 40 of the Havana Charter, but changes in Article 40 made during the Havana Conference were not carried into the GATT. Hence, Article XIX of GATT differs from Article 40 of the Havana Charter in several minor ways. The first difference is the absence of the word "relatively" between "such" and "increased quantities" in Paragraph 1(a) of Article XIX. The second is the use of the word "critical" in Paragraph 2. In the Havana Charter, the words "of special urgency" were used. The third difference is the absence of Paragraph 4 in Article XIX of GATT.

8. When it became clear that the Havana Charter would not come into effect the 1955 Review Session was held to see if any changes were required in the text of the General Agreement. The only change in the text of Article XIX was the substitution of "concessions or other obligations" for "obligations or concessions" in sub-paragaphs 3(a) and 3(b). The amendment came into force in October 1957.

III. The Place of Article XIX in the GATT

9. Article XIX is one of a number of safeguard provisions in the General Agreement which permit contracting parties, subject to specific conditions, to re-impose trade barriers otherwise prohibited by the Agreement. It permits the imposition of tariffs and quantitative restrictions otherwise prohibited by the provisions of Articles II and XI in order to protect domestic producers suffering, or threatened by, serious injury. The Article is of more importance for some contracting parties than others, its

¹Text in Annex II

importance depending on a number of factors, for instance whether the contracting party in question had a large schedule of tariff concessions or whether it can justify quantitative restrictions under other GATT provisions, such as those permitting restrictions for balance-of-payments purposes. The General Agreement, and in particular Articles II and XI on the one hand and Article XIX on the other, is a balance between the need to provide the stability necessary for decisions relating to investment and international trade and the flexibility necessary for governments to accept international obligations.

10. Other safeguard clauses include Article VI, which permits the imposition of anti-dumping and countervailing duties; Article XII which permits the imposition of import restrictions in order to safeguard a contracting party's external financial position and its balance-of-payments; Article XVIII which permits contracting parties the economies of which can only support low standards of living and are in the early stages of development to impose tariff and import restrictions; Article XX which permits action to safeguard public health and safety; Article XXI which permits action to safeguard essential security interests; Article XXVIII which permits contracting parties to renegotiate concessions in GATT schedules; and Article XXXV which permits the non-application of the General Agreement between particular contracting parties.

11. In recent years, the relative use of Article XIX has declined as more safeguard actions are taken without reference to GATT rules and frequently in contravention of these rules. The secretariat note on "Inventory of Article XIX actions and other measures which appear to serve the same purpose" (MTN.GNG/NG9/W/2/Rev.1), illustrates the fact that there are at present more "grey-area" measures than Article XIX actions in force.

12. The following paragraphs analyze the Article XIX actions notified to the GATT up to the present time. Twenty-six of these are still in force as at 31 July 1987. These actions are listed in chronological order in Annex III. Table 1 is a summary table showing the countries invoking such actions, the products involved, and the period where actions were taken. Table 2 shows the type of measures and Table 3 contains a break-down of the duration of the measures. Tables 4 and 5 illustrate the cases of compensation and retaliation.

(i) Countries taking Article XIX actions (Table 1)

13. Australia is by far the country which invoked the greatest number of Article XIX actions (a total of 38 actions with 5 still in force), followed by the United States (27 actions with 2 in force) and Canada (22 actions with 2 in force). Fourteen actions were taken in the name of the European Communities, and a total of 12 actions were taken by its Member States. There are 9 actions by the Community or its Member States which are still in force.

14. Of the 134 actions notified, only 7 actions were taken by developing countries, 4 of which are still in force.

(ii) Products involved (Table 1)

15. Agriculture and food products (35 actions) represent the type of products in which Article XIX actions were taken most frequently. The next popular item is textiles and clothing (26 actions). Together they constitute almost half of all the actions taken. Iron and steel (12 actions), electrical and electronic products (9 actions) and footwear (9 actions) are also high on the list.

(iii) Period when actions were invoked (Table 1)

16. 1970-1979 represents the period when the greatest number of actions were invoked (47 actions). The period 1960-1969 has 35 actions and the current period, 1980-present, so far has 33 actions. It is interesting to note that Australia, for instance, invoked 17 and 15 actions during the periods 1970-1979 and 1960-1969 respectively, but only 2 before 1960 and 4 starting from 1980. The pattern for the United States is different. It invoked 11 actions between 1950-1959 and 9 actions between 1970-1979, with relatively few in 1960-1969 and the current period. The pattern for Canada again is different. It invoked 13 actions during 1970-1979 and very few in the other periods. The European Communities has invoked the greatest number of Article XIX actions during the current period (11 actions). Actions before 1979 were notified in the name of individual Member States.

(iv) Type and nature of measures (Table 2)

17. Measures notified under Article XIX can generally be divided into tariff and non-tariff measures. For tariff measures, they include increase in specific duties, increase in ad valorem duties, surcharge, surtax, minimum value for duty, increase in compound duties, compensatory tax, tariff quotas, etc. Cases of surtax and countervailing charges for products imported below a minimum price have also been reported. Non-tariff measures that have been notified include outright embargo and ban on import licence to global quotas, discretionary licensing, import deposit scheme, import authorization and other import restrictions. A few actions involved both tariff and non-tariff measures.

18. A simple classification of the actions taken shows that exactly half (67 actions) of them are tariff measures. During the period 1950-1959, actions taken were predominantly tariff measures (80 per cent). The next ten-year period saw the rise in the use of non-tariff measures (45 per cent), and in the period 1970-1979, non-tariff measures constituted the majority (70 per cent) of all actions invoked. For the current period, the share of tariff and non-tariff measures is about equal.

19. All Article XIX actions were declared to be applied in a global non-discriminatory manner except one action invoked by the United Kingdom

involving television sets from the Republic of Korea. There were also a few actions invoked by Canada and the United States which could be interpreted as selective in their field of application in that the actions applied to only imports under a certain export price and consequently they affected only certain suppliers.

(v) Duration of measures (Table 3)

20. Table 3 shows the duration of actions apart from those which are still in force. About 23 per cent of them lasted for less than a year. Almost all of those actions involved agricultural and food products, and the measures taken were usually increased duties for the products for a short season. Twenty-six per cent of the actions lasted between 1 to 2 years, and 30 per cent lasted for 3 to 5 years. Twenty-one per cent of the measures lasted for over 5 years.

21. Some Article XIX actions were terminated after tariff bindings were renegotiated, and a few were replaced by orderly marketing arrangements or voluntary export restraint arrangements.

(vi) Compensation and retaliation

22. Table 4 shows the cases when compensations were paid or offered to parties affected by Article XIX actions taken. It shows that in the history of GATT, there were 20 cases where compensations were paid or offered, usually when the actions took the form of a tariff increase. The distribution of such cases over the period of time is extremely uneven. There were 10 such cases during 1950-1959, 8 cases in 1960-1969 and only 1 case each in 1970-1979 and in 1980 to present.

23. The United States is by far the country which paid or offered compensations for the greatest number of occasions (9 times), followed by Greece (3 times), Canada and Australia (twice each).

24. With the declining number of cases for compensation over time, there was an increasing number of retaliations taken or proposed. Table 5 shows that there were 2 cases of retaliatory measures taken or proposed during the period 1950-1959, 3 cases in 1960-1969, but 4 cases respectively in 1970-1979 and the current period.

25. Compensation and retaliation seemed to be the sole concern of developed countries. Of the 20 cases of compensation paid or offered and the 13 cases of retaliation, only 1 case in each category involved a developing country.

(vii) Summary

26. The following are among the points brought out by this examination of Article XIX actions. Nearly 90 per cent of Article XIX actions were taken by four contracting parties, namely Australia, the United States, Canada

and the EEC. This means that developing countries, and developed countries other than the four mentioned above, have made very little use of the Article. Although many developing countries have been affected by Article XIX actions, compensation and retaliation seemed to be the concern of developed countries, particularly the United States and the EEC. The statistics do not show any discernible trend in the frequency of Article XIX actions, nor in the use of tariff measures as opposed to non-tariff measures. However, it is quite clear that agricultural and food products as well as textiles and clothing items have been popular targets for Article XIX action, and that almost all of the actions which had very short duration involved agricultural and food products. Although Article XIX actions have been applied in a non-discriminatory manner, the use of price brackets has sometimes limited the number of supplying countries affected by the measure. Some Article XIX actions were terminated because contracting parties have concluded bilateral or plurilateral arrangements like OMAs and VERs.

ANNEX I

Extract from Suggested Charter for an
International Trade Organization of the United Nations
by the Department of State, USA, September 1946

Article 29. Emergency Action on Imports of Particular Products

1. If, as a result of unforeseen developments and of the effect of the obligations incurred under this Chapter, including the tariff concessions granted pursuant to Article 18, any product is being imported into the territory of any Member in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers of like or similar products, the Member shall be free to withdraw the concession, or suspend the obligation, in respect of such product, in whole or in part, or to modify the concession to the extent and for such time as may be necessary to prevent such injury.

2. Before any Member shall take action pursuant to the provisions of paragraph 1 of this Article, it shall give notice in writing to the Organization as far in advance as may be practicable and shall afford the Organization, and the other Members having a substantial interest as exporters of the product concerned, an opportunity to consult with it in respect of the proposed action. If agreement among the interested Members with respect to the proposed action is not reached, the Member which proposes to take the action shall, nevertheless, be free to do so, and if such action is taken the other affected Members shall then be free, within sixty days after such action is taken to suspend on sixty days' written notice to the Organization the application to the trade of the Member taking such action, of any of the obligations or concessions under this Chapter the suspension of which the Organization does not recommend against.

ANNEX II

The Final Act of the
United Nations Conference on Trade and Employment
held at Havana, November 1947 - March 1948

Article 40

Emergency Action on Imports of Particular Products

1. (a) If, as a result of unforeseen developments and of the effect of the obligations incurred by a Member under or pursuant to this Chapter, including tariff concessions, any product is being imported into the territory of that Member in such relatively increased quantities and under such conditions as to cause or threaten serious injury to domestic producers in that territory of like or directly competitive products, the Member shall be free, in respect of such product, and to the extent and for such time as may be necessary to prevent or remedy such injury, to suspend the obligation in whole or in part or to withdraw or modify the concession.

(b) If any product which is the subject of a concession with respect to a preference is being imported into the territory of a Member in the circumstances set forth in sub-paragraph (a), so as to cause or threaten serious injury to domestic producers of like or directly competitive products in the territory of a Member which receives or received such preference, the importing Member shall be free, if that other Member so requests, to suspend the relevant obligation in whole or in part or to withdraw or modify the concession in respect of the product, to the extent and for such time as may be necessary to prevent or remedy such injury.

2. Before any Member shall take action pursuant to the provisions of paragraph 1, it shall give notice in writing to the Organization as far in advance as may be practicable and shall afford the Organization and those Members having a substantial interest as exporters of the product concerned an opportunity to consult with it in respect of the proposed action. When such notice is given in regard to a concession relating to a preference, the notice shall name the Member which has requested the action. In circumstances of special urgency, where delay would cause damage which it would be difficult to repair, action under paragraph 1 may be taken provisionally without prior consultation, on the condition that consultation shall be effected immediately after taking such action.

3. (a) If agreement among the interested Members with respect to the action is not reached, the Member which proposes to take or continue the action shall, nevertheless, be free to do so, and if such action is taken or continued, the affected Members shall then be free, not later than ninety days after such action is taken, to suspend, upon the expiration of thirty days from the day on which written notice of such suspension is

received by the Organization, the application to the trade of the Member taking such action, or, in the case envisaged in paragraph 1(b), to the trade of the Member requesting such action, of such substantially equivalent obligations or concessions under or pursuant to this Chapter the suspension of which the Organization does not disapprove.

(b) Notwithstanding the provisions of sub-paragraph (a), where action is taken without prior consultation under paragraph 2 and causes or threatens serious injury in the territory of a Member to the domestic producers of products affected by the action, that Member shall, where delay would cause damage difficult to repair, be free to suspend, upon the taking of the action and throughout the period of consultation, such obligations or concessions as may be necessary to prevent or remedy the injury.

4. Nothing in this Article shall be construed

- (a) to require any Member, in connection with the withdrawal or modification by such Member of any concession negotiated pursuant to Article 17, to consult with or obtain the agreement of Members other than those Members which are contracting parties to the General Agreement on Tariffs and Trade, or
- (b) to authorize any Member which is not a contracting party to that Agreement, to withdraw from or suspend obligations under this Charter by reason of the withdrawal or modification of such concession.

ARTICLE XIX ACTIONS

(Situation as at 31 July 1987)

Item No.	Date introduced	Date terminated	Contracting party	Product ¹	Measure taken	Affected countries ² / compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
1	1.12.50	XXVIII:4 reneg. June 1956	US	Women's fur felt hats and hat bodies	Value bracketed ad valorem duties replaced by compound rates for products between certain prices	Austria, Czechoslovakia, France, Italy, UK. Compensation to France, Italy at Torquay	GATT/CP/83, GATT/CP5/22, GATT/CP/106, SECRET/63/Add.1-2
2	9.2.52	14.9.58	US	Hatters' fur	Ad valorem duty replaced by compound rates subject to an ad valorem floor and ceiling	Argentina, Belgium, France; Benelux took Article XIX:3 action	SECRET/CP/19 & Add.1 GATT/CP/140 & Add.1 L/9, L/851 & Add.1 22.5.52
3	30.8.52	XXVIII:4 reneg. in 1966 (nomencl. rev.)	US	Dried Figs	Specific duty increased	Greece, Italy, Turkey. Turkey took Art. XIX:3 action 23.2.53. In said negotiations <u>compensatory reductions</u> were made by US to a number of countries	AIR/23, L/14, L/40, L/44, L/57, L/72, L/83 L/145, L/147, L/161, L/284, L/2592, G/39, G/70, BISD 1, p. 28
4	1.7.54	30.6.59	US	Alsike clover seed	Specific duty increased for imports above a fixed annual quota, which was increased	Canada, Belgium	AIR/47, L/216, L/662, L/1532 & Add.1 1 July 1955 and 2 July 1957

¹The product description is in some cases abbreviated.

²Incomplete information; based on claimed interest or on information concerning principal or substantial suppliers furnished by governments taking actions. In some instances, largest suppliers have been indicated in statistics made available.

ANNEX III

Item no.	Date introduced	Date terminated	Contracting party	Product	Measure taken		Affected countries/ compensation, retaliation	References
					(1)	(2)	(3)	(4)
5	March 1955	XXVIII reneg.	Greece	Apples	Specific duty replaced by increased ad valorem duty plus 75% surtax		Canada, which was compensated	L/346 & Corr.1; unpublished Canadian letters dated 21.5.62, 6.5.63, 7.4.70.
6	14.8.55	XXVIII 14 reneg. Jan. 1961 (nominal. rev.)	US	Bicycles	Duties per unit increased, as well as floors and ceilings with respect to ad valorem equivalents.		Austria, Belgium, Netherlands, Germany, UK (all compensated in 1956); France, Italy.	AIR/77, 79 & '14, L/433, 6/PSC, C/M/1, SECRET/136/Add.1-4
7	26.7.56	XXVIII reneg. 1966 (nominal. rev.)	US	Towelling of flax, hemp or ramie	Ad valorem duty increased		Belgium, Japan, Netherlands, United Kingdom. Compensation to Benelux, United Kingdom in June 1957. See also item 3 above.	AIR/90 & 92, L/548, L/573 & Add.1, L/2592
8	3.10.56	XXVIII:1 reneg. June 1961	Greece	Electric refrigerators	Ad valorem duty increased		United States, which was compensated	L/541, L/575, SECRET/131/Add.7 letters (unpublished ot 21.5.62 and 7.4.70)
9	14.6.57	14.12.57	Canada	Strawberries	Minimum values for duty; (increased specific duties)		United States	L/642

¹ 12 December 1960 US Supreme Court invalidated the action on one out of four sub-items in question.

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
10	9.11.57	XXVIII:4 Janeg. Feb. 1961	US	Spring clothes-pins	Specific duty increased.	Benelux, Denmark, Hong Kong, Sweden. Compensation to Denmark, Sweden, Benelux	L/757 & Add.1, L/758 SR:12/21, AIR/128 & 214, C/M/?, SECRET/136/Add.5-7
11	29.11.57	28.1.66	US	Safety-pins	Ad valorem duty increased.	Germany, Japan, United Kingdom. Compensation to Germany, UK in Jan. 1962.	AIR/105, L/624 & Add.1-2, AIR/125, L/1746, L/2565
12	12.2.58	15.6.59	Canada	Frozen peas	Minimum values for duty; (increased specific duties)	United States (only supplier)	ATR/1/4, L/1017
13	27.2.58	15.5.58	Australia	Printed cotton textiles	Ban on Import Licences. Japan had agreed to reduce exports already covered by licences and firm orders. Licences thus redundant might not be used to import from any other source, but might be used on other categories of goods from any country.	Japan	L/797 & Add.1-2
14	22.5.58	7.1.66	US	Clinical thermometers	Ad valorem rate increased.	Japan	L/803 & Add.1 & Corr.1 and Add.2, AIR/138, L/2566

¹ Modified 1 April 1958. Licences issued against other quotas (B Category or Bank C16 quotas). However the value of the licences issued to any individual quota holder would not be in excess of his imports in the same licensing period in 1957. Further, of the total value licensed not more than 50 per cent could be imported prior to 30 June 1958.

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
15 4.9.58			Germany	Hard coal and hard coal products	Repeal of general licence from countries outside the ECSC. Further contracts subjected to individual licensing.	Norway, United Kingdom, United States; compensation was offered	L/855, L/920
16 1.10.58	22.10.65	US (ores and concentrates)	Lead and zinc	Separate country-allocated quarterly quotas representing 80% of average competitive imports during 1953-1957.	Canada, Mexico, Peru for lead and zinc; Australia, South Africa, Yugoslavia (lead)	L/819, L/859, L/940, L/1078, L/2489, IC/SR.41	
17 1.1.59	1.1.61 (XXVIII:1 reneg. with effect from same date)	Austria	Porcelain	Specific duty increased	Czechoslovakia, Germany, which were both compensated prior to action	L/863 & Add.1, SECRET/120 & Add.1-3	
18 1.4.59	20.5.60 (new tariffs introduced)	Australia	Footwear	Import licensing issued to the extent of 100% of imports during financial year 1956-57. All footwear transferred from licensing category B (under which quotas were interchangeable among a wide variety of goods) to category A (under which quotas were related to particular goods). The effect would be to reduce substantially only the rate of import of casual footwear.	Japan, Hong Kong	L/974 & Add.1-2	

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
18 (cont'd)				The background for the measure was a marked increase in licences issued for imports from Hong Kong and other sources since Japan agreed in Dec. 1958 to exercise export restraints on casual footwear. ¹			
19	1.11.59	11.10.67	US	Stainless steel flatware	Various compound duties re-placed by increased ad valorem duties or compound duties depending on the article, for imports valued under certain price when imported in excess of a tariff quota. ² Quotas increased and over-quota rates reduced 7.1.66 retroactively to 1.11.65.	Japan	L/791, L/1076 & Add.1, AIR/177, L/2543, L/2953 See also item 62.

¹ Modified 1 August 1959 (for some items 100% of 1957-58 imports, for some items 75%, for another 50%)

² In March 1958 the President had decided that "a full evaluation of Japan's voluntary export limitation system was necessary because of the promise it held of relieving the situation ... In July 1959 after a supplemental investigation another report was submitted. It is on the basis of this entire investigation and history that the action ... is taken" (L/1076).

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
20	30.5.60	17.7.61 (new tariff introduced)	Australia	Motor mowers and engines	Global non-discriminatory licensing of engines for motor mowers at 25% of requirements; for other engines at 100% of requirements; for motor mowers at 100% of 1959 imports.	United Kingdom, United States	L/1217 & Add.1, AIR/204, L/1527
21	22.9.60	11.10.67	US	Cotton typewriter ribbon cloth	Duties increased to various higher ad valorem rates.	Germany, Japan, United Kingdom. UK <u>compensated</u> January 1962.	L/1313, W.17/13, L/1746, L/2953
22	26.5.61	XXVIII:1 reneg. 31.12.64	Australia	Piece-goods and non-fibre fabrics, woollen fabrics	Compound duties (piece-goods) and ad valorem duties (fabrics), replaced by higher temporary duties.	Italy, United Kingdom, France, Germany, Japan, Benelux. EEC was compensated	L/1497, AIR/243, L/1546, L/1612, L/1638, L/2455, SECRET/156/Add.4
23	14.12.61	Nigeria	Cement	Import licences prohibited, except for contracts concluded prior to 14.12.61.		Germany, Israel, United Kingdom	L/1781
24	17.6.62	1.2.74	US	Sheet glass (principally window glass)	Increased specific duties varying with type of glass (concession partly restored 11.1.67, 1.5.72, 1.2.73)	EEC; UK; Japan (<u>compensated</u> December 1962); Sweden (<u>compensated</u> December 1967), EEC took Article XIX:3 action 4.6.62; partly restored 1.6.67; fully restored 1.1.73	L/1509, & Add.1-3, L/1803, L/1951, L/1959, L/2743, L/2784, L/2953, L/2959, L/3316, L/3317, L/3664, L/4188

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
25	17.6.62	1.1.73	US	Wilton and velvet carpets	Ad valorem duty increased (concession partly restored January 1972)	EEC, Japan, Sweden. Compensation to UK and Japan December 1962. Art. XIX:3 action by EEC: see preceding item.	L/1530 & Add.1-3, L/1803, L/1951, L/1959, L/2953, L/3378, L/4188
26	9.7.62	11.1.64 (New tariff introduced)	Australia	Timber	Non-discriminatory global quota licensing on basis of 25% of imports in the 2 year period ending 30.6.62. Firm orders at 8.7.62 were licensed with debit where necessary against future quotas for the relevant timbers.	Canada, Brazil, British Borneo, Malaya, United States	L/1812 & Corr.1 & Add.1-2
27	31.7.62	XXVIII - reneg. May 1967 (Kennedy Round)	Australia	Parts for refrigerating appliances	Additional specific duties for some parts, additional ad valorem duty for others, on top of bound ad valorem rate	United Kingdom, United States	L/1819, L/2791, SECRET/L156/Add.7
28	3.8.62	4.6.63	Australia	Antibiotics	Non-discriminatory quantitative licensing on an administrative basis. Licensing periods of 6 months. For certain antibiotics: 1 imported unit per each 9 locally-produced unit purchased after 2.8.62. For others, licences issued at annual rate of 20% of 1961/62 imports.	France, United Kingdom, United States	L/1820 & Add.1

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
29	12.10.62	XXVIII - reneg. May 1967 (Kennedy Round)	Australia	Forged steel flanges	Additional ad valorem duty	Germany	L/1863, L/2791, SECRET/156/Add.4
30	5.11.62	28.2.64 (new tariff Introduced)	Rhodesia Nyasaland (from 1.1.64) Southern Rhodesia only)	Cotton & rayon piece-goods	Import restrictions on products of a certain weight and valued under a certain f.o.b. price per sq.yd.		L/1898, L/2213
31	27.2.63 ¹	XXVIII - reneg. 22.4.65 (Kennedy Round)	Australia	Linseed oils	Duty-free entrance and specific duties (depending on tariff item) replaced by increased duties	Argentina, India	L/1981, L/2455
32	23 & 26 Feb. 1963	Nov. 1966	Peru	Lead arsenate and valves, respectively	Specific duty introduced on duty-free lead arsenate; increased specific duty on valves	United States	L/1979, L/1896
33	24.2.64 ²	9.3.64	Austria	Chicken eggs	Suspension of the liberalization	-	L/2148 + Add.1

¹Date of notification to the secretariat

²Date of L/ document

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
34	15.2.64	31.12.70	France ¹	Foundry pig-iron	Introduction of specific duty, whenever higher than the ad valorem duty. Minimum protection reduced November 1966.	Benelux, Australia, Canada, Germany, Norway, Spain, Sweden, Finland, United Kingdom	L/2139, L/2183, L/2197, L/2531, L/2532, L/2536, L/2719, L/2731, L/3165, L/3170, L/3505
35	15.2.64	31.12.70	Italy ¹	Foundry pig-iron	As above	Germany, Spain	L/2197, L/2536, L/2719, L/3505
36	14.5.64	XXVIII:4 reneg. March 1968	Australia	Heat-resistant glassware of a minimum price	Specific duty introduced for imports valued over certain f.o.b. prices	France, United Kingdom, United States; EEC compensated	i/2220, C/M/21, AIR/529, C/M/33, Spec(67)6, L/2985
37	10.12.64	1.1.82	Germany	Petroleum and shale oils etc.	Import licences introduced	-	L/2321 & Corr.1
38	4.3.65	1.9.65	Australia	Copper, brass sheet and strip	Quantitative restrictions introduced during a period of temporary shortage of Australia - produced un-wrought copper	-	L/2373, L/2474
39	22.4.65 ²	31.5.71	Greece	Tyres	Specific duties replaced by higher ad valorem duties. The increase was brought down in April 1966	United States, which was compensated in May 1971; Norway	L/2431 & Add.1, letter from Greece 13.1.75

¹ Recommended by ECSC, but affected only France's and Italy's obligations. The disinvocation was made by EEC.

² Date of notification

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
40	14.1.66	1.1.69	Australia	Polyethylene twine, cordage rope and cable	Quantitative restrictions introduced	Japan	SECRET/162, L/2961 & Add.1; see also item 48.
41	29.4.66	24.6.1982	Australia	Alloy steels	Additional specific duty, less 40% of the f.o.b. price	Benelux, United States, Japan	SECRET/163, L/5343
42	30.6.66	May 1980	Spain	Cheese	Individual licensing, and temporary ban on imports, followed 5.6.70 of an agreement with EEC liberalizing certain items by way of regulating duties subject to threshold prices. Certain of these items required a certificate, issued for some of them by Spain, for others by exporting country, but approved by Spain. For some items Spain opened a global quota, distributed quarterly on the basis of imports in 1963/64/65, the EEC counting as a whole. Regulating duties were increased in March 1972, pending consultations with the principal supplying countries concerning new threshold prices	EEC, Norway	L/2670, L/3407 & Add.1 See also item 105

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries / compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
43	2.2.67		Spain	Synthetic rubber	The tariff heading was subdivided into two; a 15% provisional customs duty was imposed on synthetic rubber based on polybutadiene.	United States (compensated 21.3.69), Canada (compensated 12.11.70) and EEC (compensated 4.3.70)	L/2820 & Add.1-4 L/3323 & Add.1, L/3375
44	21.4.67		Australia	Used 4-wheel drive vehicles	Quantitative restrictions imposed	United States	L/2787 MTM Inventory
45	14.11.67	1.1.68	Austria	Matches	Quantitative restrictions within the limits of a global quota open to all contracting parties	-	L/2920 & Add.1
46	17.11.67	31.12.68	Canada	Turkeys	In view of threat of imports from US, special valuation levied for imports at distress prices to protect against being sold at less than cost	United States	L/2924 & Add.1

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
47	19.12.67	1.9.72	Australia	Knitted coats and the like	Quantitative restrictions	Japan, EEC	L/2957, L/3834
48	4.1.68	1.1.69	Australia	Polypropylene twine, cordage and cable	Same as for item 40	Japan, United States	See item 40.
49	17.3.68	30.12.71	France	Horsemeat	Quantitative restrictions imposed. A global quota was initially opened from 1.4.68 to 31.8.68, the distribution of which was based on the 1967 imports	Argentina, Canada, Poland, Spain	L/3000, L/4182
50	15.7.68	1.3.69	Austria	Oilcates	Specific duty imposed	Argentina; United States (which <u>proposed</u> <u>Article XIX:3 action</u> 12.12.68 (not implemented))	L/3046 & Add.1-4

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
51	12.9.68	2.11.68	Canada	Potatoes	"Action" taken under Section 40-A-7(c) of Canadian Customs Act on imports entering Western Canada. (Reference to the same Act was made in respect of item 46, when special valuation was introduced.)	United States, compensated through advanced implementation 1.10.68 of Kennedy Round reduction of duty on cranberries	L/3066 & Add.1
52	30.10.68	31.12.68	Canada	Corn	Idem, for whole Canada	United States	L/3097 & Add.1
53	19.5.69	(Partial removal Aug. 1969)	Italy ¹	Raw silk	The notification stated, <u>inter alia</u> , that the EEC Council saw fit (in 1968) to support the Italian efforts by deciding to take, <u>inter alia</u> , the following action: to reintroduce, over the period 1.1.70 to 31.12.76, the customs duty on raw silk already laid down in the Common External Tariff and to establish a community	-	L/3231 & Add.1

¹ Adopted at Community level. The partial removal in August 1969 concerned silk waste.

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
53 (cont'd)				quota duty free for raw silk amounting to the difference between the demand for and production of raw silk within the Community; to apply this same Common External Tariff duty on a permanent basis, from 1.1.76, if in 1976 Italian production of silkworm cocoons made it possible to produce not less than 1,000 tons of raw silk a year.		L/3217, L/3834	
54	9.6.69	1.9.72	Australia	Knitted shirts	Quantitative restrictions introduced		
55	21.2.70	20.2.74	US	Pianos	Increased ad valorem duty	Japan, EEC	L/3314, L/3371 & Add.1, L/4005
56	7.5.70	16.6.73	Canada	Motor gasoline	Resulting from the conditions under which increasing quantities of motor gasoline had been entering the Ontario market, discretionary licensing for imports into	United States?	L/3400, L/3877

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
56 (cont'd)				Canada (east of the Province of Manitoba) was introduced. Not envisaged that the overall volume would be significantly affected.	L/3402, L/3613 & Add.1. See also items 60 and 82		
57	2.6.70	29.11.71	Canada	Men's and boys' woven fabric shirts	Surtax applied for imports from all countries except for products in transit on or before 2.6.70 and except for shirts subject to export restraint or equivalent intergovernmental arrangements. To limit restrictive impact and ensure equity, quantitative exemptions were established for countries with recent substantial interest "consistent with that set out in Annex B of the (Cotton Textiles Arrangement)". The surtax was the lesser of either twice the amount by which Can\$24 per dozen exceeded the f.o.b. price or Can\$24.		

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
58	1.1.71	21.3.71	Israel	Radio equipment	Increased ad valorem duty	-	L/3424 & Add.1
59	21.5.71	21.7.71 and 18.8.71	Canada	Fresh and preserved frozen strawberries	Surtax	United States, Mexico (for frozen strawberries)	L/3539 & Add.1-2
60	30.11.71	31.12.78 (subsumed in action No. 82)	Canada	Men's and boys' shirts, woven or knitted	Global quotas with country reserves for imports under a certain price.	Hong Kong, Japan, Korea, Macao, Malaysia, Poland, Romania, Singapore, Trinidad and Tobago	L/3613 & Add.1, L/4143 & Add.1, L/4453/Add.4. See also items 57 and 82.
61	1.5.72	(Partial restoration 30.4.76 and 30.4.79)	US	Ceramic tableware articles	Various increased compound duties for imports valued under or between certain prices depending on the article. Some "high"-value goods also included	Japan, EEC	L/3678, L/3700 & Add.1 & 2, L/4326, C/M/78. Replies to GATT/AIR/112
62	1.4.73	31.12.73	EEC ²	Tape recorders	Import licences limited to a certain quantity	Japan, Korea	L/3847, L/3892, L/3977, C/M/86, SR.29/1

¹ Action was terminated on 30 April 1976 for earthen and china steins and mugs, and for low-priced earthen tableware, and on 30 April 1979 for certain high-priced earthen dinnerware or other tableware, and for certain low-priced and medium-priced china tableware (L/3700/Add.2).

² Applied to Italy

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
63	30.6.73	3.8.73	Canada	Fresh cherries	Surtax introduced <u>United States which was compensated</u>	L/3887 & Add.1-6	
64	1.5.74	30.4.78	US	Ball hearings	Increased ad valorem or compound rates, depending on the item, if valued not over certain unit prices	Japan, Canada, EEC	L/3897, L/4016 & Add.1-3, C/M/95. Replies to GATT/AIR/1128
65	12.8.74	1.1.76 ¹	Canada	Cattle, beef, veal	Annual global quotas, based on 5-year average imports. First quota for 12.8.-30.9-74, thereafter quarterly; administered so as to ensure that relative shares of each of Canada's main suppliers would bear a reasonable relationship to past patterns of trade, market trends and historical per- formances. Measure taken in context of a temporary beef stabilization programme.	United States. Holding that the action did not provide access for US cattle and meat on an equitable basis and failing to reach agree- ment, US suspended sub- stantially equivalent concessions 12.8.74-1.1.76 pursuant to Article XIX:3. Also affected: Australia, New Zealand	L/4072 & Add.1-5 L/4118 & Add.1. Replies to GATT/AIR/1128

¹ Imports from Rhodesia continued to require an individual import licence.

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
66	1.10.74	1.1.82 (Partial removal 22.11.77) ¹	Australia	Certain footwear	Quantitative restrictions to a level of 20 % greater than imports in 1972/73. Quotas allocated to established importers without restriction as to source of supply.	EEC, Japan, Korea, Malaysia, Spain, India, Hong Kong, Portugal; <u>retaliation proposed by EEC</u> See also items 73 and 89.	L/4099 & Add.1-26, C/M/103, 107, 113, C/M/155 item 1, C/M/156 item 2.
67	1.2.75	8.12.76 (partial removal 30.3.75)	Australia	Motor vehicles	Global quotas; removed for light commercial vehicles 30.3.75.	EEC, Japan, United States	L/4149 & Add.1-9, C/M/103, 107, 113. See also item 85.
68	1.1.75	5.3.76	Australia	Hot-rolled and cold-rolled sheets and plates of iron or steel	Global quotas	Japan, United States	L/4166 & Add.1-7, C/M/105, 107, 114
69	1.3.75		Australia	Certain apparel	Additional duties in excess of a tariff quota	Canada, EEC, Egypt, Hong Kong, India, Japan, Pakistan, Romania, Sweden, Switzerland, United States	L/4162 & Add.1-2, C/M/103, 105, 114

¹High-priced footwear was exempted from import licensing 22.11.77.

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
70	1.3.75	25.5.76	Australia	Ophthalmic frames, sunglasses frames and and sunglasses	Quotas allocated to importers without restriction as to source of supply. Each importer granted a licence for a 6-month period equal to no more than half his established quota. (Frames: limitation to 75% of 1973/74 imports; sunglasses to 85% of 1973/74 imports)	EEC, Japan	L/4169 & Add.1-6 & Corr.1, C/M/107, 113
71	1.4.75	18.3.76	New Zealand	Woven polyester fabrics (extended coverage May 1975)	Import licences. Allocations for 1975/76 was 60% in volume terms of 1973/74 imports. Certain items remain under control after termination of the action. The licence allocation will be 100% of the 1976/77 volume levels.	Japan, United States	L/4172 & Add.1-5

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
72	1.1.76	31.8.78	Canada	Worsted spun acrylic yarns below a certain price	Global quota for products under a certain export price (determined in accordance with the Anti-Dumping Act). Permits already issued for Jan.-June 1976 delivery were honoured and included as part of of quota, distribution of permits to import were based on historical performance of importer over two years ending 31.3.76. 10% of quota allotted to importers without historical performance in this period.	Japan, Korea	L/4344 & Add.1-2
73	1.5.76	1.1.82 (Partial removal 22.11.77) ¹	Australia	Sand boots and shoes; parts of footwear	Included within the scope of restrictions under item 66. Footwear already subject to licensing maintained at 140% of the 1972/73 volume. Sand boots/shoes incorporated into the	Sand boots and shoes: Korea Parts: Germany, Italy, Portugal	L/4099/Add.3 and 6, Add.16, Add.23 See also items 66 and 89.

¹High-priced footwear exempted from import licensing 22.11.77

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
73 (cont'd)				<p>non-leather footwear licensing category, the quota for which was consequently increased. This additional quota allocated to individual importers after account taken of goods in bond and in transit as at 7.5.76. In order to make the additional allocation more equitable the base-period criterion for determining these allocations was widened to include imports in the period 1.7.74-31.12.75. Quotas thus allocated might be used to import sand shoes/ boots and other types of non-leather footwear while quota currently available for non-leather footwear might also be used to import sand boots and sand shoes.</p> <p>Licensing controls introduced on imports of parts for footwear restricted imports to an annual level of 140% of 1973/74 value. Allocations to individual importers made on the basis of imports in 1973/74 after account taken of goods in bond and in transit.</p>			

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
74 25.5.76 ¹	31.12.78	Australia	Files and rasps	Quotas allocated to importers on the basis of import performance in 1974 and 1975 and without restriction as to source of supply	United States	L/4351 & Add.1-3 Letter (unpublished) See also item 92.	
75 14.6.76	13.2.80	US	Speciality steel	Orderly marketing agreement (signed 11.6) with principal supplier (Japan) covering three years, plus three-year restraints on imports from other foreign suppliers. Quota system replaced by a transitional one, with progressively larger bi-monthly quotas, 12 June 1979	Japan, Argentina, Austria, Sweden, Canada, Finland, France, UK, Germany, Korea, Mexico, Spain, Norway	L/4314, L/4318, L/4368 & Add.1-57, C/M/L12, L13, 114 See also appendix 2 to this note.	
76 1.7.76		Australia	Knitted and woven dresses	Additional specific duties for imports in excess of tariff quota, applied to import clearances after 1.7.76	-	L/4364	

¹Date of communication

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
77	1.7.76	31.12.78	Canada	Work gloves	Three-year global quota for imports under a certain export price (determined in accordance with Anti-Dumping Act). Sub-quota for 100% cotton gloves (as opposed to leather gloves) based on actual imports during 1975). Quota divided quarterly. Permits distributed according to historical performance of importers 1.1.74-15.6.76. 10% allotted to importers with no or little historical performance	Hong Kong	L/4382 & Add.1
78	7.7.76	23.12.76	Canada	Textured polyester filament yarn	Surtax for imports exported at less than a specified value, applied on m.f.n. basis among exporting countries. Surtax equal to difference between export price as defined in Anti-Dumping Act and the values as specified for four different categories.	United States	L/4374 & Add.1-3

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
79	10.8.76	9.8.79	Australia	Electrical chest freezers	Global import licensing, applying to all imports other than those under existing special trading arrangements provided for in the New Zealand-Australia Free Trade Agreement, which were "administered separately". Licences allocated on basis of importers' performance 1.7.74-30.6.76	EEC	L/4387 & Add.1 Letter, unpublished
80	8.10.76	9.10.79	Canada	Double-knit fabrics	Global quota distributed among importers semi-annually based on their individual historical import performance. (Prior to action there were restraint arrangements with a number of countries renewed annually as from 1972.)	Japan, United States, Singapore, Hong Kong, Malaysia	L/4450 & Add.1-5, C/M/123

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
81	18.10.76	31.12.76	Canada	Beef and veal	General import permit replaced by individual permit control. Permits issued on basis of global quota allocated among supplying countries in accordance with their market shares in the base period (not specified)	New Zealand	L/4437 & Add.1 C/M/117
82	29.11.76	31.12.78	Canada	A range of clothing items	Global quotas at 1975 levels, administered (other than for outerwear) on basis of importer's 1975 performance in each product category. Goods in transit on or before 29.11.76 exempted from quota. All existing quota and restraint arrangements were suspended by these measures. Outerwear imports Limited to 2.3 million units from all sources	Austria, United States, Hong Kong, Korea	L/4453 & Add.1-4

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
83	27.12.76	31.12.79	Finland	Women's panty hose	Surcharge equivalent to difference between a basic price and import price applied non-discriminately on all imports taking place under that price	Singapore, United Kingdom	L/4461 & Add.1-2, C/M/119
84	28.6.77	30.6.81	US	Footwear	Agreement with Korea 21.6.77 in which Korea will carry out export restraints for a period up to 1.7.81 and be assisted in this by US import restrictions for certain items.	Korea	L/4477 & Add.1, L/4525 & Add.1 C/M/112, C/M/119, item 16 C/M/124
85	12.7.77	1.1.85	Australia	Passenger motor vehicles	Global quotas	EEC, Japan; <u>retaliation proposed</u> by EEC	L/4526 & Add.1-25, C/M/123, C/M/155, item 1 C/M/156, item 2 see also item 67

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
86	22.7.77	22.6.79	EEC ¹	Portable TV sets from Korea	Annual quotas. Framework of understanding concerning export restraints in 1978	Korea, other suppliers: Japan and Singapore	L/4613 & Add.1, C/M/112, 124 and 134, SR.34/1
87	23.9.77	8.11.79	Australia (Partial removal 22.2.79) ²	Brandy	Temporary additional specific duties increasing the margin between customs and excise rates existing at the time of binding (1947). Tariff quotas applied at level equivalent to 40% of 1975/76 imports. A further temporary specific duty above the tariff quota. Tariff quotas allocated on basis of imports 1.9.76-31.8.77. (Identical measures applied to whisky imports.) Same basis used for quotas after 22.2.79	ECC (France, Germany, F.R., Italy), Cyprus, Greece, Spain, Yugoslavia	L/4569 & Add.1-12

¹ Applied only to United Kingdom. On 22 June 1979 a VER came into effect.

² Cognac exempted from measures as from 22 February 1979 (L/4569/Add.8)

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
88	10.11.77	9.5.79	Australia	Fixed resistors	Import licences; entitlements determined as one unit (after 10.5.78 two units) of import quota for each unit purchased/irrevocably committed for delivery from Australian production; irrevocable commitments as at 22.9.77 allowed entry on special licences valid for sixty days from 10.11.77. Goods in transit or in bond allowed entry on special licences provided entered within 21 days of the date of the announcement/arrival. Licences transferable between individual importers under certain circumstances.	L/4603 & Add.1	
89	22.11.77	1.1.82	Australia	Thongs, gumboots and sporting footwear	Thongs with value for duty below certain prices plus parts thereof, included within scope of existing quantitative restrictions (see items 66 and 73) (with value between certain prices quota is 100% of imports; for parts 100% of 1976/77 imports). Import licensing procedures for certain specialist sporting foot-wear and gumboots (because	EEC L/4099/Add.4-26, See also items 66 and 73.	

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
89 (cont'd)				of administrative difficulties regarding definitions). Exemption of high-priced footwear from import licensing.* "Threshold" price level to be adjusted each 6 months in accordance with movements in footwear component of Australian consumer price index.		L/4611 & Add.1-50 SR.34/1	
90	1.12.77	30.11.81 (Partial removal July 1980)	Canada	Footwear, other than footwear of rubber or canvas.	Global quota at levels corresponding to annual average 1974-76, administered by permits to importers having imported 1.9.76-31.8.77 at pro rata share of total quota calculated on performance during base period. A Committee to distribute a small amount reserved to meet special unforeseen circumstances. Removal of certain specialized footwear notified in July 1980. Global quota (total amount unchanged) was extended up	EC, Brazil, US, Korea, Poland, Romania Spain, United States; retaliation proposed by EC (see Add.41)	

* Exemption removed on 1.9.80 (L/4099/Add.16)

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
90 (cont'd)				to 30.11.1981. Importers who had imported under the quota system were entitled to a pro rata share of the total quota based on performance during the first two years of the quota.			L/4659 & Add.1-4
91	1.3.78	Australia	Wool worsted yarns	Global tariff quotas (additional specific duty). Base period for individual importer's quota entitlements will be the twelve-month period ending 30 November 1977. Initial quota allocations for six month period beginning 1 March 1978 valid for twelve months.	EEC		
92	29.3.78 ¹	31.12.78	Australia	Round blunt chainsaw files	Included in action on files and rasps	-	L/4351/Add.2 & 3 unpublished letter See item 74.

¹Date of communication

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
93	11.4.78	10.4.81	US	CB radio receivers	Increased ad valorem duty to be phased down in three decrements and phased out 10 April 1981. The items were also removed from GSP.	Japan, Korea	L/4634 & Add.1-2
94	21.4.78	18.2.82	Australia	Double-edged safety razor blades	Quantitative restrictions for two years. In first year imports restricted to sixteen million, individual importer's quota allocations based on twelve-month period ended 31.12.77. Allocations for second year to be announced later.		L/4666 & Corr.1 & Add.1
95	26.5.78	15.5.80	EEC	Preserved cultivated mushrooms (CCCN 20.02A)	Suspension of import licences. Not applied to third countries which could assure that their exports did not exceed a reasonable quantity. Measure amended several times 1978/1979 and suspended after principal suppliers had given necessary assurance. From 16.5.80 surveillance introduced.		L/4678, L/4994, L/5104 See items 104 and 106.

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
96	1.7.78	30.4.80	Australia	Hot and cold rolled and galvanized sheets and plates of iron and steel	Global quota, allocated on basis of clearances during 1977	-	L/4696 & Add.1
97	17.11.78	Nov.1982	US	High-carbon ferro-chromium	Additional specific duty for products with customs value below a certain price	South Africa, Rhodesia, Japan, Yugoslavia, Brazil (bound to Canada and Rhodesia)	L/4702 & Add.1-6 (Letter by US Delegation of 18 March 1982)
98	1.1.79	30.6.84	Norway	Various textile items	Global import quotas calculated on average imports 1974-76 from countries included in the quotas. Nondiscr. allocation to importers acc. to 1976-77 shares. Six bilateral agreements in force from 1.1.78 for four to five years could not be suspended by unilateral action and were not incl. in quotas. EFTA and EEC imports also excluded. 1980 (half year) quotas adjusted to "revised and more precise conversion factors and changes in market demand".	Hong Kong, United States, Hong Kong/Norway, Panel under Article XXIII:2 C/M/126-128, 134, 135, 139 and 141 Panel report: L/4959	L/4671, L/4689, L/4692 & Add.1-19, L/4815,

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
99	6.1.79	Jan. 1982	US	Lag screws or bolts	Increased ad valorem tariff for two items; for two other items ad valorem duties introduced in addition to an existing specific duty	Japan, Canada, EEC	L/4742 & Add.1-27
100	8.1.79	31.12.80	Iceland	Furniture, cupboards and cabinets, windows and doors	Import deposit (35% of invoice amount, blocked for ninety days). Deposit not required in case of amounts below IKr 20,000 per transaction		L/4771
101	23.2.79	23.2.84	US	Clothes-pins	Global quota for imports valued above a certain price. Separate quota allocation for three different price brackets. Allocations may be shifted from unfulfilled to filled categories	Poland, Germany, Romania, Netherlands	L/4759 & Add.1-3
102	17.1.80	17.1.84	US	Porcelain-on-steel cooking ware	Additional specific duty, to be phased down and out over four years, applied to all ware below a certain price	Japan, Spain, Korea, Italy, France, (Mexico)	L/4889 & Add.1-15 Letter and memorandum concerning compensation from Spain (not published)

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
103	21.2.80 ¹	31.12.80	EEC (UK)	Yarn of synthetic fibres	Import authorization from third countries required up to maximum quantities set for polyester yarns and polyamide yarns. Exempted from measure: imports from third countries which enter EC under free-trade agreement or under agreement concerning trade in textiles	US, Canada, Japan; <u>Compensation to the US paid in the form of prior-to-schedule MTN tariff reductions on about \$65 million on imports from US.</u> (Took place on 1 September 1980 instead of 1.1.1981)	L/4942 & Add.1-6 Unpublished letters from EEC and US of 4.2.81
104	15.4.80	31.12.84	EEC	Cultivated mushrooms in brine [CCCN 07.03E]	Import subject to production of an import document, issued to traditional importers on the basis of 1977-78 imports, within limits fixed periodically by the Commission. Provision made for licences to new suppliers	Hong Kong, Spain	L/4994 & Add.1 See also items 95 and 106; see OJ L330/1 of 18.12.84

¹ Date of entry into force of Commission Regulation. The measure was made retroactive from 1.1.1980.

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
105	7.5.80 ¹	Dec. 1980 (Art. XIX replaced by VERs)	Spain	Cheeses	Partial suspension of liberalization	EEC, Austria, Finland	L/4978 & Add.1-2 See also item 42.
106	16.5.80	31.12.80	EEC	Cultivated mushrooms. CCCN 20.02A originating in Hong Kong and Spain	Licences refused until such time as a solution to the difficulties could be found. (After imports were liberalized 16.5.80 the EC market was exposed to threat of serious injury as a result of licence applications to import from these two countries were substantially in excess of the volume of traditional imports from those countries.)	Hong Kong, Spain	L/4994 & Add.1, L/5105, L/5207 See items 95 and 104.

¹Date of notification

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
107	15.9.80 ¹	1.4.82	Australia	Certain works trucks and stackers	Licensing limited to \$3 million for all goods specified: \$1 million for 1.4.-30.9.80 and \$2 million for 1.10.80-31.3.81. Importers' quota entitlements based on performance in calendar year 1978, transferable between products and importers. Quotas applied to imports from all sources but goods of Papua New Guinea origin were exempted (PATCRA goods).	EEC, Japan	L/5026/Rev.1 & Add.1-20
108	1.11.80	1.11.83	US	Preserved mushrooms	Increased duties for three years	Canada	L/5027, L/5088 and Add.1-16
109	1.12.81	Partial termination 30.11.85 (see Add.19 and 25)	Canada	Non-leather footwear	Global quotas	EEC, United States, LDCs (Korea); retaliation proposed twice by EEC (see Add.8 and 21)	L/5263 & Add.1-30

¹ Date of notification. Backdated to quota year starting 1.4.80.

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
110	3.8.81	20.11.81	EEC (UK, Ireland)	Frozen cod fillets	Embargo for products below certain reference price	Canada	L/5193 & Add.1-4
111	9.7.82	Partial termination 30.11.85 + 1.4.86 (see Add.20, 27 + 30)	Canada	Leather footwear	Global quota; later exemption of higher priced footwear (see Add.9)	EEC, Brazil, Spain, US; retaliation proposed twice by EEC (see Add.3/Rev.1 and Add.22)	L/5351 & Add.1-33
112	27.8.82	31.12.83	Australia	Hoop and strip of iron and steel	Tariff quota	-	L/5365 & corr.1 & Add.1
113	3.9.82	10.10.82	Switzerland	Dessert grapes, fresh	Increased tariff	EEC	L/5364, L/5371
114	15.10.82	15.3.83	Canada	Yellow onions	Tariff surtax	US	L/5392 & Add.1-10
115	13.10.82	-	EEC	Dried grapes	Compensatory tax	Australia, US	L/5399 & Add.1-24
116	1.1.83	16.4.83 (replaced by VER)	EEC (France, UK)	Tableware and other articles ..., of stoneware	Global quota	Korea; as from 16.4.83 Korea undertook to make exports of these products to France and UK subject to export licences and set quantitative limits for calendar years 1983-1985 (see Commission Regulation No.873/83 in EC OJ L96/8 of 15.4.83)	L/5447 & Add.1

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries / compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
117	1.4.83	-	US	Heavyweight motorcycles	Increased duties	Japan	L/5493 & Add.1-15
118	20.7.83	-	US	Specialty steel	Additional tariffs and quotas	EEC, Brazil, Korea and others (OMAs concluded with Austria, Argentina, Canada, Japan, Poland, Spain, Sweden); <u>action under Article XIX:3(a) by Canada</u> concerning quota restriction (see Add.10 and 31) and <u>EEC</u> covering tariff and quota restriction (see Add.15, 50 + 74)	L/5524 & Add.1-96
119	19.7.83	-	Australia	Certain filament lamps	Increased duties	Hungary, US, others	L/5526 & Add.1-14
120	5.8.83	19.6.85	Australia	Non-electrical domestic refrigerators	Increased duties	-	L/5529 & Add.1-2
121	20.4.84	-	EEC (France)	Certain electronic piezo-electric quartz watches with digital display	Global quotas	Hong Kong, Japan, Korea Macao, Taiwan	L/5645 & Add.1-16
122	25.7.84	-	Chile	Sugar	Tariff surcharge	-	L/5672 & Add.1-3

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
123	2.11.84	-	South Africa	Certain footwear	Increased duties; suspension of existing binding	-	L/5725
124	27.11.84	-	Chile	Wheat	Additional specific duties	-	L/5861 & Add.1-4
125	1.1.85	31.12.85	Canada	Fresh, chilled and frozen beef and veal	Global quota	Australia, EEC, New Zealand, Nicaragua; <u>retaliation proposed by EEC</u>	L/5767 & Add.1-10, L/5785
126	18.6.85	-	EEC	Morello cherries	Countervailing charge on imports below a minimum price	Hungary	L/5841 & Add.1-3
127	9.8.85	-	South Africa	Malic Acid	Increased duties; suspension of existing binding	-	L/5860
128	28.9.85	-	Chile	Edible vegetable oils	Increased duties	-	L/5935 & Add.1-2
129	17.1.86	-	EEC	Provisionally preserved raspberries	Countervailing charge	-	L/5957
130	19.4.86	-	EEC	Sweet potatoes	Suspension of issue of import certificate	-	L/5988

Item No.	Date introduced	Date terminated	Contracting party	Product	Measure taken	Affected countries/ compensation, retaliation	References
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
131	June '86	-	South Africa	Tall oil fatty acids Certain pipettes, flasks etc. Certain high carbon steel wire Certain sparking plugs	Increased duties	-	L/6002
132	2.6.86	14.11.86	Finland	Porous fiberboard Impregnated with bitumen	Import surcharge	-	L/6026
133	19.3.87	-	Austria	Broken rice	Quotas	EEC (Italy)	L/6144
134	30.3.87	-	EEC(Spain)	Certain steel products	Quotas	-	L/6179

TABLE 1

Article XIX Actions

(Situation as at 31 July 1987)

Country	Products						Period when actions were invoked		No. of actions still in force	
	Agriculture and food products	Textiles and clothing	Iron and Steel	Electrical and electronic products	Footwear	Motor Vehicles	Others	1950-1959	1960-1969	
Australia	2	9	5	3	4	5	10	38	2	15
United States	3	4	4	1	1	1	13	27	11	9
Canada	11	7		3		1	1	22	2	3
EEC	8	1	1	3		1	14		13	4
Greece	1			1		1	3	2	3	4
Spain		1	1			1	2	1	2	2
Italy	2					1	3		2	1
France	1			1			2		2	1
Germany						2	2	1	1	1
Austria	3					2	1	3		1
Chile	3					1	3			3
South Africa						2	3		3	3
Finland						1	2			1
Iceland						1	1			1
Israel						1	1			1
New Zealand						1	1			1
Nigeria						1	1		1	1
Norway						1	1		1	1
Peru						1	1		1	1
Rhodesia						1	1		1	1
Switzerland	1						1			1
Total	35	26	12	9	9	6	37	134	19	35
								47	33	26

TABLE 2
Article XIX Actions

Period Actions Taken	Type of Measures		
	Tariff	Non-Tariff	Total
1950-1959	15	4	19
1960-1969	19	16	35
1970-1979	15	32	47
1980-present	18	15	33
Total	67	67	134

TABLE 3

Period Actions Taken	Duration of Measures			
	Less than 1 year	1-2 years	3-5 years	Over 5 years
1950-1959	3	3	3	9
1960-1969	6	7	9	9
1970-1979	7	15	17	5
1980-present	9	3	3	-
Total	25	28	32	23

TABLE 4
Compensation on Article XIX Actions

Ref. no in Annex III	Year	Action taken by	Compensation offered to
1	1950	USA	France, Italy
3	1952	USA	A number of countries
5	1955	Greece	Canada
6	1955	USA	Austria, BNL, FRG, UK, France, Italy
7	1956	USA	Benelux, UK
8	1956	Greece	USA
10	1957	USA	Denmark, Sweden, BNL
11	1957	USA	FRG, UK
15	1958	Germany	Norway, UK, USA
17	1959	Australia	FRG, Czechoslovakia
21	1960	USA	UK
22	1961	Australia	EEC
24	1962	USA	EEC, UK, Japan
25	1962	USA	EEC, Japan, Sweden
36	1964	Australia	EEC
39	1965	Greece	USA
43	1967	Spain	USA, Canada, EEC
51	1968	Canada	USA
63	1973	Canada	USA
103	1980	EEC(UK)	USA

TABLE 5
Retaliation against Article XIX Actions

Ref. no. in Annex III	Year	Action taken by	Retaliation taken or proposed by
2	1952	USA	BNL
3	1952	USA	Greece, Italy, Turkey
24	1962	USA	EEC
25	1962	USA	EEC
50	1968	Austria	USA (proposed)
65	1974	Canada	USA
66	1974	Australia	EEC (proposed)
85	1977	Australia	EEC (proposed)
90	1977	Canada	EEC (proposed)
109	1981	Canada	EEC (proposed)
111	1982	Canada	EEC (proposed)
118	1983	USA	EEC, Canada
125	1985	Canada	EEC (proposed)