

GENERAL AGREEMENT ON

RESTRICTED

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TARIFFS AND TRADE

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FEDERAL REPUBLIC OF GERMANY - RESTRICTION OF CIRCULATION OF AUSTRIAN LORRIES

Request for Consultations under Article XXII:1 by Austria

The following request for consultations, dated 21 February 1990, from the Permanent Delegation of Austria to the GATT to the Permanent Mission of the Federal Republic of Germany, is circulated in accordance with paragraph C.3 of the CONTRACTING PARTIES' 1989 Decision on Improvements to the GATT Dispute Settlement Rules and Procedures (L/6489).

The Austrian delegation informed the CONTRACTING PARTIES at their 45th Session on 5 December 1989 that with effect from 1 December 1989, Austria has limited traffic of certain heavy trucks during night hours on certain Austrian transit roads. This measure has become unavoidable due to the intolerable increase in heavy traffic on certain transit routes causing extreme noise and pollution seriously endangering the health of the adjacent Austrian population. This measure has been taken in accordance with Article XX(b) of the General Agreement and applies to trucks of all nationalities, including Austrian trucks.

In reaction to this measure, the Federal Republic of Germany has decided to ban by 1 January 1990 the circulation of 212,000 Austrian lorries during night hours in the whole area of the Federal Republic of Germany. This measure is applied in a discriminatory manner only against Austria and, in the view of Austria, violates several GATT provisions, in particular Articles I, III:4, V and XI of the GATT. It is thereby nullifying or impairing benefits accruing to Austria under the GATT. Austria is ready to explain in detail its position in this respect.

The Austrian delegation to the 45th Session of the CONTRACTING PARTIES appealed on 5 December 1989 to the Federal Republic of Germany to reconsider its position and not to implement the measure as described above. Furthermore, discussions took place between Austria and the Federal Republic of Germany which, unfortunately, did not lead to a removal of the action of the Federal Republic of Germany.

Therefore, the Austrian Federal Government requests consultations under Article XXII:1/GATT in accordance with para. C.4 of the CONTRACTING PARTIES 1989 Decision on Improvements to the GATT Dispute Settlement Rules and Procedures (L/6489).