

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Special Distribution

Committee on Import Licensing

INFORMATION AVAILABLE TO THE SECRETARIAT

Note by the Secretariat

AUSTRIA

Austria's latest reply to the GATT Questionnaire on licensing is contained in the double symbol document COM.IND/W/55/Add.2 - COM.AG/72/Add.2, dated 21 June 1971 amended by Corr.1 and amplified by COM.IND/W/55/Add.56/Rev.1 - COM.AG/W/72/Add.56/Rev.1, of 30 December 1976, and COM.IND/W/55/Add.56/Rev.1/Corr.1 - COM.AG/W/72/Add.56/Rev.1/Corr.1 of 8 August 1980.

Austria has also informed the Committee on Import Licensing that information concerning the Austrian licensing procedures is contained in the above notifications and that these notifications are kept up-to-date on a permanent basis.

1. Publication

1.1 Names of Publications

1.1.1 Federal Gazette

1.2 Copies of publications received

2. Public Notice

3. Notifications

3.1 The relevant part of LIC/1/Add.8 reads as follows:

"With reference to Article 5.4 of the Agreement on Import Licensing Procedures, it should be mentioned that no changes in existing Austrian laws or regulations have been necessary as a consequence of the acceptance of the Agreement."

3.2 Document COM.IND/W/55/Add.2-COM.AG/W/72/Add.2, and Corr.1 and amplified by Add.56/Rev.1, and Corr.1 reads as follows: (English and French only)

1. For the importation of products subject to quantitative restrictions import licences are required. The following procedure is applied to the issue of such import licences for those countries, vis-à-vis which Austria has to apply the provisions of the General Agreement on Tariffs and Trade.

2. Import licences are required for the products, listed in document L/3212/Add.5/Rev.1. To products of the cotton textile sector the provisions of the Long-Term Arrangement Regarding International Trade in Cotton Textiles are applicable. For the importation of products falling under the provisions of the Monopoly Laws, import licences of the Monopoly Administration (Federal Ministry of Finance) are required (see document L/1949/Add.21). Furthermore, the importation of coffee into Austria has to be carried out according to the provisions of the International Coffee Agreement 1968, of which Austria is a member as importing country.

3. See above.

4. The reasons for the maintenance of import restrictions have been given in detail during the discussions of the Joint Working Party on Import Restrictions (see document L/3391/Rev.1).

5. The import licensing procedure is based on the provisions of the Foreign Trade Law (Federal Gazette No. 314/1968).

In this law, which can be amended only by the legislative bodies, the products, which are subject to import licences, are listed.

6. (a) The overall amount of existing quotas is not published.

(b) Bilateral quotas are usually determined on a yearly basis.

(c) Licences can be applied for both by domestic producers of similar goods and by traders or trading firms. The possibility of prolongation does exist. It is not foreseen to inform governmental bodies of exporting countries of the names of importers to whom licences have been allocated.

(d) Applications for licences can be submitted at any time.

(e) Applications for licences have to be processed within three weeks; usually such applications are processed within a period of less than one week.

(f) Import licences are valid from the date of issue; the period of validity is six months as a rule.

(g) Applications for licences are in principle considered by an administrative organ. Imports exceeding S 200,000 are submitted to the Foreign Trade Advisory Board (consultative function).

(h) If a demand for a licence cannot be fully satisfied, the allocation is made taking into consideration the imports of the applicant during the last period of reference. For new importers a reserve quota is kept open. Applications are examined immediately after receipt.

(i)

(j) Not applicable for Austria

(k)

7. See item 1.

8. The reasons for possible refusal of an application for a licence follow from the reply under item 4. The reasons for a refusal are given in writing. An appeal to the Supreme Court of Administration is possible.

9. In principle, eligibility of importers to apply for licence is not limited. The question, whether the importer holds a valid trading licence, is usually not examined.

10. Besides the filled in form (official form) a pro-forma invoice in duplicate is required.

11. Upon actual importation all documents have to be presented, which are required according to the customs procedure for the clearance of goods.

12. In Austria for all submissions to the administration a stamp duty has to be paid. For applications for licence a duty is foreseen, the amount of which ranges from S 15 to S 48 according to the import value.

13. Deposits or advance payments are not required.

14. The period of validity of a licence is six months as a rule. This period can be extended by three months.

15. The non-utilization of a licence has no legal disadvantage.
16. Licences are not transferable between importers.
17. In certain cases certificates of origin are required which have to be presented upon actual importation.
18. According to specific legal provisions (f.i. Import Law concerning Pharmaceuticals, Federal Gazette No. 179/1970, Toxine Law, Federal Gazette No. 235/1951), enacted mainly as a consequence of the provisions of Article XX of the General Agreement, corresponding supplementary certificates have to be presented.
19. There is no limitation in foreign exchange."

The following information has been supplied (Add.56/Rev.1) to complement the above:

"1. The preceding reply relates only to licensing subject to quantitative restrictions. Only three items in the industrial sector are covered by this system, while the agricultural products subject to restriction are set out in L/3210/Add.5/Rev.1. Imports of cotton textiles come within the scope of the Long-Term Arrangement.

As regards imports of liberalized goods, a procedure is applicable whereby the customs officer, at the time of customs clearance, checks whether the product is liberalized and whether it comes from a country to which Austria has extended its liberalization. If these conditions are fulfilled, the customs officer verifies them on the form for customs clearance. The customs officer is obliged to admit these products and cannot refuse import of liberalized goods. There is no form to be completed nor is there any special fee or charge. The examination is carried out in only one office. It is considered that the procedure is limited to a bare minimum and is not a hindrance to trade, at least from the point of view of licensing. In Austria's view, it is not licensing in the proper sense. The system is used also for statistical purposes. When importing into Austria, the importer has to submit a statistical entry form which goes to the statistical office.

6(a) Interested parties have the opportunity to ask the licensing authority for all information and details, and will certainly get replies concerning the imports they propose to make. It is considered more useful for an importer to have up-to-date information upon inquiry than a publication which may become out of date fairly quickly.

6(b) The amounts of global quotas, which were introduced when Austria started to implement its programme of liberalization, were determined by combining the amounts of all quotas existing with respect to a particular product, together with a certain amount to cover imports taking place outside the quotas. These quotas have been increased yearly by a certain percentage. The majority of global quotas have now been removed and the products liberalized. Global quotas exist only for wine, fruit juices, potato, wheat, and maize starch, preserved meat and certain medicaments.

6(c) There is no possibility in Austria to compel an importer to carry out imports for which he has got a licence, nor can the Government influence the effective utilization of quotas. If there should remain an unused portion of the quota, which is seldom the case, such unused portion would not be transferred automatically to the next quota year. However, utilization of such an unused portion during the new quota year could be provided for by granting prolongations of licences already unused with respect to items falling under the old quota year. The unused portion which has not been used before the end of the quota year can be transferred into the new quota period.

Austria would have some difficulties to give the names of importers, to whom licences had been granted, to governments. In Austria, there is an overall principle of secrecy which would be infringed if names of licencees were made known.

6(f) If the importer cannot effect imports of a product because the validity of his licence is limited to six months, he is free to ask for prolongation of his licence. Applications for prolongation have to be submitted in writing to the licensing office. As a rule, prolongations are granted for a three-month period, and can be given several times.

6(g) Applications are considered by a single administrative organ. For industrial products, the organ is the Federal Ministry for Trade and Industries; for agricultural products, the Federal Ministry for Agriculture and Forestry. For importing products falling under monopoly, the organ is the Monopoly Administration, namely the Federal Ministry of Finance.

6(h) The last period of reference is, in fact, the previous year.

11. When importing to Austria, the following documents have to be produced by the importer: (a) goods declaration for customs clearance, (b) declaration of value, (c) statistical entry form and, in certain cases, certificates of origin. If the product to be imported is not liberalized or is under monopoly, a valid import licence has also to be submitted. In particular cases, additional certificates have to be presented e.g. for sanitary or phytosanitary purposes. For certain agricultural products falling under the marketing law, a decision of the Grain Board or of the Meat Board has to be produced.

Certificates of origin may be required upon importation by special decree of the Ministry of Trade or Ministry for Agriculture and Forestry. The cases where certificates of origin have to be presented are defined in the Austrian Foreign Trade Law (Federal Gazette No. 314, 1968, paragraph 12). These cases are the following:

- (a) if required on the basis of a decision taken by an international organization of which Austria is a member;

- (b) for the implementation of trade policy agreements and other international arrangements;
- (c) for overall economic considerations, in particular for the maintenance of Austrian exports;
- (d) to avoid by-passing of the Austrian provisions concerning liberalization.

In practice, certificates of origin are mainly required for the purpose outlined in (d) i.e. to ensure that imports originate in countries to which Austria has extended liberalization."