

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

GPR/4/Add.10
15 April 1981

Special Distribution

Committee on Government Procurement

Original: English

INFORMATION ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

Addendum

Note Received from the Delegation of Austria

In accordance with the decision of the Committee on Government Procurement at its first meeting on 15 January 1981, that each Party would describe the main elements of its legislation in a note, and in response to the checklist subsequently issued for this purpose in GPR/4, the delegation of Austria has submitted the note which is reproduced hereunder.

As it was stated at the meeting on 15 January 1981, Austria has deposited a declaration that it will apply the Agreement as of 1 January 1981. This declaration was necessary because it was not possible to complete the required constitutional procedures before the entering into force of the Agreement.

At present the Agreement is before the Parliament for approval. After the parliamentary approval the Federal President will be requested to ratify the Agreement.

Considering the present situation it is expected that the ratification will take place in May, after this the Agreement will be published in the Federal Gazette.

The authority responsible, in the first instance, for ensuring application of the Agreement is the Ministry of Commerce, Trade and Industry.

As the provisions of the Agreement are so widely detailed it can be implemented immediately without requiring further legislation.

In Austria there are so-called "Regulations to Cover the Placing of Orders for Federal Entities". These take the form of recommendations including a clause that their provisions shall not apply in contradiction to international agreements concluded by the Republic of Austria. Hence these regulations shall not be applied in contradiction to the provisions of the Agreement on Government Procurement.

The text of the aforementioned "Regulations" will be provided to the GATT secretariat.

In order to further ensure that no conflict to the Agreement occurs, a commission is occupied with modifying and amending these regulations. This will guarantee that each staff member involved in the implementation of the Agreement has clear guidelines for the application of the provisions of the Agreement.

The Federal Ministry of Commerce, Trade and Industry has informed all entities subject to the Agreement that as of 1 January 1981 for purchases of SDR 150,000 or more the provisions of this Agreement are to be applied. Moreover the most important provisions of the Agreement were brought to the special attention of the entities concerned.

These entities have also been notified of the threshold value of SDR 150,000 expressed in AS 2,492,445, calculated by averaging the daily SDR/AS rates over the period 1 October 1979-30 September 1980.

All goods contracts for listed entities which have an estimated value of AS 2,492,445 or more will be published in the "Amtsblatt zur Wiener Zeitung".

In the case of selective tendering procedures there is until now no system of permanent lists of approved suppliers. In selective invitation for tenders, the suppliers chosen to tender are those who are asked to submit tenders on a contract-by-contract basis.

Provincial governments and entities not covered by the Agreement have been informed of the existence of this Agreement and a circular is being prepared in order to draw the attention to the objectives, principles and rules of the Agreement in conformity with Article I, paragraph 2.

A decision has also been taken concerning contact points and the information centre foreseen under the Agreement. This function will be carried out through the Federal Ministry of Commerce, Trade and Industry, A-1011 Vienna, Stubenring 1. Governments wishing to consult with the Government of Austria should do so via normal diplomatic channels by contacting the aforementioned ministry.

The relevant contact points for specific enquiries and eventually subsequent complaints will be annotated in each notice of proposed purchase and in the tender documentation.

The technical assistance provided for in Article III:8, 9 and 11, 12 will be given by the Federal Ministry of Commerce, Trade and Industry.