

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/5640/Add.35
7 October 1986

Limited Distribution

Original: English

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

AUSTRIA

Information on import licensing procedures of Austria, previously submitted in response to the questionnaire annexed to document L/5106, has been made available to contracting parties in document L/5111 as amended by L/5111 Corr.1, L/5640/Add.3 and Corr.1 and L/5640/Add.30. The following notification, describing the present import licensing system, updates and replaces the data previously submitted by Austria in all the aforementioned documents.

Outline of systems

1. For the importation of products subject to quantitative restrictions import licences are required. The list of products subject to restrictions is available for consultation in the secretariat.¹ Imports of textiles come within the scope of the Multifibre 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 the 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.

¹ Technical and Other Barriers to Trade Division, Room 1073, Centre William Rappard.

Purposes and coverage of the licensing

2. Import licences are required for the products subject to restrictions. To certain textiles and clothing products the provision of the MFA 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 1983, of which Austria is a member as importing country. The importation of sugar is subject to the provision of the International Sugar Agreement, of which Austria is a member as exporting 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 1984 (Federal Gazette No. 184/1984, as amended by Federal Law, Federal Gazette No. 11/1985).

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

Procedures

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.

(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, potato, wheat, and maize starch, preserved meat, certain medicaments and sugar loaves.

If a licence has been used fully, a new application has to be filed. In the case of the "Vorbezugsregelung" (regulation referring to previous imports), at least the same quantity as previously imported can be licensed.

(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.

(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) 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.

(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.

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

(i) In the case of export restraint agreements, import licences are granted automatically upon presentation of export certificates and the quantity imported is imputed to the bilateral quota.

7. (a)(b) Normally, import licences are established within a week's time. Licences for products subject to automatic licence system are granted within ten working days. Licences for products not subject to the automatic licence system are granted as soon as possible, at latest, however, within three week's time. In urgent cases, e.g. for perishable goods, licences can be granted without delay.

(c) Applications can be filed at any time, irrespective of the month or the season.

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.

Eligibility of importers to apply for licences

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

Documentational and other requirements for application of licence

10. Besides the filled-in form (official form) a pro forma invoice in duplicate is required. In the application the following information has to be given: name of importer, supplier, value of the shipment, country of origin, supply and payment conditions.

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. For certain agricultural products falling under the marketing law, a decision of the Grain Board or of the Meat Board or of the Milk Board has to be produced.

Certificates of origin may be required upon importation by special decree of the Ministry of Trade or Ministry of Agriculture and Forestry. The cases where certificates of origin have to be presented are defined in the Austrian Foreign Trade Law 1984 (Federal Gazette No. 184/1984, as amended by the Federal Law, Federal Gazette No. 11/1985). 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.

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 AS 120 to AS 300 according to the import value.

13. Deposits or advance payments are not required.

Conditions of licensing

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.

Other procedural requirements

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 e.g. for sanitary or phytosanitary purposes.

19. There is no limitation on foreign exchange.