

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TBT/1/Add.17  
22 October 1980

Special Distribution

Committee on Technical  
Barriers to Trade

Original: English

## INFORMATION ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

### Addendum

The following statement has been received from the delegation of Austria.

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With reference to Article 15.7 of the Agreement on Technical Barriers to Trade I am transmitting to you the following statement on measures in existence and/or taken to ensure the implementation and administration of the Agreement:

The Agreement was ratified by Austria on 28 May 1980. No specific legislation is required for Austria to implement the Agreement. The text of the Agreement has been published in the "Federal Law Gazette" No. 325/1980; through this publication the competent ministries, agencies and institutions have been informed of its content.

The existing legislation is not in contradiction with the obligations Austria assumes under this Agreement. The Standards Act of 1971 (Federal Law Gazette No. 240) constitutes the main legal source for standards in Austria. A copy of this Act is set out below for information.

The replies to questions 4(a)-(e) of TBT/W/1 are:

- a) Advance information that work is proceeding on draft technical regulations or governmental standards and rules for governmental certification systems will be published in the "Wiener Zeitung" and in the "Amtliche Nachrichten des Bundesministeriums für soziale Verwaltung und des

Bundesministeriums für Gesundheit und Umweltschutz". The text of these regulations, standards and certification systems are published in the Federal Law Gazette. Advance information on and the text of non-governmental standards and rules for non-governmental certification systems are published by the relevant standardizing and certifying bodies; in particular standards for the industrial sector as well as advance notice is published in "ONORM", the publication of the "Osterreichisches Normungsinstitut".

b) The length of time allowed for presentation of comments is 6 weeks.

c) Inquiry point as mentioned in Article 10:

For technical regulations and certification systems:

Bundesministerium für Handel, Gewerbe und Industrie  
(Federal Ministry for Trade, Commerce and Industry)  
Abteilung II/7  
Stubenring 1-3, A-1010 Wien.

For non-governmental standards:

Osterreichisches Normungsinstitut  
P.O.B. 130, A-1021 Wien.

The inquiry point is already fully operational.

d) Requests for consultations under Article 14 should be addressed to:

Bundesministerium für Handel, Gewerbe und Industrie  
(Federal Ministry for Trade, Commerce and Industry)  
Abteilung II/7  
Stubenring 1-3, A-1010 Wien.

e) The following ministries, agencies and institutions will have functions under the Agreement:

- 1) Technical regulations and standardization policies:  
Bundesministerium für Bauten und Technik  
(Federal Ministry for Construction and Engineering)  
Stubenring 1, A-1010 Wien.
- 2) Austrian standards:  
Osterreichisches Normungsinstitut  
(Austrian Standards Institute)  
Leopoldsgasse 4, A-1021 Wien.
- 3) Technical regulations for agricultural and forestry products and machines:  
Bundesministerium für Land- und Forstwirtschaft  
(Federal Ministry of Agriculture and Forestry)  
Stubenring 1-3, A-1010 Wien.
- 4) Health and sanitary and alimentation technical regulation:  
Bundesministerium für Gesundheit und Umweltschutz  
(Federal Ministry for Health and Environmental Protection)  
Stubenring 1, A-1010 Wien.


For specific areas, technical regulations  
are also issued by other ministries.


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240. Federal Act of June 16, 1971 on Matters of Standardization  
(1971 Standardization Act)


The National Council has decided:


- §1. (1) The Federal Minister of Public Works and Technology shall be entitled to authorize an association, the purpose of which shall be the formulation and publication of standards, and the activities of which shall not be profit-oriented, to designate the standards elaborated by this association as "Austrian Standards" ("Österreichische Normen", hereinafter referred to as ÖNORM standards), as provided below.
- (2) For the duration of the authorization granted to this association, this association shall be entitled to use the Federal Seal of the Republic of Austria in the pursuit of functions entrusted to this association by the present federal act.
- (3) For the time that an authorization in keeping with section is valid, such an authorization shall not be granted to another association.
- (4) It shall be published in the "Official Gazette of the Vienna Journal" ("Amtsblatt zur Wiener Zeitung") that such an authorization is granted or withdrawn.
- §2. (1) The authorization according to section (1) of §1 shall be granted only if the by-laws of the association ensure :
- a) that, in keeping with their competences, representatives of the national and economic administration of the federal government and of the federal provinces participate in the formulation of ÖNORM standards, including such representatives of independent economic bodies as are in existence as well as representatives of professional organizations which are interested in matters of standardization and representing the interests of producers and consumers.

- b) that the association can raise the funds necessary to meet its tasks, and
  - c) that the procedure for the formulation of ÖNORM standards is laid down in its essential details in the rules of procedure of the association.
- (2) The rules of procedure according to lit. c of section (1) shall determine in particular:
- 1. the organization and implementation of standardization activities, the procedure in dealing with notifications according to § 3, the maintenance of registers according to sections (1), (2) and (3) of § 6, as well as the stipulations granting the use of the title "ÖNORM" and the label "  ";
  - 2. the scope of participation of the technical representatives according to lit. a of section (1) § 2, in the formulation of ÖNORM standards;
  - 3. the procedure to be applied in formulating an ÖNORM standard, as well as the composition and terms of reference of technical committees set up to elaborate ÖNORM standards;
  - 4. the updating of ÖNORM standards in due course, in keeping with the respective state of the art as well as economic circumstances;
  - 5. the procedure to be followed for recommending the use of foreign or international standards,
  - 6. the procedure for publishing and distributing ÖNORM standards according to section (6) of § 6;
  - 7. the elaboration of experts' opinions in matters of standardization (irrespective of the stipulations of the Civil Technical Experts Act) upon order by the Federal Minister of Public Works and Technology;
  - 8. the promotion of contacts to foreign and international standardization organizations.

§3. (1) The use of the title "ÖNORM" or of the label "  " shall be granted to indicate that a product has been manufactured in keeping with an applicable ÖNORM

standard. Whenever the title "ÖNORM" or the label "  " is used, it shall be affixed to the product, or to its packaging, if this is not feasible, in a permanent manner.

- (2) In the event that an ÖNORM standard requires compulsory testing of a product by a state-operated or state-authorized testing institute or by a civil technical expert, the title "ÖNORM" or the label "  " may be followed by the word "tested", listing the respective ÖNORM standard number in each case, whenever such a test was made with positive result. Such cases shall be brought to the express notice of the association (§1).

§4. In the event that products must comply with special technical safety standards, in keeping with relevant legal provisions, the title "ÖNORM" or the label "  " may be used only if the respective safety regulations are met.



§5. ÖNORM standards may become mandatory in toto or in part by acts of parliament or decree.

- §6. (1) The association shall maintain separate registers
- a) for the ÖNORM standards adopted in keeping with the 1954 Standardization Act, Federal Legal Gazette No. 64, or with the present federal act;
  - b) for the ÖNORM standards that have become mandatory by act of parliament or decree;
  - c) for the ÖNORM standards that require compulsory testing in keeping with section (2) of §3;
  - d) of the full names and titles of foreign or international standards which are occasionally recommended for use.


(2) These registers shall be updated continuously.

(3) The following shall be cancelled from the registers:

- a) ÖNORM standards which are replaced by new ÖNORM standards;

- b) standards according to lit. d of section (1) which are replaced by new standards;
  - c) ÖNORM standards according to lit. a and b, section (1), the use of which is no longer recommended (withdrawn ÖNORM standards).
- (4) Upon request, the register shall be made accessible free of charge.
- (5) Upon request, the association shall provide excerpts from the register against reimbursement of costs.
- (6) The association shall publish at its own expense the adoption of new ÖNORM standards, as well as the withdrawal or modification of ÖNORM standards, in the "Official Gazette of the Vienna Journal" ("Amtsblatt zur Wiener Zeitung").
- (7) Upon withdrawal of an ÖNORM standard, the title "ÖNORM" or the label "  " shall no longer be used for the product in question. The above shall also apply to standards according to lit. d of section (1).
- §7. (1) ÖNORM standards shall be issued and duplicated by the association only. The above shall not apply to reproductions of excerpts which are used exclusively for internal purposes.
- (2) The Association may, however, permit the duplication of ÖNORM standards against payment.
- §8. (1) Persons violating the provisions of this federal act
- a) by using the title "ÖNORM", the label "  " or other signs, emblems or indications, which may lead to confusion, for products or in their correspondence, or
  - b) by issuing or duplicating ÖNORM standards, or
  - c) by referring to a standard as ÖNORM standard, although aware of the fact that this standard was

not formulated or recommended by the entrusted association, shall be guilty of an administrative offense, unless another legal provision calls for a more severe punishment of such an act. The administrative offense shall be punishable with a fine of up to A.S. 30.000 or by imprisonment up to six weeks, in case the fine is irrecoverable.

- (2) Whenever products and their packaging, as well as written documents, which are still with the producer, and which bear the title "ÖNORM", the label "  ", or similar signs, emblems or indications that may lead to confusion, contrary to the stipulations of the present federal act, the producer shall be committed to remove the above signs, emblems or indications at his expense. If he fails to do this, he shall be punishable in keeping with section (1).

§9. (1) In the event that an association is authorized in keeping with section (1) of §1, it shall be subject to inspection by the Federal Minister of Public Works and Technology. Upon request, the association shall make accessible all necessary documents to the Federal Minister of Public Works and Technology.


- (2) Irrespective of the provisions of §68 of the General Administration Act, Federal Legal Gazette No. 172/1950, the Federal Minister of Public Works and Technology shall be entitled to withdraw the authorization, whenever the legal situation for the granting of such an authorization no longer prevails, or whenever the association does not fulfil its obligations which results from this authorization, in spite of ascertainable orders to do so.

- (3) Upon withdrawal of its authorization, the association shall make available, free of charge, its registers according to section (1) of § 6 to the Federal Minister of Public Works and Technology.



- (4) The right of inspection of the competent authority for associations shall remain unaffected.

§10.(1) The 1954 Standardization Act, Federal Legal Gazette No. 64/1954, shall become ineffective as soon as this federal act enters into force.

- (2) The title "ÖNORM" and the label "  " according to section (1) of § 6 of the 1954 Standardization Act, Federal Legal Gazette No. 64/1954 may be used until a modification or withdrawal of the respective ÖNORM standard on the basis of the present federal act has become effective.

§11. The Federal Minister of Public Works and Technology shall be entrusted with the implementation of the present federal act.