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Group 4 - Licensing

REPLIES TO QUESTIONNAIRE ON LICENSING

Addendum

UPPER VOLTA

Questionnaire On Import Licensing Procedures

Outline of systems

1. The general import system in the Republic of Upper Volta stipulates that entry into the territory of the Republic, under any customs provision whatsoever, of goods originating in or consigned from any point not within the franc area shall only be permitted upon the production of an import permit. Such permits are:

- (i) A personal and non-transferable import licence for goods subject to quota (or goods which have not been liberalized);
- (ii) An import certificate for goods liberalized for import, where transfer of foreign currency is involved;
- (iii) A prior permit to import in the case of liberalized goods not involving settlement abroad, or of liberalized goods imported under the temporary admission régime.

Purposes and coverages of the licensing procedure

2 and 3. Import licensing is applied to the importation of goods subject to quota and originating from countries outside the franc area or the EEC.

4. The purpose of the licensing system is to ensure respect for foreign exchange control regulations.

5. The general import and export system is laid down in Order No. 11/PRES/MFC, as supplemented by Implementing Notices Nos. 03/MFC/DC/CE and 04/MFC/DC/CE. The legislature has established the general framework, while the executive takes steps within that framework to implement the system. Only the legislature can abolish the system, either on its own initiative or on the proposal of the executive.

Procedures

6. (a) Upper Volta applies no quantitative restrictions to its imports. Information concerning the total amounts of quotas, their allocation and the formalities for filing applications for licences is given in Notices to Importers which are published in the press and broadcast.

(b) The size of quotas is determined on the basis of importers' forecasts and with due regard to Upper Volta's genuine needs. Each quota is determined for one year, and licences are issued by the External Trade Service with a six-month period of validity, this period being extendable by two further periods of three months each.

(c) Licences are allotted to any importer applying for such. No steps are taken to ensure that the licences allocated are actually used. The beneficiaries are simply requested to hand back any foreign exchange granted to them, but which has not been utilized, to the External Trade Service. The unused balance of a foreign exchange quota is not added to the quotas for the succeeding period. The names of the recipients of licences may be made known to governments and to export promotion bodies who so request.

(d) Applications for licences may be submitted in the first days of the year, even before the official opening of quotas.

(e) The length of time for processing applications for licences may not exceed twenty-four hours. This interval may be shortened in the light of the urgency of certain applications.

(f) The minimum length of time elapsing between the granting of licences and the date of opening of the period of importation is, as a rule, three months.

(g) The consideration of applications for licences is effected by a single organ, the External Trade Service. In the case of certain imports, however, (such as arms and ammunition, explosives, traps, hunting lamps, distillates, extracts and products usable in the manufacture of alcoholic beverages, narcotics, etc.) applications for licences are submitted for prior examination by the appropriate authorities. These are the only cases in which the importer has to approach more than one administrative organ.

(h) All applications for licences are granted, in general, except where no foreign exchange is available or in any case where the importation of a given product is prohibited. While foreign currency is available even new importers will receive licences. The consideration of applications for licences is carried out immediately upon receipt.

(i) There are no restraints applicable in relation to exports.

(j) Import authorizations are not dependent upon the production of export permits.

(k) There are no products for which licences are issued on condition that the goods are exported and not sold on the domestic market.

7. (a) There is no time-limit on the filing of applications for import licences, which can be obtained within a very short time.

(b) In principle, all licences are granted immediately upon request. No objection is raised while foreign exchange is available, provided importation of the product for which a licence is requested is not prohibited.

(c) There is no limitation in time for the filing of applications for licences and for completion of importation. Applications may be made at any time during the current year.

(d) Applications for licences are considered by a single administrative organ, the External Trade Service, except in the case of imports of the goods enumerated in paragraph 6(g) above.

8. An application for a licence may be refused if the applicant does not fulfil the stipulations laid down in the regulations relating to himself or to the goods which it is desired to import, or if the importation of the product for which a licence is sought is prohibited (e.g. the case of adequate national output of the product in question). An application may also be refused if the required foreign exchange is not available. In every case the importer is informed of the reasons for the refusal.

Any importer has a right of appeal in the event of refusal to grant him a licence, but may only address himself to the External Trade Service, which is responsible for the grant of licences.

Eligibility of importers to apply for a licence

9. Any person, firm or institution may apply for the grant of a licence. In the case of imports of a commercial nature, however, production of an importer's certificate will be required. There is no system of registration of persons or firms permitted to engage in importation, but merely, at the level of the customs service, a code number identifying each importer. There is no published list of authorized importers.

Documentary and other requirements for application for a licence

10. The information which has to be given in an application relates to the importer, to the goods to be imported, to the supplier, to the conditions of settlement and lastly to the time likely to be taken in completing the transaction. Only pro forma or definitive invoices need to be attached to the application for a licence.

11. The documents required upon actual importation are:

- invoices;
- form A1.1 for goods originating in the Common Market;
- a certificate of origin for goods originating outside the EEC;
- the original Bill of Lading, endorsed and stamped.

12. No fee or administrative charge is levied upon an application for a licence. Application forms are sold to traders by the Chamber of Commerce at the rate of CFAF 10 a copy, four copies of each application being required.

13. No deposit or advance payment is required upon the issue of a licence.

Conditions of licensing

14. The period of validity of a licence is six months. This period may be extended by two further periods of three months each. A request for extension must be sought at least three weeks before the expiry of the period of validity. Such requests must be accompanied by the necessary evidence, in particular the supplier's justification for delay. The total period of validity of an import licence may not exceed one year.

15. No penalty is levied for the non-utilization of a licence or a portion of a licence.

16. Import licences are strictly personal and non-transferable.

17. No conditions are attached to the issue of a licence beyond the production of an importer's certificate, which is required in the case of imports of a commercial nature.

Other procedural requirements

18. Imports are subject to no prior administrative formalities beyond production of the importer's certificate and similar administrative procedures.

19. Foreign exchange is automatically provided by the banking authorities for goods to be imported on mere production of the import licence. The necessary foreign exchange is always available up to the total amount of the licences issued.