

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

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CONSULTATION WITH TUNISIA UNDER ARTICLE XVIII:12(b)

Statement by Tunisia under Simplified Procedure for Consultations

Attached is the statement provided by Tunisia for the consultations.

I. Foreign trade regulations

Tunisia's regulations are governed by the following texts:

- Foreign Trade and Exchange Notice No. 10, as amended;
- Notices to importers and exporters.

1. Foreign Trade and Exchange Notice No. 10 (JORT (Official Gazette) No. 9 of 7-11 February 1986), as amended by subsequent Notices (*).

Foreign Trade and Exchange Notice No. 10, as amended by subsequent Notices, is both a regulatory text and a practical guide for importers and exporters.

It codifies the main procedures that apply to the carrying out and payment of imports and exports of goods to and from abroad, with the exception of countries with which Tunisia does not maintain relations.

It lays down the form and content of the foreign trade and exchange document, and specifies the documents which must be annexed to it according to the nature of the operation concerned, the manner in which it is established and the modalities of its use and delivery, as well as the conditions under which it is to be domiciled and the length of its validity.

1.1 Imports

Within the framework of the procedures described below, the right to import, subject to the exceptions formulated, is open to any natural or legal person whose economic activity involves the use or sale of the product to be imported and who possesses a customs code number.

- 1.1.1. The import certificate is rather a financial document than an import document. It does not require prior administrative authorization.

Under this simplified procedure, which concerns the bulk of imports (70 per cent), the importer deals directly with his commercial bank without recourse to administrative authorization.

- 1.1.2. The import licence is a procedure enabling the Administration to monitor products that are still subject to restriction.

- 1.1.3. The annual import permit is a yearly authorization. The categories of economic operators specified in Notices to Importers and Exporters issued by the Ministry of the Economy and Finance and published in the Official Gazette (JORT) may be allowed to effect their yearly import programmes under an annual authorization. This annual permit is issued by the Ministry of the Economy and Finance and endorsed by the Central Bank of Tunisia.

- 1.1.4. The import card has been introduced to facilitate imports of products required for the activities of certain economic sectors. Under this procedure, a document known as the import card is issued to natural or legal persons whose business activity involves one or more products, which enables them to import the products they need, solely in connection with their business activity and for an amount of up to 1,000 dinars per importer and per year.

The import card may be granted to farmers, craftsmen and members of the small-scale trades approved by the competent authorities. It should be pointed out that the last three procedures (1.1.2, 1.1.3 and 1.1.4) still cover only about thirty per cent of imports.

1.2 Exports

- 1.2.1. The export licence is a document which requires the prior authorization of the Administration and allows products specified on a limitative list annexed to a Notice published in the JORT to be exported. It is issued by the Ministry of the Economy and Finance and endorsed by the Central Bank.

- 1.2.2. Definitive invoice: exports of goods which are the object of a firm sale for an amount exceeding 50 dinars and are not covered by an export prohibition or quota may be effected without prior authorization on presentation to the customs of the definitive invoice in five copies, together with the detailed export declaration, provided they satisfy the following conditions:

- the goods are exported by residents entered in the trade register;
- they are paid for within the period fixed by the Central Bank.

2. Notices to importers and exporters

Goods that may be imported or exported are the subject of Notices published in the JORT.

The lists of products currently in force are:

- Annex No. 1 (new) listing products which may be freely imported
(Notice to Importers and Exporters of 1 September 1990 currently being published in the JORT).

It should be pointed out that products not listed in Annex No. 1 may be imported under an import licence.

- Annex No. 4 listing products of which the export is prohibited
(JORT No. 38 of 14 May 1985)

Annexes Nos. 2 and 3, concerning the list of products subject to the import card and to import quotas, respectively, which date from 1981, are no longer applied.

II. Changes in methods of import and export restrictions

The changes that have been made are designed to ease and to simplify foreign trade procedures so as to adapt them to the country's economic development.

The programme of economic liberalization established by the Government (1986-91) provides for the gradual liberalization of foreign trade through the elimination of quantitative and tariff restrictions.

In this context, and in the framework of the new foreign trade and exchange regulations, the procedures used in Tunisia vary according to both the treatment of the product and the status of the operator.

The Tunisian regulations establish special provisions for imports of certain products even when such products are prohibited, on behalf of certain categories of operators, as follows:

1. Components, spare parts and accessories intended to be included in an assembly or unit used as a means of production or provision of services, as appropriate, by enterprises engaged in industrial, handicraft, agricultural, tourism or service activities (including hospital activities).

Imports effected in this framework must be used solely for the maintenance, repair and normal servicing of the capital goods in question.

2. Capital goods duly approved by the Agricultural Investment Promotion Agency or the Sub-Commission for Tourist Facilities.

3. Capital goods not mentioned in the attached Annex No. 1 and in respect of which no like product is manufactured locally, which are listed in the Annex to the Order of the Ministry of the Economy and Finance of 3 May 1990, and which are imported in connection with industrial or service projects that have obtained either a certificate attesting to the submission of a declaration or else a favourable decision for the granting of advantages and guarantees, issued respectively by the Industrial Promotion Agency under Law No. 87/51 of 2 August 1987 on the Industrial Investment Code and by the Ministry of the Economy and Finance under Law No. 89/100 of 17 November 1989 on arrangements to encourage investment in service activities.
4. Raw materials and semi-finished products entering exclusively in connection with the activity of industrial enterprises of which exports account for at least 15 per cent of the turnover.

The enterprises benefiting from this procedure will be specified in lists periodically drawn up by the Ministry of the Economy and Finance (Directorate-General of Trade) and communicated to the Central Bank of Tunisia and the Directorate-General of Customs.

5. Raw materials and semi-finished products imported under the "EXIM" account procedure and exclusively within the framework of their activity by industrial enterprises of which exports account for at least 15 per cent of the turnover, for amounts that may not exceed the value of their exports expressed in dinars.
6. Raw materials and semi-finished products used for the manufacture and market preparation of pharmaceutical products imported by enterprises approved for the manufacture of pharmaceutical products.

III. State trading

Imports of certain sensitive major consumer products, such as coffee, tea, pepper, cereals, tobacco, sugar, seed oils etc., are entrusted to some State agencies in order to ensure adequate and regular supplies on the best terms as regards price and quality.

Consequently, the nature of the product is a basic factor for its inclusion in the import monopoly system. Actually, the products concerned are:

- either major consumer products, the object of the monopoly being to ensure better price control at the distribution level;
- or products which have implications for the State budget and therefore require special supervision by the Administration, e.g. tobacco, medicaments.

Furthermore, because of the substantial impact on Tunisia's foreign-exchange resources, the decision to purchase a monopoly product must be made by the relevant national board.

These product boards supervise import and export operations and decide on the advisability of each operation.

Apart from considerations of the best value for money, no discrimination is allowed in the choice of suppliers or purchasers.

In any case, the monopoly is not used to restrict imports. The objective is to ensure a regular supply of staples and major consumer products at reasonable prices in order to prevent any shortage of these products and to protect the population's purchasing power.

IV. Measures to ease and liberalize the foreign trade régime

The following measures have been taken as part of the Government's policy to simplify administrative procedures and formalities concerning foreign trade:

1. Amendment of the Foreign Exchange Notice*

Notices amending Foreign Trade and Exchange Notice No. 10, published in the JORT (Official Gazette):

- No. 32 of 15 May 1990
- No. 25 of 10 and 13 April 1990

2. Reduction of the list of products prohibited from export (amendment of Annex No. 4)

- JORT No. 18 of 18 March 1986

3. Expansion of the list of products liberalized for import

- JORT No. 59 of 2-5 October 1986

4. State trading:

* Decree No. 89-442 of 22 April 1989 establishing regulations governing public contracts (JORT No. 30 of 28 April 1989).

* List of products subject to national product boards (JORT No. 51 of 25 July 1989, No. 58 of 25 August 1989, No. 62 of 15 September 1990, No. 64 of September 1989).