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TARIFFS AND TRADE

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

European Economic Communities

Spain

Supplement

The attached notification has been received from the delegation of the European Economic Community, in response to the questionnaire on import licensing procedures annexed to document L/5640/Rev.7. The present document updates information contained in L/5640/Add.21/Rev.1/Suppl.3.

CHANGES TO BE MADE IN DOCUMENT L/5640/Add.21/Rev.1/Suppl.3

- I. The paragraphs which must be replaced in the above-mentioned document so as to update it are listed below.

OUTLINE OF SYSTEMS

1. The import licensing system in Spain was radically changed as a result of our joining the European Communities in 1986. The import régimes in force are set forth in the Ministerial Order of 21 February 1986, published in the Official Gazette (Boletín Oficial del Estado-BOE) of 25 February and updated in the last instance by the Ministerial Orders of 31 January 1990 and 30 August 1990 and the Resolution of the Secretariat of State of 8 November 1990, published in the BOE of 7 February, 9 September and 15 November 1990, respectively. These provisions lay down the general principle of free import, and the existing restrictions are defined as exceptions to that principle. There are at present only two import systems, namely that of free trade and that of restricted trade or administrative authorization.

PURPOSES AND COVERAGE OF THE LICENSING

2. The provisions of the Ministerial Order of 21 February 1986 apply to imports of goods into the Peninsula and Balearic Islands.

Imports into the Canary Islands, Ceuta and Melilla are governed by a specific Import Order, last amended by the Order of 18 April 1990 with the result that as far as import licensing is concerned they are subject to the same system as imports into the Peninsula and Balearic Islands. However, the treatment of imports into the Canaries will shortly be modified as a result of the entry into force of Council Regulation (EEC) No. 1911/91 of 26 June 1991, under which the Canary Islands will be integrated into the customs territory of the Community and hence the provisions of Community Law will apply to them.

Imports from Andorra, previously subject to specific treatment, were brought under the General Order relating to Import Régimes on 1 July 1991.

The coverage of the Ministerial Order does not extend to imports of goods which do not meet the characteristics of a commercial shipment. Imports under the temporary-import or inward-processing-traffic system are also governed by their own provisions.

3. The principle of the EEC common commercial policy has been adopted for determining areas of origin of goods. Four basic areas are distinguished: other member States (Area A); countries with specific agreements under GATT Article XXIV (Area B); GATT countries and assimilated countries (Area C); and State-trading countries (Area D). However, strict application of the provisions of the Act of Accession and the latest Community Rules relating to specific State-trading countries have made it necessary to differentiate temporarily as follows: in Area A, Portugal (Area A₂), in Area B, the EFTA countries (Area B₁), Mediterranean countries

(Area B₂), ACP (African, Caribbean and Pacific countries) (Area B₃), and overseas countries and territories (Area B₄); and in Area D, Albania, North Korea, Mongolia and Vietnam (Area D₁), China (Area D₂) and Bulgaria, Czechoslovakia, Hungary, Poland, Romania and USSR (Area D₃) as independent cases. There are thus in all nine areas of origin of goods.

4. Import licensing in cases where it is required (a very small proportion of the total) under the free trade system is aimed at statistical monitoring prior to import, and is carried out by means of the Notification Prior to Import (NOPI) documents.

The purpose of import licensing under the administrative authorization system is to control imports.

It should be pointed out in this connection that there are basically two types of goods subject to these controls, although they require the same document for importation:

- Goods subject to restrictions on grounds of public order or security and applied under Article 36 of the Treaty of Rome: licences are authorized when certain requirements are satisfied; these requirements are never commercial and are provided for by the current Spanish legislation, and the grant of the licence is automatic when it is shown that these requirements are satisfied.
- Goods subject to purely commercial restrictions: in these cases, the administrative authorization to import is granted within the limits set for imports of each product.

PROCEDURES

6. (c) The following should be added after the second paragraph of this section, replacing the previous third paragraph:

There is no system of supervision to ensure that licences allocated are actually used. Nevertheless, a subsequent check on the use made of licences may be made if it is so desired.

The following paragraph should be deleted:

"Governments and export promotion bodies of exporting countries can learn the names of importers to whom licences have been allocated, since that information is public."

II. The following corrections should also be made:

1. In Section A (imports under the free trade system) and Section B (imports under the administrative authorization system). The reference to the Ministerial Order of 16 March 1987 should be updated by reference to the Ministerial Orders and Resolution of the Secretariat of State for Trade mentioned in paragraph 1 of the Section "Outline of Systems".

2. Finally, it should be recalled that as a consequence of the latest ministerial reorganization, the Territorial or Provincial Directorates of Economic Affairs and Trade have been renamed Territorial or Provincial Directorates of Industry, Trade and Tourism.