

GENERAL AGREEMENT ON TARIFFS AND TRADE

ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

ACUERDO GENERAL SOBRE ARANCELES ADUANEROS Y COMERCIO

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

Czech and Slovak Federal Republic

Revision

The attached notification¹ has been received from the delegation of the Czech and Slovak Federal Republic in response to the Questionnaire on Import Licensing Procedures annexed to L/5640/Rev.8. The notification updates and replaces information previously provided in documents L/5301 and L/5640/Add.38.

REPONSES AU QUESTIONNAIRE RELATIF AUX PROCEDURES
EN MATIERE DE LICENCES D'IMPORTATION

République fédérative tchèque et slovaque

Révision

La délégation de la République fédérative tchèque et slovaque a fait parvenir au secrétariat la notification ci-jointe¹ en réponse au questionnaire relatif aux procédures en matière de licences d'importation annexé au document L/5640/Rev.8. Le présent document met à jour et remplace les renseignements précédemment communiqués dans les documents L/5301 et L/5640/Add.38.

RESPUESTAS AL CUESTIONARIO SOBRE PROCEDIMIENTOS PARA
EL TRAMITE DE LICENCIAS DE IMPORTACION

República Federal Checa y Eslovaca

Revisión

Se ha recibido la adjunta notificación¹ de la delegación de la República Federal Checa y Eslovaca, presentada en respuesta al cuestionario sobre procedimientos para el trámite de licencias de importación anexo al documento L/5640/Rev.5. Con esta notificación queda actualizada y sustituida la información que se había facilitado en los documentos L/5301 y L/5640/Add.38.

¹English only/anglais seulement/en inglés solamente

Outline of system

1. The import licensing system of the Czech and Slovak Federal republic has radically changed as a result of its effort to demonopolize and liberalize foreign trade. The import licensing system in force is maintained under the Decree of the Federal Ministry of Foreign Trade No. 560/1991¹ (Collection of Laws of 13 December 1991). This Decree confirms the basic principle according to which goods may be imported into the Czech and Slovak Federal Republic without licensing requirement unless otherwise provided in the Decree.

Purposes and coverage of licensing

2. The products which are subject to automatic and non-automatic import licensing are embodied in Decree No. 560/1991.

Non-automatic import licences are required for the products subject to restrictions (list of items is attached to Decree No. 560/1991 in Annex I Part I). The incidence of non-automatic import licences has been reduced to a bare minimum and is limited to imports of certain energetic raw materials (uranium ores or concentrates, coal) and waste and scrap (of paper or paperboard, and of some ferrous and non-ferrous metals).

Non-automatic licences are also required for the importation of armament, ammunition, explosives, military materials where special regime is applied (Annex E of Decree No. 560/1991).

Licensing procedures applied in connection with the issuance of licences for the administration of import quotas have no additional trade restrictive effects on imports. The Federal Ministry of Foreign Trade publishes the overall amount of quotas for the period of one year to be applied on individual items by quantity and/or value.

Imports of trousers and breeches of denim come also within the scope of products subject to restrictions. It is necessary to note, however, that the importation of these products has never been restricted. There is no intention to do so even in the future and these items will be withdrawn from the system.

The products which are subject to automatic import licensing are listed in Annex A Part II (mainly agricultural products and raw materials) and Annex D (poisons, narcotics, psychotropic materials) of Decree No. 560/1991.

¹Available in Czech for consultation in the secretariat (office no. 3013).

Import licences are not required for the importation of goods which do not meet the characteristics of a commercial shipment and for products imported into the Czech and Slovak Federal Republic as part of investment goods.

3. The import licensing system applies to goods originating from any country except for coal where the EEC and EFTA members are exempted from import restrictions.

4. The main purposes of the licensing system administered by the Federal Ministry of Foreign Trade are to monitor imports, to safeguard public health, safety and security and partly to restrict the quantity of imports.

5. As stated in the outline of system above, the import licensing system is based on Decree No. 560/1991. The licensing system is statutorily required. The designation of products subject to licensing is provided by the Federal Ministry of Foreign Trade together with respective authorities and approved by the Government. It is not possible for the Government (or the executive branch) to abolish the system without legislative approval.

Procedures

6. I. The notice of allocation of quotas and formalities for the filling of applications for licences are laid down in Decree No. 560/1991. The overall amount of quotas is published in the same Decree. The Decree is published in the Collection of Laws.

II. The size of the quotas is determined on a yearly basis but licences are issued on a six-monthly basis. It is necessary for importers to apply for new licences for the same period.

III. The licences are allotted to all importers which fulfil the domestic legal requirements - registration under paragraph 2 of the Trade Act No. 513/1991. The applicant is obliged to submit the contract with the foreign supplier to the licensing authority. Unused allocations cannot be added to quotas for a succeeding period. The names of importers to whom licences have been allocated are available on request from the licensing authority.

IV. It is necessary to submit applications for licences within 15 days from the time of announcing the opening of quotas. Further applications for licences can be submitted after this period in case the total quota is not fully allocated.

V. The maximum length of time for processing applications is 15 days, minimum practically immediately on request.

VI. After the granting of licences, importation may be effected within a period of six months.

VII. Consideration of licence applications is effected by a single administrative organ.

VIII. The allocation of licences is made on a first-come-first-served basis. There is no maximum amount to be allocated per applicant. Applications are examined simultaneously within 15 days after opening of quotas and afterwards on receipt.

IX. Not applicable.

X. Not applicable.

XI. There are no such products.

7. (a) Applications for licences have to be submitted within 15 days in advance of importation. The licence can be obtained within a shorter time.

(b) Licences can be granted immediately on request.

(c) There are no limitations.

(d) Consideration of licence applications is effected by a single administrative organ.

8. There are no special circumstances when an application for a licence may be refused. The reasons for refusal of issuing an import licence are the following:

- the applicant is not legally eligible;
- the application is not accompanied by the legal permit required in case of importation of narcotics, poisons and material dangerous for human health;
- the application is not supported by contract with the foreign supplier;
- the quota is fully used.

Eligibility of importers to apply for licence

9. Legal and natural persons which are eligible under paragraph 2 of the Trade Act No. 513/1991 are automatically authorized to carry out foreign trade activities. There is no distinction between restrictive and non-restrictive systems.

Documentational and other requirements for application for licence

10. Information required at application is stipulated in Decree No. 560/1991, paragraph 3. A sample form is attached to the above-mentioned Decree. The application should be accompanied by:

- contract with foreign supplier;
- legal permit from respective authorities in the case of importation of poisons, narcotics, psychotropic materials, etc.

11. The import licence is required upon actual importation in addition to the usual accompanying documents.

12. A licensing fee amounting to 500 Czechoslovak crowns is collected upon the issue of each licence.

13. There is no deposit or advance payment requirement associated with the issue of licences.

Conditions of licensing

14. The validity of licences is six months and cannot be extended.

15. There is no penalty for the non-utilization of a licence or a portion of a licence.

16. Import licences are not transferable between importers.

17. There are no other conditions attached to the issue of a licence for both categories of products - those subject to quantitative restrictions and those that are not.

Other procedural requirements

18. There are no other administrative procedures apart from import licensing.

19. Foreign exchange is automatically provided by banking authorities for goods to be imported. The import licence is not required as a condition to obtain foreign exchange. Foreign exchange is always available to cover imports under licences issued. There are no special formalities required by banking authorities for obtaining foreign exchange.