

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

RESTRICTED
L/7523/Add.1
23 September 1994
Limited Distribution

(94-1909)

Original: Spanish

ACCESSION OF ECUADOR

Information Concerning Import Licensing Procedures

Addendum

The following communication has been received from the Permanent Mission of Ecuador for circulation to the contracting parties.

The Permanent Mission of Ecuador to the United Nations Office and other international organizations based at Geneva has the pleasure to transmit the replies to the questionnaire on import licensing procedures, for circulation in the GATT working languages at the next meeting of the Working Party on the Accession of Ecuador.

Further to the information in paragraph 4 of document L/7523, dated 5 August 1994, and in accordance with the Annex to document L/5640/Rev.10 "Questionnaire on Import Licensing Procedures", Ecuador would like to inform the contracting parties of the following legislation:

LAW ON ANIMAL HEALTH¹

Outline

Prior authorization is needed for the importation of livestock and poultry, and products and subproducts of animal origin or to be used for livestock.

Purposes and coverage of licensing

The aim is to ensure compliance with animal health requirements to prevent diseases from entering the country, and control product quality and the genetic quality of animals to be used for breeding and reproduction.

In the case of vaccines and veterinary products, the aim is to control the entry of health products for national livestock.

Prior authorization for imports under this system is not intended as a quantitative restriction or a limit on volume. It is purely a health measure.

¹Law 56, Official Journal 409 of 31 March 1981

The import into Ecuador of livestock and poultry from countries free from exotic diseases is authorized.

The Law on Animal Health, the Basic Catalogue of exotic pests and diseases for the Andean Subregion, Decision 328 of the Commission of the Cartagena Agreement, Resolution 347 of the Board of the Cartagena Agreement and the OIE International Animal Health Code provide the legal basis for the system.

Procedures

The Ministry of Agriculture and Livestock is responsible for granting the prior authorization, in which it establishes the health conditions which the imports must fulfil. Once an application has been submitted, the licence is granted without delay.

There are no restrictions with regard to the annual period when applications may be filed.

Prior authorization is refused in the following cases:

- (a) when there are health problems or exotic diseases in the country of origin; and,
- (b) where there is a failure to comply with the health regulations laid down in the country.

The applicant is informed of the reasons for the refusal. The applicant may lodge an appeal with the Director of the Animal Health Programme who then decides on it.

Eligibility of importers to apply for a licence

Any natural or legal person residing in Ecuador may apply for prior authorization.

Documentational and other requirements for application for a licence

Applications for prior authorization submitted to the Ministry of Agriculture and Livestock, and the requirements it imposes, depend on the kind of animal, product or subproduct to be imported, its nature and purpose and in particular the health standards of the country of origin.

There are no licensing fees.

The prior authorization is valid for 90 days and may be extended. There are no penalties for the non-utilization of a licence or a portion of a licence.

LAW ON PLANT HEALTH²

Outline

Prior authorization is needed for imports of vegetable matter for propagation or consumption, and is issued by the Ministry of Agriculture and Livestock.

²Supreme Decree No. 52, Official Journal 475 of 18 January 1974

Purposes and coverage of licensing

The system aims to ensure that imports of plants, plant products and other vegetable matter comply with Ecuador's phytosanitary requirements, and to prevent the entry of exotic pests which are difficult to control and may threaten Ecuadorian agriculture.

Prior authorization for imports under this system is not intended to restrict their quantity or volume.

The Law on Plant Health, the General Regulations issued under it (published in Official Journal 364 of 23 July 1977), the Law on Seeds, the International Plant Protection Convention, Decision 328 of the Commission of the Cartagena Agreement on the Andean system of agricultural health and the Community Phytosanitary Standards for the Andean Subregion provide the legal basis for the system.

Procedures

The procedures involved in obtaining prior authorization from the Ministry of Agriculture and Livestock are public knowledge as they have been published.

Applications for prior authorization must be submitted in writing and in duplicate four weeks before the importation date. There are no restrictions with regard to the time of the year when applications may be submitted.

The time-limit for processing applications is 72 hours.

The National Directorate of the Plant Health Programme of the Ministry of Agriculture and Livestock is responsible for considering applications.

Authorization is refused when it is known that the vegetable matter comes from areas infested with exotic pests. The applicant is informed of the reasons.

Eligibility of importers to apply for a licence

Any natural or legal person resident in Ecuador may apply for prior authorization.

Documentational and other requirements for application for a licence

Applications for prior authorization submitted to the Ministry of Agriculture and Livestock must be accompanied by an Import Application Form of the Central Bank of Ecuador, pro forma invoice and order form.

There are no fees charged for the issue of a licence, nor any other form of payment or deposit.

Conditions of licensing

Prior authorization is valid for 90 days and may be extended. There are no penalties for the non-utilization of a licence or a portion of a licence.

Other procedural requirements

Goods may be collected from Customs at the point of entry on presentation to plant quarantine inspectors of a phytosanitary certificate from the country of origin.

LAW ON PESTICIDES³

Outline

Prior authorization from the Ministry of Agriculture and Livestock is required for the import of pesticides and similar products for agricultural use.

Purposes and coverage of licensing

The system aims to control dangers from pesticides and similar products. It applies only to the import of the products classified below:

- I-A - extremely toxic
- I-B - highly toxic
- II - moderately toxic, and
- III - mildly toxic.

The system covers the import of pesticides from all countries and is based on the Law on the Formulation, Manufacture, Import, Marketing and Use of Pesticides and Similar Products for Agricultural Use, and the General Regulations on Pesticides and Similar Products for Agricultural Use.

Procedures

The procedures involved in obtaining prior authorization from the Ministry of Agriculture and Livestock are familiar to the public as they have been published.

Prior authorization for imports under this system is not intended to limit quantity or volume.

Applications for prior authorization must be submitted in writing and in duplicate. There are no restrictions with regard to the time of the year when applications may be submitted. Applications are dealt with immediately.

Eligibility of importers to apply for a licence

Any natural or legal person residing in Ecuador may apply for prior authorization to import pesticides and similar products for agricultural use.

³Law 73, Marketing and Use of Insecticides and Similar Products for Agricultural Use, Official Journal 442 of 20 May 1990.

General Regulations on Insecticides and Similar Products for Agricultural Use, Official Journal 233 of 15 July 1993.

Documentational and other requirements for application for licence

Order form and pro forma invoice.

There are no fees, payments, deposits or advances required.

Conditions of licensing

Prior authorization is valid for 90 days and may be extended. There are no penalties for the non-utilization of a licence or a portion of a licence.

LAW ON NARCOTIC AND PSYCHOTROPIC SUBSTANCES⁴

Outline

The importation of narcotic and psychotropic substances requires prior authorization from the Executive Secretariat of the National Council for the Control of Narcotic and Psychotropic Substances (CONSEP) in order to control the production, supply, abuse and illegal traffic of such substances.

Purposes and coverage of licensing

The system is intended to ensure that the narcotic and psychotropic substances imported and not intended for therapeutic purposes or research are used in accordance with the Law. The Law therefore covers all controlled substances in accordance with relevant international conventions to which Ecuador is a party and those listed by the World Health Organization Committee of Experts on Drug Dependence.

Drugs and preparations for therapeutic use may be imported if they have prior authorization from CONSEP, to guarantee that the quantity of such products does not exceed national requirements.

The system applies to all narcotic and psychotropic substances regardless of their country of origin.

The Law on Narcotic and Psychotropic Substances, its Regulations, the Health Code and the United Nations Convention Against Illicit Traffic in Narcotic and Psychotropic Substances provide the legal basis for the system.

Procedures

Six-monthly or quarterly quotas are applied to imports of narcotic and psychotropic substances, and are based on the records of consumption of the various enterprises.

The CONSEP General-Directorate for Control and Supervision keeps a special register of importers and imported products. It includes data relating to consumption and respective balances, which provide the basis for granting fresh licences.

In general, prior authorization is granted on the basis of the control and supervision of the products already in circulation.

⁴Law on Narcotic and Psychotropic Substances published in Official Journal 523 of 17 September 1990.

The minimum and maximum length of time for processing applications ranges from five to eight days.

There are no licensing fees or charges.

CONSEP grants import authorization for narcotic and psychotropic substances to approved natural or legal persons.

Eligibility of importer to apply for a licence

Any natural or legal person approved by CONSEP may apply for a licence.

Documentational and other requirements for application for a licence

Application forms must contain the following information:

- (a) the name and address of the importer or exporter (person or enterprise);
- (b) the CONSEP approval number;
- (c) the name, quantity and description of the presentation of the imported substance or medicinal products;
- (d) the specific end-use of the imported substance or medicinal products;
- (e) the name of the country of origin and destination, as well as the loading, transfer or unloading point;
- (f) the sanitary registration number and formula given by the Ministry of Public Health;
- (g) proposed date on which the import or export will be loaded or unloaded, place of origin, loading points, ports of call, entry point into the country and destination;
- (h) means of transport envisaged and identity of the corresponding enterprise;
- (i) VAT number in the case of imports.

Conditions of licensing

Import authorization for controlled substances is valid for 90 days from the date of issue. It may only be used once and does not cover imports of substances of a different nature.

LAW ON THE CONTROL OF ARMS, EXPLOSIVES AND AMMUNITION⁵

Outline

On grounds of national security, prior authorization from the Ministry of National Defence is required for imports of accessories for use by the military or police, fire arms, ammunition, all

⁵Supreme Decree No. 3757 published in Official Journal 311 of 7 November 1980.

categories of explosives and raw materials for their manufacture, ignition devices such as percussion caps or detonators, and chemicals for use in chemical warfare or which could be adapted to that end.

Purposes and coverage of licensing

The system aims to control imports of the afore-mentioned products so that they do not exceed levels needed to maintain peace and ensure the safety of the population, and is applied regardless of their place of origin.

The system also applies to the quantity of arms that may be imported for the use of sports associations, shooting clubs, legal entities or for hunting.

The Law on the Manufacture and Possession of Arms, Ammunition, Explosives and Spare Parts and Accessories provides the legal basis for the system.

The system may be modified only by the Legislative Branch.

Eligibility of importers to apply for a licence

Any person, enterprise or institution may apply for prior authorization from the Ministry of National Defence to import arms, ammunition and explosives for civilian use. It is granted immediately on receipt of approval from the Joint Command of the Armed Forces.

The Joint Command of the Armed Forces keeps a register of importers of such products.

Documentational and other requirements for application for a licence

To obtain authorization, the importer must:

- (a) be included on the register kept by the Joint Command of the Armed Forces;
- (b) obtain from the Joint Command registration books for: arms, ammunition, explosives and accessories, with the pages duly numbered and signed by the competent authorities;
- (c) provide information on the loading point and destination; identity of the exporter; f.o.b. and c.i.f. value of the articles; purpose of importation.

The customs authorities may not release the imported goods unless the parties concerned provide the necessary documentation and transport authorization from the Joint Command of the Armed Forces. A Bill of Receipt is signed at the time of release.

Prior authorization is free, valid for one year and may not be extended. It is not transferable between importers.

HEALTH CODE⁶

Outline

Sanitary registration with the Health Directorate of the Ministry of Public Health is required to import processed foodstuffs or additives, medicinal products in general, drugs or medical appliances,

⁶Supreme Decree 188, published in Official Journal 158 of 8 February 1971.

cosmetics, sanitary products or perfumes and pesticides for domestic, industrial or agricultural use, regardless of the country of origin. This requirement also extends to domestically-produced goods.

Purposes and coverage of licensing

Sanitary registration for the afore-mentioned products is intended to safeguard public health and life and ensure that the consumption or use of such products is not harmful. Sanitary registration for imports is not intended to limit the quantity or value of imports.

The Health Code provides the legal basis for this system.

Procedures

Applications for sanitary registration are submitted to the National Health Directorate. Registration is granted on the basis of a technical report from the National Institute of Hygiene.

Eligibility of importers to apply for a licence

Any natural or legal person is entitled to apply for sanitary registration.

Documentational and other requirements for application for a licence

A sample of the product must be submitted with the application to enable the National Institute of Hygiene to carry out the respective technical analysis.

Conditions of licensing

Sanitary registration is valid for seven years.

LAW OF THE ECUADORIAN ATOMIC ENERGY COMMISSION⁷

Outline

Licences are required for the import of fertile, fissionable and radioactive materials, radioisotopes and generators of ionizing radiation. They are issued by the Ecuadorian Atomic Energy Commission (CEEAA).

Purposes and coverage of licensing

The CEEA is responsible for establishing regulations on nuclear safety and radiological protection not only with regard to imports but also the production, procurement, transport, export, transfer, use and handling of the afore-mentioned products.

Import licences apply to the above-mentioned material from all countries and are intended only to guarantee safety, not limit the quantity or value of exports.

⁷Law of the Ecuadorian Atomic Energy Commission, Supreme Decree No. 3306 published in Official Journal 798 of 23 March 1979.

Radiological Safety Regulations, Supreme Decree No. 3640 published in Official Journal 891, of 8 August 1979.

The Law on the Establishment of the Ecuadorian Atomic Energy Commission (CEEa) and the Radiological Safety Regulations provide the basis for the system.

Procedures

The CEEa is responsible for analysing applications and issuing the corresponding prior authorization or import licence.

Eligibility of importers to apply for a licence

All national or legal persons registered with the Ecuadorian Atomic Energy Commission may apply for authorization.

Documentational and other requirements for application for a licence

The applicant must supply the following information to the Ecuadorian Commission on Atomic Energy:

- (a) Registration number with the local Chamber of Commerce;
- (b) The radioisotopes, sealed units or machines to be imported and their purpose; and,
- (c) Geographical distribution of sales, by province, in the previous year.

The importer must also fill in a special form providing details and technical information so that the CEEa can keep an up-to-date register of material purchased, its location and origin, the shipment date, transportation conditions and the importer's identity.

Conditions of licensing

Licences are issued for a period of four years and may be renewed 90 days before the expiry date.

SPECIAL LAW ON TELECOMMUNICATIONS⁸

Outline

A licence issued by the Telecommunications Superintendence is needed to import *inter alia* telephonic terminal equipment, data and telex, modems, integrated service digital network terminals, and approved mobile cellular telephone system terminals, which are connected to a terminal point in a public or private system, and intended to access one or more telecommunications service.

Purposes and coverage of licensing

The aim of the system is to standardize, approve, regulate and supervise telecommunications activities that use imported equipment.

⁸Law No. 184: Special Law on Telecommunications and Regulations. Official Journal 996 of 10 August 1992.

Resolution No. 92: Regulations for Authorizing Terminal Telecommunications Equipment. Official Journal 311 of 8 November 1993.

The Special Law on Telecommunications and the Regulations for the Authorization of Telecommunications Terminal Equipment provide the legal basis for the system.

Procedures

Before the importer can be issued with a certificate of type-approval from the Telecommunications Superintendence, he must submit, with his application, all technical data on the equipment so that it can be assessed before it enters the country.

The system is not intended to limit the quantity or value of imports, merely to guarantee the correct interworking of terminals operating with telecommunications networks. The system applies to the import of products regardless of their country of origin.

Eligibility of importers to apply for a licence

All natural or legal persons may apply for authorization for the afore-mentioned equipment.

Documentational and other requirements for application for a licence

The certificate of type-approval costs between US\$25 and US\$250 depending on the telecommunications equipment and the number of units to be imported.

Conditions of licensing

The certificate of type-approval suffices for subsequent imports of similar equipment.

HIGHWAYS LAW⁹

Outline

Prior authorization is required to import certain vehicles which because of their size and weight come under the provisions of the Highways Law and the regulations issued under it.

Purposes and coverage of licensing

The system is intended to safeguard public highways and roads and prevent damage or destruction caused by the excessive weight and size of vehicles using them.

Prior authorization for vehicles covered by this system is not intended to limit the quantity or volume of imports. It is applied regardless of the vehicles' country of origin.

The Highways Law and the regulations issued under it provide the legal basis for the system.

Procedures

Applications are submitted to the Ministry of Public Works and Communications.

⁹Highways Law, Supreme Decree 1351 published in Official Journal 285 of 7 July 1964.

Regulations issued under the Highways Law, Ministerial Agreement No. 80 published in Official Journal 567 of 19 August 1965.

Processing and approval is free of charge and the time-limit for processing is 72 hours.

Eligibility of importers to apply for a licence

Any natural or legal person may apply for a licence.

Documentational and other requirements for application for a licence

The documents needed to apply for a licence from the Ministry of Public Works (MOP) are:

- (a) a special MOP application form
- (b) order forms
- (c) a commercial pro forma invoice and,
- (d) an import permit.

Conditions of licensing

The licence is valid for 90 days.

FUNDAMENTAL LAW ON ELECTRIFICATION¹⁰

Outline

A licence from the Ecuadorian Institute of Electrification (INECEL) is needed to import, install and use plants generating more than 100 kilowatts of energy to ensure compatibility with the national interconnected system.

Purposes and coverage of licensing

Permits apply to electric and thermal plants of more than 100 kilowatts.

The system is not intended to limit the value or quantity of imports.

The Fundamental Law on Electrification provides the legal basis for the system.

Procedures

Applications must be submitted to the Directorate of the Ecuadorian Institute of Electrification (INECEL) in the case of electric or thermal plants with a capacity of more than 500 kilowatts. In the case of equipment with a capacity of between 100 and 500 kilowatts, the application must be submitted to the INECEL General Manager.

Thermal plants for private use whose total capacity is below 100 kilowatts do not need a prior licence.

¹⁰Fundamental Law on Electrification

Eligibility of importers to apply for a licence

Any natural or legal person, whether national or foreign, may apply for a licence.

Documentational and other requirements for application for a licence

The application must contain the name or trade name of the applicant, and a description and the number of plants to be imported.

There are no fees, charges or advance payment required for a licence.

Conditions of licensing

The licence is valid indefinitely.

There are no penalties for the non-utilization of a licence.

Licences may not be transferred between importers.