

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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## REPLIES TO THE QUESTIONNAIRE ON LICENSING

Addendum

IVORY COAST

### CHAPTER I: GENERAL

Imports from countries outside the franc area are in principle prohibited. However, this principle has been relaxed in some instances for example by way of free imports of a number of products, either from all countries or from particular countries only.

In the case of certain products either from any country of origin or supply or originating in and coming from particular countries only, imports are prohibited or are subject to special formalities independent of the measures necessitated by external trade control, either

- for health or plant health reasons, or
- for reasons of security or morality or in the public interest, or
- for the protection of industry in the Ivory Coast.

The list of products prohibited or subject to quota, the regulations applicable to them, and where appropriate, references to the instruments laying down these measures, are to be found in Chapter II.

Products coming directly from any source outside the customs territory of the Ivory Coast or coming under suspended customs duty régimes are imported either

- without import documents, or
- on presentation of an import licence, or

- exceptionally, simply with a prior endorsement of the customs declaration by the Ministry of Economic Affairs and Finance, Directorate of Economic Affairs and External Economic Relations, Sub-Directorate of Authorizations and External Trade Regulations (Commercial Authorizations Service).

## CHAPTER II IMPORT PROHIBITIONS AND RESTRICTIONS

The products shown in the table below may not be imported into the Ivory Coast:

- (1) - Products from whatever source prohibited or **subject to quota** for plant health, sanitary or moral reasons, or in the public interest

Product	Competent administrative service
Absinthes and similar liqueurs	Ministry of Public Health and Population
Liquor stills and all appliances intended for distilling alcohols and redistilling spirits	Ministry of Public Health and Population
Denatured alcohols and wood alcohol not for drinking	Sub-Directorate of Internal Trade and Distribution
Apparatus which can be used for the manufacture of coins	Ministry of Economic Affairs and Finance
Preserved fish, over 1 kg.	Ministry of Animal Production
Colouring matter for beverages and food	Sub-Directorate of Internal Trade and Distribution
Artificial mineral waters	Ministry of Public Health and Population
Essential oils, extracts and products, whether able to be used for the manufacture of alcoholic beverages or not	Sub-Directorate of Internal Trade and Distribution
War materials	Ministry of the Armed Forces and Civil Service
Gold and objects of gold	Sub-Directorate of Credit and Finance

Product	Competent administrative service
Medals and coins	Central Bank of West African States
Traps for wild animals	Ministry of Agriculture
Weights and measures	Sub-Directorate of Prices, Measuring Instruments and Fraudulent Practices
Saccharine	Ministry of Public Health and Population
Poisonous and narcotic substances	Ministry of Public Health and Population
Plants and agricultural products	Ministry of Agriculture
Explosives	Directorate of Mines
Live animals, animal products (including skins and furs) and fish products	Ministry of Animal Production
Arms and munitions	Ministry of the Interior
Books	Ministry of the Interior
Pirated editions of books	Ministry of the Interior
Cinematographic films	Ministry of the Interior

(2) - Products prohibited or subject to quota for the protection of Ivory Coast industry (Act No. 63-292 of 24 June 1963)

INSTRUMENTS ESTABLISHING THE PRINCIPLE UNDERLYING SUCH MEASURES

Product	Observations	Instrument
Matches	One shipment of 20 tons authorized exclusively from EEC (including France)	Decree No. 66-62 of 9/3/1966 Order No. 614/AEF/COMEX of 24/6/1966
Artificial Portland cement	Prior authorization	Order No. 8019/MAEF/CAB of 12/9/1968 - Order No. 8650/MAEF/CAB of 2/12/1968
Detergents	One shipment of 180 tons authorized, exclusively from EEC (including France)	Decree No. 65-190 of 9/7/1965 Order No. 1270 of 8/7/1966 Decree No. 63-278 of 12/6/1968
Flour	Prohibited except for a small quantity of superfine flour as determined each year	Decree No. 63-278 of 12/6/1968
Coffee husking machines No. 5 type, processing capacity 120-200 kgs. of dry berries an hour	Prohibited	Decree No. 66-338 of 5/9/1966
Rice husking machines	Prohibited	Letter No. 241/ABF/CX of 13/3/1968
Paints	Quota 400 tons (EEC, including France, 300 tons, other countries 100 tons)	Decree No. 65-99 of 26/3/1965 Order No. 765 of 20/4/1965
Food potatoes	Prior authorization	Order No. 7506/MAEF of 19/7/1968
Sugar	"All countries" quota based on annual needs not covered by imports of sugar from OCAM	Order No. 3171 of 28/12/1966

(3) - Products prohibited by reason of country of origin or supply

Importation of all products originating in and coming from the following country is prohibited:

- RHODESIA -

CHAPTER III: EXCEPTIONS AND ALLOWANCES

A. WAIVING OF LICENCE REQUIREMENTS

Notwithstanding the statutory general prohibition laid down by External Trade Regulations, the import licence requirement is waived in the following cases:

- Abandoned property: goods left in the customs and becoming the property of the Government of the Ivory Coast.

- Animals: dogs, cats, etc. accompanying their owners during travel.

- Fuel produced at the time of temporary importation of motor vehicles and motor cycles, or of reimportation of motor vehicles and motor cycles registered in the Ivory Coast.

In addition to the fuel carried in the normal tanks fitted as fixtures to vehicles, fuel contained in jerry cans, drums or other containers is exempt from foreign trade formalities up to an amount of 100 litres per vehicle.

- Non-commercial postal packages and parcels

Sent to private persons by private persons, except large series of packages sent by one person to one and the same recipient (including consignments not exceeding 20 kgs. in weight sent by parcel post in this way).

- Personal effects of travellers, clothing and personal belongings and small quantities of goods or produce included in their baggage.

- Impounded goods offered for sale by the Customs Administration.

- Goods not exceeding CFAF 20,000 in value.

However, such operations require the endorsement of the Commercial Authorizations Service on the customs declaration.

B. LIBERALIZATION OF TRADE, IMPORT CERTIFICATES

The products shown in the liberalization of trade lists published officially may be imported without a licence, but must be covered by an import certificate. The procedure applicable to these operations is described in Chapter V below.

CHAPTER IV: IMPORT QUOTAS

Except in the case of liberalized products, imports from third countries\* take place either:

- as part of such quotas as may be fixed under the current trade agreement with the country in which the products to be imported originate or from which they come, or
- as part of quotas earmarked for Ivory Coast industry to meet their production and maintenance requirements, or
- as part of the global quotas in favour of the European Economic Community, in the case of products to which these quotas apply, or
- as part of the global quotas open to all countries other than the franc area (in so far as such import products cannot be imported under the heading of quotas exclusive to the countries members of the European Economic Community).

The apportionment of these quotas reserved for Ivory Coast importers and users is part of an allocation made periodically by the Sub-Directorate of Commercial Authorizations on the basis of the estimated future import programme after consultation with the pertinent consular assemblies (see Chapter VI concerning the import programme).

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\* It may be recalled that in accordance with Order No. 8816 dated 13 December 1968, of the Ministry of Economic Affairs and Finance of the Ivory Coast, the term "third countries" is to be understood as meaning countries other than:

- (1) - The French Republic, its Departments and Overseas Territories with the exception of the French Territory of Afars and Issas.
- (2) - The States members of the West African Monetary Union.
- (3) - Other States whose bank of issue has an operating account with the French Treasury.

The Principality of Monaco is placed on the same footing as France. The Franco-British condominium of the New Hebrides is regarded as a third country.

CHAPTER V: IMPORT PROCEDURE

A. LIBERALIZED PRODUCTS

The importation of liberalized products from third countries is subject to the presentation of an import certificate previously domiciled with an authorized agent.

This import certificate, made out in four copies, is required in support of customs declarations.

After a check to ensure that the particulars shown on the certificate tally with those in the declaration as regards the nature, origin, quality, customs value and invoice value of the goods, the following particulars are entered in the space reserved for the customs authorities:

- Number of the declaration,
- Type of declaration,
- Date of customs clearance,
- Seal and signature of the customs inspector.

When these entries have been made, the copies of the certificate are distributed as follows:

- One copy to the Sub-Directorate of Credit and External Finance.
- One copy to the Central Bank of the West African States (B.P. 1769).
- Two copies to the importer.

EXCEPTIONS - The following operations covering imports of goods from third countries are exempt from the domicile requirement:

- (1) Imports of goods against reimbursement effected through the Postal Administration.
- (2) Imports from third countries of goods not exceeding CFAF 30,000 in value.
- (3) Imports from third countries of goods not involving any payment.

B. PRODUCTS SUBJECT TO QUOTA

(1) SUBMISSION OF APPLICATIONS FOR IMPORT LICENCES

Applications for licences are made out in five copies, one green, one pink, and three white. The pink copy and one white copy go to the Customs Administration, the green copy is retained by the Sub-Directorate of Commercial Authorizations, and the other two white copies are forwarded to the importer within a period of not less than two days and not more than one week. Obviously this distribution can only take place where the competent authorities have given their consent and the licence is made out correctly and in accordance with the annual quota allocation.

(2) AUTHORITY COMPETENT TO ISSUE IMPORT LICENCES

Licences are granted by the Ministry of Economic Affairs and Finance - Directorate of Economic Affairs and External Economic Relations - Sub-Directorate of Authorizations and External Trade Regulations (Commercial Authorizations Service).

These import documents can only be granted in so far as the importer requesting them has not exceeded the portion assigned to him under the annual quota allocation and in so far as his application has been made out in accordance with the instructions given below.

(3) ESTABLISHMENT OF IMPORT LICENCES

The following particulars must be given with the utmost accuracy:

- the importer's name or style of firm, address and profession;
- number of the entry in the Trade Register;
- quantity, nature and type of products; their customs tariff classification must be indicated, and the numbers of customs headings and sub-headings must be given accurately;
- country of origin and supply;
- f.o.b. value in foreign currency and equivalent in CFA francs;
- bank acting as intermediary;
- the heading against which the operation is charged according to the classification in the import programme.

Each of the five copies of the application must be accompanied by a pro-forma invoice showing the value f.o.b. (including at least one original and four photocopies or certified copies); indication of the c.i.f. value on the invoice is optional.

Importers submitting such applications must be up to date with their social, tax and customs obligations; in particular their operator's licence must be valid.

(4) VALIDITY AND EXTENSION OF IMPORT LICENCES

Import licences are valid for six months from the day following endorsement by the Commercial Authorizations Service. Their validity may, however, be extended by the Service provided a request is made before the licence has expired.

The period of extension is regularly six months, but according to the nature of the product, the licence can be extended once only, or it can be renewed once or twice in an emergency in the following circumstances:

Consumer goods - One single extension, or a possible overall validity of twelve months.

Fabrics - Two extensions each of six months, or a possible overall validity of eighteen months.

Capital goods - Three extensions each of six months, or a possible overall validity of twenty-four months.

It should be pointed out, however, that extensions are the exception and not the rule.

Applications should be submitted in five copies, and a copy of the import licence must be attached.

(5) AMENDMENTS TO IMPORT LICENCES

Requests for amendment of an import licence can be considered, provided this does not involve a change in the heading under which it is entered, i.e.:

(a) group of products under which the licence has been granted;

(b) geographical origin as specified in accordance with the allocation of the various import programme quotas listed in Chapter IV above.

Generally speaking, amendments can be made to the f.o.b. value specified in the licence only in the case of a reduction; in no circumstances may they involve an increase in the f.o.b. value.

(6) NON-TRANSFERABILITY OF IMPORT LICENCES

Import licences are personal and non-transferable.

In no circumstances may such documents be lent, sold or transferred or in general the subject of any negotiation on the part of the person to whom they were granted by name.

Infringements incur the penalties laid down for failure to declare imports of prohibited goods.

The fact of obtaining or attempting to obtain the issue of a licence either by forging official seals or making false statements or by any other fraudulent means, is deemed to be an attempt to import without making a declaration.

In this connexion, likewise, goods are deemed to be prohibited if they are not accompanied by valid documents or if they are produced under cover of documents which are not applicable.

However, there is no objection to the effective recipients of the goods purchasing them from the licence-holder, provided the transaction between the interested parties refers to the goods cleared through the customs. In such cases, the trustworthiness of the declarations must be checked wherever the regularity of the operation raises doubt in the minds of the Customs Service.

In any event, the licence-holder must be the owner of the goods at the time when they are produced in the customs, and he must pay the duties chargeable, either personally or through a forwarding agent acting on his behalf.

(7) SPECIAL CASES

(a) Licences are not required for import operations covering products under quota not exceeding CFAF 20,000 in value.

However, the importer concerned must have the customs declaration covering such imports endorsed by the Commercial Authorizations Service.

(b) Imports not involving any payment in third countries

Import licences "not involving foreign currency" are no longer required for import operations from third countries involving:

- no form of payment whatever;
- no payment in foreign currency but only in a franc area currency.

For all such operations, however, the customs declaration must be endorsed by the Commercial Authorizations Service.

The import operations to which this procedure applies are the following:

- products imported to replace products lost or damaged in transport where the risk was taken by the foreign supplier or was covered by insurance taken out in foreign currency;
- equipment reimported after being sent to third countries for repairs;
- equipment imported free of charge to replace equipment found to be defective while still under guarantee by the maker;
- imports intended for foreign diplomatic and consular missions in accordance with the traditional rules governing such matters;
- imports to meet the requirements of foreign religious missions, in accordance with the instructions issued by the Treasury, Sub-Directorate of Credit and External Finance, Exchange Operations Bureau;
- gifts from international organizations under the heading of mutual aid and welfare;
- imports constituting either investments or capital contributions by a non-resident;
- samples and free publicity materials;
- personal effects and belongings.

The import operations listed above are not chargeable against the quotas allocated under the annual import programme. On the other hand, the following imports are so chargeable, though they are exempt from licensing formalities while requiring endorsement of the customs declaration, by the Commercial Authorizations Service: non-liberalized products from third countries paid for in foreign currency in another country of the franc area and covered by an import licence in foreign currency entered against a quota opened in that country.

C. COMPENSATION TRADE - PRIVATE COMPENSATION ("BARTER") TRANSACTIONS

Before the details of these two procedures are specified below, it should be stated at once that in principle they are strictly prohibited.

They can only be authorized, as a departure from the rule, in altogether exceptional cases where the exportation of certain Ivory Coast products would be quite impossible under the normal procedures.

(1) COMPENSATION TRADE

The compensation trade procedure makes it possible to link an import and an export operation, where on a particular market a product to be exported can only be allowed into the country in exchange for an operation in the opposite direction.

This procedure involves at both the import and the export level a financial settlement with the country in question, and hence the issue of import and export documents.

Although the essential justification for authorizing such an exceptional procedure is, as is said above, that it is in the interests of the Ivory Coast export trade, the products to be imported must be deemed necessary to the national economy.

With regard to countries with which the Ivory Coast has concluded trade agreements, such imports and exports can only cover products not embodied in the agreement or for which the quotas are exhausted, failing a provision to the contrary in the trade agreement itself.

(2) PRIVATE COMPENSATION ("BARTER") TRANSACTIONS

Private compensation makes it possible to carry out an export and import operation or operations with one and the same country, involving the equivalent value and settled without the transfer of funds between the Ivory Coast and a third country.

Control of the regularity of payments between vendors and purchasers in the Ivory Coast and abroad is in the hands of the Sub-Directorate of Credit and External Financing, Exchange Operations Bureau, through an authorized agent designated jointly by the interested parties. Such operations can only be envisaged in principle, with countries with which the Ivory Coast has not signed trade agreements. They can however be undertaken exceptionally with countries having trade agreements with the Ivory Coast, where such agreements do not expressly exclude private compensation transactions.

(3) SUBMISSION AND EXAMINATION OF APPLICATIONS

In the case of both compensation trade and private compensation transactions the applicant must draw up a compensation scheme in five copies.

The application must be addressed to the Sub-Directorate of Authorizations and External Trade Regulations.

Applications are examined by the Commission on Trade Exemptions set up for that purpose. The Commission only considers operations of genuine interest to the general economy and on the basis of all the information needed for their assessment; and it makes recommendations as to whether the imports should be entered against the share allotted to the importer in the annual quota allocation under the import programme, or should be allowed outside the scope of the programme.

The conclusions reached by the Commission are transmitted for decision to the Ministry of Economic Affairs and Finance. The decision is brought to the notice of the interested parties by the Sub-Directorate of Authorizations and External Trade Regulations.

In the event of the decision being favourable, such decision should be noted on all copies of the import and export licences needed to carry out the operation in question.

#### CHAPTER VI: ESTABLISHMENT OF THE IMPORT PROGRAMME

The present chapter refers only to estimates of future imports of products under quota from third countries. Questions relating to a general programme of imports, including imports of liberalized products and products originating in the franc area, although extremely important from the point of view of both forecasting and statistics, have no place here, since we are concerned only with External Trade Regulations.

The annual programme of imports from third countries of products subject to quota, drawn up in values expressed in CFA francs, consists of the following four parts:

- .. European Economic Community (EEC) quotas;
- .. trade agreements;
- .. global "all countries" quotas;
- .. raw materials needed by Ivory Coast industry.

It should be pointed out that the needs of industry by way of capital goods and products other than raw materials are met by charges against the corresponding specific items under the other three parts of the programme.

##### (a) EEC quotas

These quotas are sub-divided into items grouped by categories of products under general headings.

Where the amount earmarked for a specific item under the EEC quotas is exhausted, imports of the products concerned originating in the Community but chargeable to the global "all countries" quotas may in certain circumstances be authorized by the Sub-Directorate of Authorizations and External Trade Regulations.

(b) Trade agreements

These agreements generally indicate the global amount, in both directions, for the whole period of their validity, and in the case of imports and exports, include schedules showing specific items and a heading "miscellaneous". In some trade agreements each item shows an amount in value and tonnage; in others the amounts are not specified or are given only by way of indication for particular items.

In the former case, the quotas fixed for individual items can only be exceeded in certain circumstances with the consent of the Sub-Directorate of Authorizations and External Trade Regulations. Permission to exceed the quotas may be given:

- either by transfer from one item to another within the agreement (on the request or with the consent of the Embassy of the country concerned);
- or by charging the operation against the global "all countries" quotas.

In the latter instance, if the amounts laid down in the agreement have been spent, permission may be given to charge the amount in excess to the global "all countries" quotas where this is appropriate.

(c) Global "all countries" quotas

These quotas are sub-divided into 109 items grouped by categories of products under twenty-four headings.

The global "all countries" quotas are fixed annually in the light of national needs (fulfilment of quotas opened previously and liberalization measures which have occurred) and with due regard to the protection of the industries of the Ivory Coast.

(d) Raw materials required by industry

The amount under this part of the import programme is determined in the light of the fulfilment of the quotas opened in previous years, the liberalization measures which have occurred and the estimates submitted by the various sectors of industry in the Ivory Coast covering their needs for the coming year. These estimates must specify the countries of origin and supply of the raw materials it is proposed to import. It must also be pointed out that all imports of raw materials for Ivory Coast industry must be charged against this part of the programme even when they come from the EEC or from a country which has concluded a trade agreement with the Ivory Coast.

(e) Preparation of the annual import programme - Allocation of quantities to importers

The present section concerns only the allocation to importers of a share under:

- the EEC quotas;
- commercial agreements;
- global "all countries" quotas,

since the procedure for the allocation of quantities to industrialists under the part of the programme concerned with their raw materials requirements is explained in the previous section.

With a view to the determination and allocation of these three parts of the import programme, importers must forward to the Sub-Directorate of Authorizations and External Trade Regulations a file containing the following information:

- Turnover by branch of activity, specialist fields, representation (exclusive or otherwise) of foreign trade marks and brands, follow-up services, investments, multiple sales centres outside the capital, and purchases from local industry, supported by invoices.

Ivory Coast industrialists must forward to the Sub-Directorate of Authorizations and External Trade Regulations estimates of their requirements in capital goods and products subject to quota other than raw materials, with particulars of origin.

Examination of these files furnished by importers, and comparison with the quantities allocated to them in previous years enables a global table of estimates to be drawn up which is divided into categories for each heading and each item of the three parts of the programme considered. In the light of these categories, and with due regard to industrial needs and other factors such as balance of trade, a satisfactory apportionment based on the EEC quotas, trade agreements and global "all countries" quotas can be made to importers in the various branches of economic activity operating in the Ivory Coast.