

GENERAL AGREEMENT ON  
TARIFFS AND TRADE

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Limited Distribution

REPLIES TO QUESTIONNAIRE ON LICENSING

Additional Information

Revision

Attached hereto are sheets<sup>1</sup> containing supplementary information to the replies to the questionnaire on licensing. The sheets, which are issued on a country-by-country basis in loose-leaf form, incorporate information supplied in the course of the review of licensing systems held by the Group on 19-22 October 1971, as well as additional information and corrections received by the secretariat following the meeting of 22-25 February 1972. This document replaces the documents Spec(72)22 and Corr.1 and Spec(74)71 and contains information received in reply to GATT/AIR/1168 and 1283.

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<sup>1</sup>These sheets supplement and should be read in conjunction with the relevant replies in COM.IND/W/55 (COM.AG/W/72) and addenda and corrigenda. The figures appearing at the beginning of the various paragraphs in the attached sheets indicate the question numbers of the questionnaire to which the additional information relates in each case.

Australia<sup>1</sup>

1. The power to impose quantitative restrictions on additional products is vested in the Minister or his delegate.

6(j) Australia does not require importers to present export permits or export licences issued in an exporting country. When the export restraint arrangements with Hong Kong were operating, the Hong Kong authorities advised the Australian authorities on a monthly basis of the licences granted. This was accepted by Australia for the purpose of controlling the level of imports on the particular product concerned. The restraint arrangement expired on 30 June 1971.

19. In Australia, foreign exchange is readily available from any Australian bank. It is a purely commercial transaction.

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<sup>1</sup>See COM.IND/W/55/Add.1/Rev.1 and Corr.1

Austria<sup>1</sup>

1. The reply in COM.IND/W/55/Add.2 relates only to licensing subject to quantitative restrictions. Only three items in the industrial sector are covered by this system, while the agricultural products subject to restriction are set out in L/3210/Add.5/Rev.1. Imports of cotton textiles come within the scope of the Long-Term Arrangement.

As regards imports of liberalized goods, a procedure is applicable whereby the customs officer, at the time of customs clearance, checks whether the product is liberalized and whether it comes from a country to which Austria has extended its liberalization. If these conditions are fulfilled, the customs officer verifies them on the form for customs clearance e.g. in affixing a rubber stamp. The customs officer is obliged to admit these products and cannot refuse the import of liberalized goods. There is no form to be completed nor is there any special fee or charge. The examination is carried out in only one office. It is considered that the procedure is limited to a bare minimum and is not a hindrance to trade, at least from the point of view of licensing. In Austria's view, it is not licensing in the proper sense. The system is used also for statistical purposes. When importing into Austria, the importer has to submit a statistical entry form which goes to the statistical office.

6(a) Interested parties have the opportunity to ask the licensing authority for all information and details, and will certainly get replies concerning the imports they propose to make. It is considered more useful for an importer to have up-to-date information upon inquiry than a publication which may become out of date fairly quickly.

6(b) The amounts of global quotas, which were introduced when Austria started to implement its programme of liberalization, were determined by combining the amounts of all quotas existing with respect to a particular product, together with a certain amount to cover imports taking place outside the quotas. These quotas have been increased yearly by a certain percentage. The majority of global quotas have now been removed and the products liberalized. Global quotas exist only for wine, fruit juices, potato, wheat, and maize starch, preserved meat and certain medicaments.

6(c) There is no possibility in Austria to compel an importer to carry out imports for which he has got a licence, nor can the Government influence the effective utilization of quotas. If there should remain an unused portion of the quota, which

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<sup>1</sup>See COM.IND/W/55/Add.2 and Corr.1

is seldom the case, such unused portion would not be transferred automatically to the next quota year. However, utilization of such an unused portion during the new quota year could be provided for by granting prolongations of licences already unused with respect to items falling under the old quota year. The unused portion which has not been used before the end of the quota year can be transferred into the new quota period.

Austria would have some difficulties to give the names of importers, to whom licences had been granted, to governments. In Austria, there is an overall principle of secrecy which would be infringed if names of licencees were made known.

6(f) If the importer cannot effect imports of a product because the validity of his licence is limited to six months, he is free to ask for prolongation of his licence. Applications for prolongation have to be submitted in writing to the licensing office. As a rule, prolongations are granted for a three-month period, and can be given several times.

6(g) Applications are considered by a single administrative organ. For industrial products, the organ is the Federal Ministry for Trade and Industries; for agricultural products, the Federal Ministry for Agriculture and Forestry. For importing products falling under monopoly, the organ is the Monopoly Administration, namely the Federal Ministry of Finance.

6(h) The last period of reference is, in fact, the previous year.

11. When importing to Austria, the following documents have to be produced by the importer: (a) goods declaration for customs clearance, (b) declaration of value, (c) statistical entry form and, in certain cases, certificates of origin. If the product to be imported is not liberalized or is under monopoly, a valid import licence has also to be submitted. In particular cases, additional certificates have to be presented e.g. for sanitary or phytosanitary purposes. For certain agricultural products falling under the marketing law, a decision of the Grain Board or of the Meat Board has to be produced.

Certificates of origin may be required upon importation by special decree of the Ministry of Trade or Ministry for Agriculture and Forestry. The cases where certificates of origin have to be presented are defined in the Austrian Foreign Trade Law (Federal Gazette No. 314, 1968, paragraph 12). These cases are the following:

- (a) if required on the basis of a decision taken by an international organization of which Austria is a member;

- (b) for the implementation of trade policy agreements and other international arrangements;
- (c) for overall economic considerations, in particular for the maintenance of Austrian exports;
- (d) to avoid by-passing of the Austrian provisions concerning liberalization.

In practice, certificates of origin are mainly required for the purpose outlined in (d) i.e. to ensure that imports originate in countries to which Austria has extended liberalization.

EUROPEAN COMMUNITIES AND THEIR  
MEMBER STATES

EEC Commission

Annex I<sup>1</sup>

(1) Outline of system

1. As regards Regulation No. 1025/70, the system of surveillance can be applied to products from certain countries. To date, five products have been subject to this system; the surveillance has been revoked for two products and will soon be for a third product. Two products will then remain under surveillance, one of them being imported from only one GATT member country.

(4) Use of licensing to restrict imports

As regards other methods, it is not possible, since six separate administrations are involved, to obtain the necessary information by other means.

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<sup>1</sup>See COM.IND/W/55/Add.7 (pages 3 to 8), and Corr.1, 2 and 3.

Benelux<sup>1</sup>

All products originating in the countries enumerated in reply (2-3) are subject to the licensing régime. Licences, for some of the products from these countries, serve to implement quota restrictions. Licensing is also used to facilitate possible recourse to a safeguard clause.

Furthermore, licensing provides the Benelux authorities with more comprehensive data and more rapidly than those obtainable from the foreign trade statistics. In these cases, licences are granted automatically on request.

4. The supplementary data obtained from the licences is primarily used for surveillance of prices and quantities with respect to imports of certain textile products. This surveillance is not applied to imports of products covered by agreements concluded under the Arrangement Regarding International Trade in Cotton Textiles.

5. Under the legislation in force in the BLEU, the King can regulate the import, export and transit of goods. Parliament has therefore empowered the King who can delegate to certain ministers the power to bring trade in goods under licensing. Under Netherlands legislation, the Crown can regulate the import and export of goods.

11. The legislation of the Benelux countries does not preclude any requirement of certificates of origin for imports. Such a requirement is a matter for administrative decision. Generally, a certificate of origin is required when a deflection of trade is noted or there is a serious risk of deflection. In such circumstances, the Benelux authorities can decide that imports should be accompanied by a certificate of origin issued by the competent authorities of the exporting country. No such decision has been taken in respect of imports from Japan. A certificate of origin is required, however, in pursuance of certain international agreements.

12. In the BLEU, a stamp fee is required for all import licences (BF 10 for imports of less than BF 10,000 and BF 20 in other cases). This modest fee does not even cover the cost of the services rendered.

19. In the BLEU, the application for licence is at the same time an application for a priority certificate. The import licence and the certificate of ownership are issued by the Licensing Office.

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<sup>1</sup>See COM.IND/W/55/Add.7, pages 15-20

Denmark<sup>1</sup>

4. Until 1 January 1970, all imports from Japan and Korea were subject to licensing. Commodity list B comprises now only four headings for which licensing is applied vis-à-vis Japan and Korea. Of these four items, three relate to products to which quantitative restrictions are applied while, in the case of the remaining item, licensing is, in effect, free. The purpose of the unrestricted licensing regarded as a tentative liberalization which, in the absence of unforeseen events, will lead to final liberalization after a certain period, is to provide, by way of safeguard, an easy method to control imports if developments show a need. However, limitation of imports in these circumstances, has not occurred. The same remarks apply to Denmark's liberalizations vis-à-vis imports from State-trading countries.

19. "Normal commercial practice" is understood to mean commercial credits of one to two years, or five years for larger capital goods. The notice of payment to be filed is a separate document designed for statistical purposes.

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<sup>1</sup>See COM.IND/W/55/Add.6

France<sup>1</sup>

1. The "exceptional instances" mentioned refer to imports of ECSC and Euratom products and to imports of products under tariff quotas.

2. All details concerning the countries and products to which licensing is applied are contained in the "Journal Officiel" of 6 September 1970 (revised).

Technical visas are necessary for establishing statistics, verifying the origin and price of products, and implementing the agricultural policy.

6(a) In the case of bilateral quotas, the information is published in the "Moniteur Officiel du Commerce", the official organ of the National Centre for Foreign Trade. The information is reproduced by the specialized press in trade periodicals.

7(a) For products not subject to restriction, licence applications are processed within five days, in principle. A licence or a technical visa can be issued immediately upon presentation.

19. No special formality must be fulfilled for obtaining the foreign exchange required for imports.

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<sup>1</sup>See COM.IND/W/55/Add.7 (pages 21-24)

Federal Republic of Germany<sup>1</sup>

1. The requirement of an import declaration has been removed for all agricultural and industrial products. For a very limited number of products a new type of import declaration is required in order to follow recent import developments, especially with respect to products which are subject to the EEC surveillance system.

3. All details are to be found in the import list (see paragraph 5(b)) and in the invitations to submit tenders (see paragraph 6(a)) both published in the Official Gazette (Bundesanzeiger). Any further information is given by the licensing authorities. (See paragraph 6(g).)

19. Statistical announcements for payments in foreign exchange are required. These are purely for statistical purposes and have no connexion with the treatment of goods under the import system.

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<sup>1</sup>See COM. IND/W/55/Add.7 (pages 25-29) and Corr.3

Italy<sup>1</sup>

1. Automatic licensing is necessary for statistical purposes. Because of the time normally involved in processing statistics, licensing is necessary for this purpose.

As regards "controlled customs régime" there is no formality involved, and licences are issued immediately.

7(·) Licences are processed in four to five days maximum. In certain cases, they can be processed in one day.

19. There are no other formalities for issue of foreign exchange.

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<sup>1</sup>See COM.IND/W/55/Add.7, pages 30-38.

United Kingdom<sup>1</sup>

2. All goods to be imported from any source require an import licence, but an Open General Import Licence has been granted in order to facilitate the importation of goods which are not subject to restriction. The Licence authorises the import, without the need for an individual import licence, of all goods other than those listed in any of the Schedules to the Licence. Amendments to the Licence can be made administratively without the need to enact fresh legislation.

6(e) Sometimes, a decision whether to issue a licence is taken immediately on receipt of the application. On other occasions, the decision is not taken immediately but normally no more than three weeks elapse between the receipt of an application and notification to the importer of a decision whether or not the licence will be issued.

The response has to be considered in conjunction with paragraph 6(d) the time allowed for submission of application, which varies from case to case.

If applications are made well in advance of the import, there might be a time lapse before a decision is taken. However, licences can be and are issued immediately where circumstances so require.

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<sup>1</sup>See COM. IND/W/55/Add.22/Rev.1

Japan<sup>1</sup>

The earlier descriptions on Automatic Import Quota system should be deleted since this system was abolished on 1 February 1972. As regards Automatic Approval system it was replaced by the Import Declaration system on 20 December 1972. Under the Import Declaration system, the importers need only to present Import Declarations in a prescribed form to the authorized foreign exchange banks, before the importation, and it is not necessary to be authorized or approved.

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<sup>1</sup>See COM.IND/W/55/Add.11 and Corr.1 and 2.

Norway<sup>1</sup>

PART I

1,2,3. Most industrial products are on the free list. The countries to which licensing or quotas apply are set out in the Bulletins from the Ministries.

5. The Norwegian Government may change the procedure, countries of origin, etc. without the consent of the Parliament. The Provisional Act of 1946 lays down a general ban on imports. The King (the Government) may grant dispensation from this general ban. The King has accordingly authorized the Ministry of Commerce and the Ministry of Agriculture to issue licences and to lay down special conditions for the licences.

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<sup>1</sup>See COM.IND/W/55/Add.13 and Corr.1, 2 and 3

Poland<sup>1</sup>

11. As soon as a general licence is granted by the Minister of Foreign Trade, in the form of annual foreign trade plans assigned to foreign trade organizations, such organizations issue individual licences. Only two basic documents are required upon actual importation (a) the general licence (b) the commercial contract.

16. Licences are, in principle, not transferable. If, however, foreign trade rights of a certain foreign trade organization are transferred to any industrial organization, all the obligations including the licences of the foreign trade enterprise are automatically taken over by the industrial organization concerned

18. There are no other administrative procedures required prior to importation.

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<sup>1</sup>See COM.IND/W/55/Add.14

South Africa<sup>1</sup>

1. In December 1969, South Africa decided to disinvoke its recourse to Article XII as justification for its remaining restrictions. It was pointed out then that import control, as a balance-of-payments instrument, had been applied in South Africa for twenty years previously. The economic structure of the country has changed considerably during the past twenty years. Accordingly, it has been necessary to make certain adjustments particularly in the tariff field. It was also pointed out, at that stage, that it would not be possible to dismantle all restrictions until such time as South Africa was released from its tariff commitments. Development objectives would be jeopardized if import control were discarded while tariffs were bound. In any event, the existing system is considered to be a relatively simple one and does not act as a major restriction on trade.

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<sup>1</sup>See COM.IND/W/55/Add.36

Spain<sup>1</sup>

1. Every year, regularly, new products are included within the general framework of global quotas. Accordingly, Spain is implementing the recommendation made by the IMF in respect of Spain. In 1959, it should be recalled, all imports were subject to quantitative restrictions and were governed by the individual licensing system. Spain is continuing to liberalize its imports.

6(e) As regards time required for global quotas, the administration must review fully all applications made, in order to make an equitable and reasonable distribution. In some cases, when fairly complex global quotas are being dealt with, a longer period than one month is necessary.

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<sup>1</sup>See COM.IND/W/55/Add.27

Sweden<sup>1</sup>

3. "Automatic" licences are required for certain imports from Japan which were formerly subject to BQ's. Details concerning the products can be found in the Joint Working Group documentation (COM.IND/W/67/Add.1).

5. A decision by the Parliament is not required to abolish or modify the licensing system. The Board of Commerce has the power upon authorization by the Government to decide which goods may be exempted from the import prohibition. It was such an authorization given to the Board of Commerce that permitted it to exempt the 564 BTN items from licensing vis-à-vis Japan (see 3 above).

6(d) The amounts allocated to individual importers, referred to in paragraph 6(a) of document COM.IND/W/55/Add.16, are in principle available during nine months from the day of opening of a quota. Applications for licences submitted during this period are granted within the amounts allocated to each importer. After the expiry of this period, licence amounts not utilized by one importer are reallocated to other importers in order to ensure full utilization of the total quota.

7(a) There is no fixed time for processing of applications. It may very well be that licences are issued almost immediately.

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<sup>1</sup>See COM.IND/W/55/Add.16/Rev.1

Switzerland<sup>1</sup>

8. Reasons for refusal are given and there is possibility of appeal. However, in the case of certain war materials, especially explosives, there is no possibility of appeal.

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<sup>1</sup>See COM.IND/W/55/Add.17

United States<sup>1</sup>

No licensing system is maintained for any product under voluntary restraint.

Certain products such as wheat, cotton and peanuts, while subject to quantitative restrictions, are not subject to licensing. This arises because there is relatively little demand for these imports since United States prices are at or very near world prices. It has not been found necessary to introduce a licensing system which would require complicated administrative procedures. The United States has very accurate methods of securing information regarding imports. It is possible to assess, on a daily basis, the value of imports which come into all United States ports.

The TSUS numbers of the products subject to quantitative restrictions have been made available to the Joint Working Group.<sup>2</sup>

Petroleum

3. For national security reasons import quotas are imposed on imports of petroleum and petroleum products into the United States and Puerto Rico. The licensing system used to administer the quota system applies to imports of such products from all countries. It has not been found necessary to impose restrictions on certain imports from countries which have an overland route into the United States. Exempted from quota and licensing are imports from Canada of crude oils imported into District V (Alaska, Hawaii, and west of the Rockies), natural gas liquids and finished products, and limited quantities of crude and unfinished oils from Mexico. Imports of ethane, propane, and butanes from the Western Hemisphere are also exempt.

4. As regards alternative methods, the tariff on petroleum imports is not adequate to accomplish the purpose. For this reason, the import quotas have been instituted. The United States has considered other methods to accomplish this purpose but has not found them satisfactory.

5. The President has discretion under the national security provisions of the Trade Expansion Act to determine the products, and the volume of the products, that may be imported. Changes can be made in the system without any reference to the Congress.

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<sup>1</sup>See COM.IND/W/55/Add.13 and Corr.1 and 2.

<sup>2</sup>See COM.IND/W/67 and Add.1.