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REPLIES TO THE QUESTIONNAIRE ON LICENSING

EUROPEAN COMMUNITIES AND THEIR MEMBER STATES

The present document replaces completely the submissions made earlier by the European Communities and their member States and which are contained in the following documents:

- COM.IND/W/55/Add.6 // COM.AG/W/72/Add.6
- COM.IND/W/55/Add.7 and Corr. 1, 2 and 3 // COM.AG/W/72/Add.7, and Corr. 1,2 and 3
- COM.IND/W/55/Add.22/Rev.1 // COM.AG/W/72/Add.22/Rev.1
- COM.IND/W/55/Add.49/Rev.1 // COM.AG/W/72/Add.49/Rev.1

This document contains also information received in reply to GATT/AIR/1369. The paragraph numbers correspond to the question number in the questionnaire. Some additional information is to be found in document COM.IND/W/55/Add.56/Rev.1// COM.AG/W/72/Add.56/Rev.1.

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A. COMMISSION OF THE EUROPEAN COMMUNITIES

For import licensing and similar procedures, the Community has established stock provisions covering products subject to Community import quotas and liberalized products the importation of which may be subject to Community supervision. A description of these systems, which are applicable to both industrial and agricultural products, is given in Annex I.

Replies to the questionnaire concerning export restraint arrangements will be found in Annex II.

In the agricultural sector, and in respect of certain products to which the common organization of the market applies, provision is made for import certificates, which would come under the broad heading of "similar procedures". These certificates are described in Annex III.

It is clearly understood that this Annex, like all matters relating to agricultural products, will be treated according to the procedures adopted by the Council of GATT on 21 April 1971.

ANNEX I

Import Documents for Liberalized Products under Community Surveillance

Import Authorizations for Products under Community Quota

1. Outline of systems

Import licensing and other similar administrative formalities are governed by two Community regulations:

The first of these, Regulation (EEC) No. 1439 of the Council, of 4 June 1974, on common rules for imports, lays down the general principle of import freedom, that is to say of the absence of quantitative restrictions, for virtually all products (934 full headings and 62 partial headings out of the 1,091 headings covered by the EEC Treaty).[1]

Where developments on the market for one of these liberalized products threaten to cause injury to Community producers of like or directly competing products and the interests of the Community so require, importation of that product may be made subject to surveillance by the Community. In that event, importation of the product is subject to production of a "import document" issued or endorsed by member States.

As to the contents of this document, the regulation lays down certain framework provisions, requiring in particular an indication of the price and quantity of the goods to be imported. Within those framework provisions, the member States are free to decide what the format and lay-out of the document should be, to establish administrative rules for their utilization or, as is generally the case, to continue to use their traditional documents.

The second regulation, Regulation (EEC) No. 1023/70 of the Council, of 25 May 1970, concerns products under Community quotas, whether established on a conventional or an autonomous basis, to deal with situations of market disruption such as are described in Article XIX of the General Agreement. Regulation (EEC) 1023/70 merely establishes framework provisions stipulating the modalities for the issue of "import authorizations" by national administrations.

[1] As regards products not within the coverage of Regulation (EEC) No. 1439/74, imports are governed by national provisions and by those of the Council Decision of 19 December 1972.

2. Purpose and coverage of the licensing

(2) Identification of licensing systems maintained

(See 1 above.)

Products covered

With respect to import authorizations under Regulation (EEC) No. 1439/74, Community import quotas are in effect vis-à-vis contracting parties for the following products[1]:

- Household articles of enamelled steel originating in Spain (regional quota restriction limited to France on the basis of EEC-Spain bilateral agreement)

- Certain jute products originating in India

- Hemp yarn, string of hemp, flax and ramie originating in Yugoslavia (regional quota restriction limited to Germany on the basis of EEC-Yugoslavia agreement).

In addition, the following products are under Community surveillance:

- Slide-fasteners

- Certain live plants and floriculture products

- Certain processed fruit and vegetable products originating in State-trading countries

- Certain phosphatic fertilizers.

3. Country of origin of products

See above, point 2.

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[1]This list does not mention quota measures established under Article 3 of the Multi-Fibre Arrangement, nor measures designed to verify the application of restraints accepted by a third country under bilateral agreements concluded on the basis of the Multi-Fibre Arrangement.

4. Use of licensing to restrict imports

Where the Community introduces import quotas, the issue of import authorizations within the limits of quotas is designed to restrict or to stabilize the quantity or the value of imports.

On the other hand, the import document established under Regulation (EEC) No. 1439/74 is used exclusively for surveillance purposes. It must be issued or endorsed within a maximum of five working days following submission of a declaration or an application by the importer. It is impossible, therefore, to impose any restriction on imports by means of this document.

5. Legal basis of the licensing system

The above-mentioned regulations.

Competence and conditions in the matter of import licensing

- Import document for surveillance of liberalized products: Commission of the European Communities, where developments on the market in respect of a liberalized product threaten to cause injury to Community producers of like or directly competing products.

- Introduction of quantitative import restrictions.

- Council of the European Communities where there is market disruption within the meaning of Article XIX of GATT, or to allow the exercise of rights or ensure compliance with the obligations of the Community or of its member States.

- Commission of the Communities: where critical circumstances make immediate action necessary.

Abolition of the system

The Community institutions, i.e. the Council or the Commission as the case may be, are obliged to abolish any measure where the conditions for its application are no longer met.

6. Procedures for licensing imports of products under quota

In cases where the Community has to introduce licensing for pressing economic reasons, the procedures are as follows:

(a) Publication

The size of Community quotas, the products to which they apply, and their allocation as among the various member States are determined by regulations which are required to be published in the Official Journal. Not later than three weeks after each quota allocation, the member States make known, by official publication, the products which may be imported and the procedure whereby import is to be authorized.

(b) Period of validity of quotas

There are no strict rules on this point. It may be taken, however, that as a general rule they are on an annual basis.

(c) Allocation exclusively to domestic producers

The regulations contain no rule in this respect.

Steps taken to ensure that licences allocated are actually used

In respect of each quota, the member States notify the Commission, within the first twenty days of each month, of the value for which import authorizations were issued during the preceding month and the quantity of imports effected during the month preceding that month. Where it is found on the basis of that information that the use of the quota should be improved, adjustments can be made in its allocation as between the member States. Thus, import possibilities not used in one member State can be transferred to another member State.

Reporting to government of exporting countries of names of importers to whom licences have been allocated

Left to the discretion of the member States.

(d) Time allowed for submission of applications for licences

One month, where all applications are to be examined together.

(e) Time allowed for processing applications

When applications are examined as and when they are received, the time between the date of receipt of the application and the decision on it may not exceed three weeks. Where all applications are examined together, the decision must be made within two months of submission of the application.

(f) Time-limits for importing

None specified.

(g) Organ competent to process applications for licences

Determined by member States.

(h) Procedure for allocation of licences

Within the limits of their quota-shares, member States are in principle at liberty to issue import authorizations either as and when received, or after examination of all applications together.

(i) Issue of licences under export restraint arrangements

Does not apply.

(j) Double checking

Does not apply.

(k) Re-export stipulation

The Regulation does not make specific provision for this.

7. Documentary surveillance of liberalized products

(a) Time-limit for submission of the document prior to importation

There is no limit specified in Regulation 1439/74 (the duration of validity of the document is, however, determined in each individual case).

(b) Immediate issue of the document

This is possible; it is in fact the rule in most of the member States.

(c) Timing of applications

No provision is made in Regulation 1439/74.

(d) Administrative organ competent to consider licence applications

This is left to the discretion of member States.

8. Refusal of a licence and right of appeal

The question is left to the discretion of the individual member States.

9. Eligibility of importers to apply for a licence

The importer must have his place of establishment in the Community.

10. Information required in applications

Import document covering liberalized products placed under surveillance:

(a) name and address of importer;

(b) description of the product, mentioning:

- commercial description
- tariff heading, or reference number of the product, in the goods nomenclature of the national foreign trade statistics;
- country of origin;
- country of consignment;

(c) the c.i.f. price free-at-frontier and the quantity of the product in units customarily used in the trade in question;

(d) the proposed date or dates of importation.

Member States may request further particulars. Import authorizations for products subject to quota.

The question is left to the discretion of member States.

11. Licensing fee charged

No provision in the Community regulations.

13. Deposit or advance payment requirement

No provision in the Community regulations.

14. Period of validity of licences

Left to the discretion of member States in the case of import authorizations for products subject to quota. Where a liberalized product is under surveillance the duration of validity of the import document is determined in each individual case.

15. Penalty for non-utilization of a licence

Left to the discretion of member States.

16. Transferability of licences

Left to the discretion of member States.

17. Conditions attached to the issue of a licence

No uniform Community procedure as yet.

18. Administrative procedures apart from import licensing

Ditto.

19. Foreign exchange question

Left to the discretion of member States.

ANNEX II

Export Restraint

6. (i) "For purposes of Community restraint a system of dual control is instituted. An import authorization or endorsement is issued automatically by member States on production of the export permit issued by the exporter countries."

ANNEX III

Agricultural Sector

The Community does not apply a licensing system under the common agricultural policy. With regard to the "similar procedures" as defined fairly broadly in the footnote to the questionnaire, it should be pointed out that in some instances an import certificate is required.

Outline of systems

1. In the case of a number of agricultural products subject to a single price system in the Community, an import certificate is required.

Certificates are applicable to all imports of the products in question into the Community from all third countries.

The member States issue certificates to any interested party so requesting, wherever established in the Community.

Thus the import certificate, which is not in any way to be confused with the licence, has no restrictive effect.

The issue of certificates is subject to payment of a deposit.

Purposes and coverage of the licensing

2. The system covers certain agricultural products coming under the olive oil, cereals, rice, sugar, milk, beef and veal, and wine sectors (see also the reply to question 5).

3. Import certificates are required for all imports into the Community from all third countries.

4. Import certificates have no restrictive effect; their purpose is statistical.

5. Import certificates are established under the basic Regulations governing the common organization of the market laid down by the Council of Ministers of the Community. Any modification thereto can only be decided by the Council.

The legal basis for the import certificates is as follows:

- Article 17 of Regulation 136/66/EEC for the olive oil sector
- Article 12 of Regulation 120/67/EEC for the cereals sector
- Article 10 of Regulation 359/67/EEC for the rice sector
- Article 11 of Regulation 1009/67/EEC for the sugar sector
- Article 13 of Regulation 804/68 for the milk and dairy products sector
- Article 15 of Regulation 805/68 for the beef and veal sector
- Article 8 of Regulation 816/70 for the wine sector

Procedures

6. Not applicable.

7. (a) No time-limit is specified in the Community regulations.

(b) Yes

(c) No

(d) The administrative organs[1] competent to issue import certificates are designated by the member States.

8. Applications for certificates which comply with the Community Regulations are accepted.

9. (a) Does not apply.

(b) The member States issue certificates to any interested party so requesting, wherever established in the Community.

[1] Details of these administrative organizations are available for consultation in the secretariat.

Documentational and other requirements for licence application

10. See stock form attached.[1]

11. None.

12. The Community Regulations make no provision for any licensing fee or administrative charge.

13. Certificates are issued subject to a deposit being lodged, guaranteeing the commitment to import during the period of validity of the certificate. The deposit may be lodged, at the choice of the applicant, in cash or in the form of a guarantee given by an institution fulfilling the criteria laid down by the member State to which the application for the certificate is made.

The deposit is released as soon as proof is given that the obligation to import has been fulfilled.

At the present time the amount of the deposit is fixed as follows:

Olive oil sector*

0.50 AU per 100 kgs. net

Cereals and rice sector*

0.50 AU per ton

Sugar sector*

0.02 AU per 100 kgs. net for products under tariff Nos. 12.04 and 17.03

0.20 AU per 100 kgs. net for products under tariff Nos. 17.01, 17.02 and 17.05

Milk and dairy produce*

0.50 AU per 100 kgs. net

Beef and veal*

10 AU per 100 kgs. net

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[1] This form, which is not reproduced in the document, is available for consultation in the secretariat.

*Where the total amount of the deposit for a certificate is less than 2 AU the deposit is waived.

Viticulture and wine-making*

CCT No.	Description of goods	Rate of duty (volume, net weight)
08.04 A II	Fresh grapes other than dessert	1.50 AU per 100 kgs.
22.04	Grape must in fermentation or with fermentation arrested otherwise than by the addition of alcohol	2.00 AU per hl.
Additional Note 4(a) to Chapter 22	Fortified wines	2.50 AU per hl.
Additional Note 4(b) to Chapter 22	Liqueur wines	7.50 AU per hl.
22.05 A	Sparkling wines	6.00 AU per hl.
22.05 B	Wine imported in bottles closed by mushroom-shaped stoppers held in place by fasteners or bindings, and wine otherwise imported of an over-pressure of not less than 1 athmosphere, but less than 3 athmospheres at 20°	6.00 AU per hl.
22.05 C	Other wines:	
	I of an actual alcoholic strength not exceeding 13°	2.00 AU per hl.
	II of an actual alcoholic strength exceeding 13° but not exceeding 15°	2.50 AU per hl.
	III of an actual alcoholic strength exceeding 15° but not exceeding 18°	3.00 AU per hl.
	IV of an actual alcoholic strength exceeding 18° but not exceeding 22°	3.50 AU per hl.
	V of an actual alcoholic strength exceeding 22°	4.00 AU per hl.

*When the total amount of the deposit for a certificate is less than 2 AU the deposit is waived.

CCT No.	Description of goods	Rate of duty (volume, net weight)
22.07 A	Piquette	1.00 AU per hl.
22.10 A	Wine vinegar	2.00 AU per hl.
23.05 A	Wine lees	1.00 AU per hl.
23.05 B	Argol	0.10 AU per 100 kgs.
23.06 A I	Grape marc	1.00 AU per 100 kgs.

No deposit is required where the application for a certificate refers to a quantity not exceeding 1 hl. or 100 kgs.

Conditions of licensing

14. The period of validity of a licence varies according to the product.

Olive oil sector

The certificate is valid from the date of effective issue to the end of the third month following.

Cereals and rice sector

Import certificates for products under headings 10.01, 10.02, 10.03, 10.04, 10.05, 10.06 and 10.07 are valid from the date of issue to the end of the third month following, and certificates for other products in this sector up till the end of the fourth month following.

Sugar sector

Import certificates for molasses (BTN 17.03) are valid from the date of issue to the end of the third month following, and certificates for other products in this sector are valid for sixty days beginning with the date of issue.

Milk and dairy produce sector

Import certificates are valid from the date of issue to the end of the second month following.

Beef sector

Import certificates are valid for ninety days from the date of issue.

Viticulture and wine-making sector

Import certificates are valid from the date of issue to the end of the third month following.

The validity of the certificate may be extended where the import operation cannot be carried out during the period of validity of the certificate for reasons of force majeure. The member State issuing the certificate may decide, at the request of the holder, to extend validity for such time as is deemed necessary in the circumstances. Such extension may occur after the validity of the document has expired.

15. Where the obligation to import has not been fulfilled, a proportion of the deposit is forfeited, equal to the difference between:

(a) 95 per cent (93 per cent in the case of the cereals and rice sector) of the net quantity shown in the certificate, and

(b) the net quantity actually imported.

However, if the net quantity imported amounts to less than 5 per cent (7 per cent in the case of the cereals and rice sector) of the net quantity shown in the certificate, the whole of the deposit is forfeited.

16. Obligations deriving from certificates are not transferable. Rights deriving from certificates are transferable by the holder of the certificate during the period of its validity. Transfer may be made only in favour of a single transferee for each certificate or extract therefrom, and applies to quantities not yet assigned on the certificate or extract.

The transfer takes effect from the time of the entry on the certificate or the excerpt, as the case may be, by the agency which issued the certificate, of the name and address of the transferee and the date of the entry, certified by affixing the stamp of the agency.

This entry is made at the request of the holder. The transferee may not transfer his right or re-transfer it to the holder.

17. (a) Does not apply.

(b) No

Other procedural requirements

18. At the discretion of member States.

19. At the discretion of other States.

B. MEMBER STATES

(i) BENELUX ECONOMIC UNION

Outline of system

1. Licences are the administrative instrument laid down by law for the application of the economic regulations governing external trade.

There is one licensing system only.

The basic legislation establishes the right to regulate the importation of goods. To the extent that this right is not used, importation is free.

Licence applications must be made on the prescribed forms to the administrative service responsible for issuing licences.

Licences are issued with the stipulation that the holder is required to produce them at the time of customs declaration.

The customs authorities retain licences once they have been used or have expired and returns them to the administrative service referred to above; and licence-holders are required to return to it any licences still in their possession once their validity has expired.

N.B. The present statement does not affect any measures which may be adopted in accordance with Articles XX and XXI of the General Agreement.

Purposes and coverage of the licensing

2. and 3. The licensing system described under heading 1 above applies to:

(a) Imports of all products originating in the following countries or territories:

Albania	North Korea
Bulgaria	North Viet-Nam
Czechoslovakia	People's Republic of China
East Germany	People's Republic of Mongolia
Hong Kong	Poland
Hungary	Romania
Japan	USSR

In the Netherlands, imports of agricultural products coming under the EEC Regulations on the organization of the market, are exempt from licence. In the Benelux Economic Union (BLEU) there is no such exemption, since in the BLEU countries the licence is the administrative instrument for applying the EEC levies;

(b) imports of a restricted number of products from whatever source.

4. Licensing is intended either:

- to restrict the quantity of imports, in which case licences can be issued on a limitative basis; or

- for the application of certain administrative provisions, e.g. to obtain very rapidly information which could not be procured as quickly using the other methods at the disposal of the Administration in the Benelux countries, or in BLEU the authorities responsible for collecting the EEC agricultural levies.

In such instances, licences are issued automatically and on a non-limitative basis.

5. The laws, decrees, etc. constituting the legal basis of licensing are as follows:

In Belgium:

- The Act of 11 September 1962 relative to imports, exports and transit of goods.

- The Crown Order of 24 October 1962 defining the licensing system.

- Ministerial Orders enacted in implementation of the above instruments which determine what imports shall be subject to licensing.

In Luxembourg:

The Act of 5 August 1963 as amended by the Act of 27 June 1969.

In the Netherlands:

(a) Basic legislation:

In- en uitvoerwet (Import and Export Act) (Staatsblad 1962, 295).

(b) Executive legislation:

- In- en uitvoerbesluit industriële goederen (Decree governing imports and exports of industrial goods) 1963 (Staatsblad 1963, 126).

- In- en uitvoerbesluit landbouwgoederen (Decree governing imports and exports of agricultural produce) 1963 (Staatsblad 1963, 125).

- Invoerbesluit landen (Decree governing country imports) 1963 (Staatsblad 1963, 127).

- In- en uitvoerbesluit Zuid-Rhodesië (Decree governing imports and exports - Southern Rhodesia) (Staatsblad 1966, 289).

- In- en uitvoerbesluit koffie (Decree governing coffee imports and exports) 1969 (Staatsblad 1969, 321).

Under these legislative instruments, licensing is statutorily required. The licensing of goods is thus not left to administrative discretion. Abolition of licensing for a given sector presupposes executive legislation.

Procedures

6. (a) Information is available to all concerned. Quotas laid down in trade agreements are published.

(b) The size of quotas is as a rule determined on a yearly basis.

(c) No licences are allotted only to producers of like goods.

The period of validity of licences is limited. This ensures that licences granted are actually used for imports.

Unused allocations are not added to quotas for a succeeding period. Licences are re-allotted during the current financial year, and can be used in the next period.

An importer requesting renewal of an unused licence must furnish proof that the importation will be made within the prescribed time-limits. The names of importers are not communicated to third parties, because of the strictly confidential nature of administrative procedures (trade secrets).

(d) Application for licences may be submitted at any time within the quota period.

(e) As a general rule, applications are processed on the date of receipt and licences are issued within a time-limit not exceeding five working days.

(f) Licences issued can be used immediately for importing.

(g) Licence applications must be submitted to a single national organ which alone is authorized to examine them:

- In Belgium: the Central Quota and Licensing Office

- In the Netherlands: The Central Import and Export Service or one of the "(Hoofd) Produktschappen", according to the product concerned

- In Luxembourg: the Licensing Office

(h) If the demand for licences cannot be fully satisfied, allocation to applicants is made on the basis of the past performance by the parties concerned.

New importers can also obtain licences without the amount allotted to traditional importers being appreciably reduced.

Care is taken to ensure that the amounts granted are not too small to be commercially justified.

Applications are processed as and when they are received.

(i) In the case of bilateral quotas, the arrangement is for licences to be issued by the importing country.

Import licences can also be required for the control of restraint arrangements. In this way it is possible to avoid inadvertently exceeding the limits where imports coming from a third (re-exporting) country, but originating in a country which limits its exports are not charged against the agreed quantity because the latter was unaware of the final destination of the goods. Import licences are issued automatically on presentation of an export permit.

(j) This does not apply to the Benelux countries.

(k) No.*

7. (a) There is no fixed time-limit. An importer can file his application whenever he wishes.

In the event of inadvertent error, a licence can be issued on the day of application.

(b) Yes, provided the importer does not overdo this.

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*Import licences issued not under quota for re-export involve the undertaking to re-export the manufactured product (active processing operations).

(c) No.

(d) See the reply under 6(g).

8. There are no circumstances other than failure to meet the ordinary criteria in which a licence may be refused. Reasons for any refusal are given to the applicant.

In the event of a licence being refused, an importer has the right of appeal to an administrative tribunal.

Eligibility of importers to apply for a licence

9. (a) and (b) Any individual or legal entity may apply for a licence.

Documentational and other requirements for licence application

10. The application must state the name and address of the applicant, specifications of the products, statistical number, quantity, value, country of origin and country of supply. BLEU also requires the name of the vendor country and the currency in which payment is made.

Stock forms are attached herewith (Annexes 1, 2 and 3).[1]

Where necessary, supporting documents or supplementary information may be required.

11. The customs declaration, invoice, import licence and in some instances a certificate of origin - where this is required on the licence - must be produced at the time of importation.

12. In the Netherlands there is no licensing fee or administrative charge.

In BLEU, the following stamp fees are charged:

10 francs if the value of the goods is under 10,000 francs;
20 francs in other circumstances.

13. No, except in BLEU for agricultural products subject to EEC levies. For such products a deposit is payable as security for payment of the sums due.

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[1]There Annexes, which are not reproduced in this document, are available for consultation in the secretariat.

Conditions of licensing

14. The period of validity is as a rule four months, or six months in the case of overseas countries.

Validity may be extended by means of renewal licences likewise valid for four or six months.

15. No.

16. No.

17. (a) and (b)* No.

Other procedural requirements

18. Apart from the import licensing system described above, there are import licensing systems in connexion with import control of radioactive products, soporific and narcotic substances, arms, etc.

All these regulations are covered by Articles XX and XXI of the General Agreement.

19. Yes, foreign exchange is automatically provided.

In the BLEU countries, in the case of products for which a licence is required, the priority certificate attached to the licence gives the right to obtain foreign exchange.

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*Import licences issued not under quota for re-export involve the undertaking to re-export the manufactured product (active processing operations).

(ii) DENMARK

The present document replaces completely the submissions made earlier by Denmark and which are contained in documents COM.IND/W/55/Add.6//COM.AG/W/72/Add.6 and COM.IND/W/55/Add.56/Rev.1// COM.AG/W/72/Add.56/Rev.1. The paragraph numbers correspond to the question number in the questionnaire.

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1. The provisions governing the regulation of imports into Denmark were promulgated by the Ministry of Commerce by an Executive Order on Commodity Imports, No. 479 of 22 September 1975 as amended by Executive Order of No. 407 of 27 July 1977. According to Section 1 commodities may be imported without licences unless otherwise provided in the following sections. This means that the import regulations take the form of exceptions to a general rule. These exceptions are specified by commodities and by countries in an annex comprising seven groups of countries:

I. European Communities (EC) and Turkey
II. Japan
III. South Korea
IV. Eastern European State-trading Countries
V. Far Eastern State-trading Countries
VI. Taiwan
VII. Other countries.
All countries except the countries listed in I-VI and South Rhodesia.

The countries are all defined in conformity with the classification of countries for purposes of trade statistics. The commodities are arranged according to the Brussels Nomenclature with four digits (but some headings have been subdivided).

2 and 3

(a) Under the Provisions of the Multifibre Arrangement the European Communities has made agreements with different countries. When an importer of products, subject to restraints in such agreements, presents an export-certificate from authorities in the country in mind, the Licensing Office will issue an import-certificate (double control system) (which must not be confused with an import-licence).

(b) For imports of products from countries listed in the Annex to Executive Order No. 479 of 22 September 1975 as amended licences are issued in accordance with yearly quotas. The issuing might take two forms. One (the most common) is the first come - first served principle. The other is an allocation of a quota between importers.

If no quota is laid down no imports are envisaged, but licences may be issued for commodities to be re-exported in an unworked or processed condition and for ship's provisions. Other applications are granted only in exceptional circumstances.

For gold under ex 71.07 the issuing of licences is made in accordance with the purpose.

Potatoes, tomatoes and other vegetables and products thereof. The volume of such imports cannot be determined beforehand. Normal requirements are met by Danish products to a certain extent or for a certain period of the year. Imports are subject to licensing only during the periods indicated for each commodity, which may be imported freely outside that period. If unusual climatic conditions affect the volume and, consequently, the prices of the domestic output during the Danish season of production, unrestricted licensing may, by decision of the Government, be temporarily allowed for importation of the category of fruit or vegetables concerned. In addition, processing industries may be allowed to import limited quantities in the production season. Similarly, the volume of the harvest determines the licensing of semi-manufactures as provisionally preserved vegetables and fruit, fruit pulp and juice for the canning industry. When the Danish harvest has been disposed of, unrestricted licensing is allowed for most of these commodities.

4. Licences are for the time being normally issued for a specified amount (c.i.f. value). In some cases they are however issued for quantities. Licensing serves no purpose other than quantitative limitation.

Unrestricted licensing can be used as a tentative liberalization which, in the absence of unforeseen events, will lead to final liberalization after a certain period. It has, however, not been the case in the last three to four years.

5. Besides the European Economic Community Council Regulation No. 1439/74 of 4 June 1974 on the Common Import System, the legislative basis of the Executive Order on Commodity Imports (No. 479 of 22 September 1975) is the Currency Measures Act (No. 372 of 23 December 1964) as amended (prolonged) by Act No. 228 of 9 June 1965. This Act requires the Minister of Commerce to dismantle the

regulation of imports whenever considerations of reasonable conditions of competition for Danish industries and international agreements render such dismantling possible. Re-introduction of import restrictions is subject to approval by a committee appointed by the Folketing (Parliament).

6. (a) All quotas established in the annual licensing budget or under the Bilateral Trade Agreement of the European Communities are published in "Notices from the Licensing Office of the Ministry of Commerce", which are published when need arises - normally about ten times a year - and circulated free of charge to all importers, trade organizations, the press and to all other persons asking to be placed on the mailing list.

(b) Global import quotas are allocated every year except for certain seasonal goods. Bilateral quotas are released for one year at a time. Applications are invited prior to every allocation.

(c) It makes no difference to the consideration of an application for an import licence whether the applicant is or is not a producer of the commodities involved.

In general, import licences show a high degree of utilization. The basis adopted for allocation is reviewed annually on the basis of past performance, and an importer having made little use of his quota will see it reduced in the next allocation. Unused allocations are not added to the quota for the next period. Year-on-year increases in quotas are normally made for other reasons. The names of importers to whom licences have been allocated are not made available to the public; the trade organizations are against it, and it would, especially some years ago, have involved a considerable amount of work.

(d) The time allowed for submission of applications for quotas to be allocated is three weeks. No time-limit exists for other applications.

(e) The issue of licences against quotas to be allocated must be completed not later than three weeks after the time-limit stipulated for submission of applications; the issue is normally completed in one or two weeks. Other licences are issued three to ten days after receipt of applications.

(f) All licences may be used as soon as they have been issued.

(g) All licences are issued by the Licensing Office of the Ministry of Commerce, but the substance of applications for licences for grain and feeding-stuff imports is considered by the Grain and Licensing Office of the Ministry of Agriculture. No application (except applications from new importers) has to be considered by any other organ, and no applicant has to approach other organs.

(h) When a quota is to be allocated the allocations are normally made on the basis of the applicants' imports of the same commodities during the last two calendar years. No maximum amount or share has been fixed. A share - as a rule representing 5 per cent of the whole quota - is earmarked for new importers in the light of past experience.

Applications for licences under a quota to be allocated will be considered simultaneously after the expiry of the time-limit stipulated for submission of applications. All other applications are considered on receipt (first come, first served).

Five to ten per cent of a quota, which is to be allocated, is reserved for new importers.

(i) No genuine import licence is required in such cases. An import certificate is reserved in cases of export restraint arrangements. This will normally be issued automatically when the importer presents an export certificate.

(j) By an export certificate.

(k) Yes, but such licences are not written off against quotas.

7. (a) No interval is prescribed between the time of submission of an application and the arrival of the commodities. In exceptional cases a licence may be issued on the date when the application for it is received.

(b) Yes.

(c) No.

(d) All applications are considered by the Licensing Office of the Ministry of Commerce. The answer to the other questions is No.

8. In general, no reason is given for a refusal of an application, but an explanation will be given on request. Rules governing allocations from a quota are laid down by the Licensing Office after consultation with the central trade organizations and interested individual trade organizations. A decision taken in pursuance of the Currency Measures Act may be referred to an Appeals Board for matters involving foreign currency. The trade organizations are represented on the Board. Appeals to the law courts may be made from decisions made by the Board.

9. All importers must be domiciled in Denmark and must have the right to engage in the activities for which the imports are wanted. No special authorization is required for import business.

10. Applications, for which no special form is required, must specify the tariff heading, commodity description, amount, country (or, if applicable, countries) of purchase and origin.

In certain cases evidence of the availability of the commodities is required, normally in the form of a pro forma invoice.

11. Request for customs clearance in the prescribed form duly completed, invoice and shipping documents.

12. No.

13. No deposit or advance payment is required.

14. Licences are generally valid for one year; they may normally be extended by another six months and thereafter in another three months: in both cases they must be sent to the Licensing Office for endorsement.

15. No fine or other penalty is imposed for non-utilization of a licence or part of a licence.

16. Licenses are generally transferable from one importer to another with the assistance of a central trade organization, provided that the importer to whom a licence is transferred sells a corresponding amount of commodities to the importer by whom the licence was transferred. In other cases transfer of licences between importers is prohibited.

17. Expired or utilized licences must be returned to the Licensing Office.

18. No.

19. Under the existing foreign-exchange regulations, payments for commodities may be freely made (except to Rhodesia) through a bank, whether the commodities are subject to licensing or not, provided that the terms of payment conform to normal commercial practice. A "notice of foreign payments" must be given to the bank.

(iii) FRANCE

Each reply refers to the corresponding heading of the questionnaire.

Outline of systems

1. Only products under quota are subject to licensing. In exceptional instances arising out of special agreements, the importation of products not involving quantitative restrictions is subject to licensing. In such cases a licence is issued automatically. The general system for imports of products not involving quantitative restrictions is that of a simple import declaration. This may involve the formality of a technical visa or endorsement where surveillance measures are called for.

2. There is only one licensing system, which may be applied in various ways as defined in the notices to importers relating to particular countries or products.

Countries and products subject to licensing are listed in the notices to importers published periodically in the Official Journal in the light of trade developments. The main notice in which a number of previous instruments are codified is that which appeared in the Official Journal of 6 September 1970.

3. The detailed lists of products still under quota, by source, are published regularly in the Official Journal along with lists of liberalized products subject to technical visa.

4. The purpose of licensing is to restrict the quantity or value of imports in cases where ceilings have been fixed in advance to ensure that the limits are not exceeded.

5. The main basic instruments are the Decrees of 30 November 1944 and 13 July 1949 and the Order of 30 January 1967. Where the law leaves the Administration free to decide which products require a licence, the agreement of the legislative must be obtained to abolish the system itself.

Products subject to restriction

6. (a) Information is given in notices to importers published in the Official Journal stating the conditions governing submission and processing of applications. The amount of quotas is published in administrative notifications. In the case of quotas under bilateral agreements, the information is published in the specialist organs.

(b) In the case of bilateral agreements the size of quotas is laid down in the agreement itself. In other cases, it is determined in the light of the economic situation.

(c) As a general rule, the fact of being a domestic producer does not confer any special right to a licence. The issue of a licence confers the right to import but does not constitute an obligation to import; however, among the licensing criteria the fact that licences taken out previously have or have not been used may be taken into account. Unused allocations are not added to quotas for a succeeding period except in the event of an agreement specially negotiated to that effect. The customs authority keeps a list of licensees at the disposal of anyone concerned.

(d) Importers are advised of the allocation of quotas by means of notices in the Official Journal. In the case of examination on a first come, first served basis, importers may submit their applications immediately on publication of the notice, or from such later date as is specified in the notice. In the case of simultaneous examination, importers must submit applications prior to the deadline indicated in the notice. The grace period between the publication of the notice and the deadline date is as a rule at least a fortnight.

(e) Licences are issued either as and when applications are received or after simultaneous examination. There is no general rule in this respect; the choice of the procedure is based on factual considerations such as the probable number of applications in relation to the size of the quota.

(f) There is no minimum time-limit between the date of granting a licence and the opening date of the period of importation.

(g) The importer's application must be made to the customs authority, which passes it on to the appropriate Ministry according to the nature of the product.

(h) Applications for licences are examined by the functional Ministries in accordance with two different procedures: on a first come, first served basis, and simultaneously.

Quotas are allocated by the functional Ministries among the importer applicant after consultation with professional technical committees, which propose rules for the allocation. There is no statutory provision limiting their freedom of action in this respect. In very many instances, the criteria are based on past performance or the destination of goods; thus some quotas are set aside for direct users or for importers operating on their own account.

As a general rule, a portion of the quota is set aside for new importers. Once they have imported, this initial portion may be extended in the future.

The licensing department (the customs authority) must follow the advice of the competent Ministry in the matter of allocation.

(i) The import licence requirement in this case depends on the statutory import system applicable to the product.

(j) Control is exercised by virtue of any private conventions concluded with the exporting country, or simply by means of customs statistics, or an import declaration with technical visa, or an import licence (see (i) above).

(k) Licences are not issued subject to this condition except in the case of suspended customs duty procedures.

Products not subject to restrictions

7. (a) No time-limit is specified except the period actually necessary for the formalities of submission and issue.

(b) Licences and technical visas may be granted without notice on request.

(c) There are no limitations.

(d) See reply under 6(g), for licences; application must be made direct to the functional Ministry concerned in the case of technical visas.

Common questions

8. An application can be refused only if the applicant has not fulfilled his legal obligations. The reasons for refusal are invariably given to the applicant. Apart from discretionary appeal to the competent Minister, interested parties can appeal to the courts.

9. Failing legal dispensation, the interested party must be registered (or in the process of being registered) in the Trade Register and in INSEE. There is no published list of authorized importers (see GATT L/2981/Add.16 of 8 January 1969).

10. All information is given on the prescribed form attached[1], which the importer can obtain from the customs authority.

11. As under 10, the replies are given in sections 10 to 15 of the notice to importers and exporters dated 31 January 1967.

12. There is no licensing fee or administrative charge.

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[1] This form, which is not reproduced in the document, is available for consultation in the secretariat.

13. No deposit or advance payment is required.

14. The period of validity is limited to six months. But a different period may be established in the quota notice published in the Official Journal.

15. There is no statutory penalty.

16. Licences are not transferable.

17. (a) In certain instances, the importation of products is subject to the provisions of the Decree of 26 October 1966 allocating all licences or a specific portion to groups or undertakings pledged to apply the marketing and price conditions laid down in the policy defined by the Government.

(b) No.

18. Yes, especially in regard to specific regulations (e.g. standards, public health, national defence, repression of fraudulent practices).

19. The answer to the first three questions is yes.

(iv) FEDERAL REPUBLIC OF GERMANY

Outline of systems

1. In the Federal Republic of Germany the following two systems are applied:

(a) The system applied to products subject to the EEC common organization of the market, based on common legal regulations, especially that governing import certificates (Regulation EEC No. 1373/70).

(b) The system applied to all other products in the agricultural and industrial sector, based on the External Trade Act (Aussenwirtschaftsgesetz).

The replies to the questionnaire refer only to the system under (b).

Section 1 of the External Trade Act (AWG) lays down the fundamental rule of freedom of external trade. Thus, restrictions are to be limited to what is strictly necessary. They are to be established in such a way that economic activities are hampered as little as possible (AWG, section 2). Licences must be granted with a view to exploiting import possibilities in the economic interest (AWG, section 3).

The licensing authorities follow the rules laid down by the Minister of Economic Affairs and the Minister of Agriculture, by common consent and with the agreement of the Central Bank (Bundesbank).

On the basis of these rules, the competent authorities publish the points to be observed in making an application for a licence (invitation to submit tenders) in the Bundesanzeiger (AWG, section 12).

Licences can if necessary be made subject to time-limits, special conditions and revocation clauses. They are not transferable, unless there are express provisions to this effect.

Issue of licences, refusal of an application for a licence, and revocation of a licence granted, must be done in writing. If the decision is challenged, the grounds must be stated and the possible appeal procedures must be indicated (AWG, section 30).

In accordance with the External Trade Regulation (Aussenwirtschaftsverordnung AWV) which is based on the External Trade Act, an applicant can obtain a licence limited in time for an unspecified number of legal or similar operations (global licence), if this should seem useful because of the likelihood of a series of such operations. The licence must be returned to the competent authority immediately if it loses its validity before it has been used or if the beneficiary decides not to make use of it.

Purposes and coverage of the licensing

2. The products differ according to whether they are imported from market economy countries or State-trading countries. Products requiring a licence are indicated in the import list annexed to the External Trade Act.

3. Imports of a number of products in the foodstuffs, coal and petroleum sectors require a licence in respect of all countries. A series of products in the textile and ceramics sector need a licence when they originate in countries belonging to list A/B. To avoid an unnecessary proliferation of licences, this list has been used so far. The products mentioned in the textile and ceramics sectors and a large number of other products as well are subject to licensing if they are purchased from or originate in State-trading countries.

4. In principle licensing is intended to restrict the quantity of imports. It is also applied in trade with the State-trading countries, in the absence of quantitative restrictions, in order to obtain the necessary experience to move over to a non-licensing system. The products in question are published in the Bundesanzeiger under the heading "automatic licences" (Ausschreibungen mit laufender Antragstellung). For imports of these products coming from certain State-trading countries, licences are granted without quantitative restriction. Since the summer of 1969, approximately 6,400 statistical items have been exempted from the licensing requirement.

5. (a) External Trade Act of 28 April 1961 (Bundesgesetzblatt I, p. 481).

(b) Import list annexed to the External Trade Act, in the version shown in Regulation 57 amending the import list of 29 December 1976 (Supplement No. 31/76 to Bundesanzeiger No. 247 of 31 December 1976), as amended recently by Regulation No. 61 amending the import list dated 8 August 1977 (Bundesanzeiger No. 147 of 10 August 1977).

(c) The External Trade Regulations, in the version of 31 August 1973 (Bundesgesetzblatt 1973 I, p. 1069) as amended recently by the thirty-seventh Decree amending the External Trade Regulations, dated 29 December 1976 (Bundesgestzblatt I, p. 3679).

The licensing requirement must be prescribed by regulations decreed by the Federal Government and forwarded to Parliament following publication. Abolition of licensing or amendment of the External Trade Regulations system is likewise only possible on the basis of such regulations.

Procedures

6. (a) Import possibilities are published in the Bundesanzeiger in the form of "invitations to submit tenders". These specify the conditions required and any other information needed by the importer, including the total quantity or total value of the quota, the amount that can be ordered from each country, and where necessary the maximum amount an importer's application can cover.

(b) Tenders are generally valid for a full year, occasionally for half a year. In the case of tenders covering a full year, licences are granted with a validity of half a year, if this is sufficient for the necessary arrangements to be made by the importer or if full use of the quota has to be guaranteed. The period of validity may be extended.

(c) Licences may also be allotted to domestic producers. To ensure that allocations are actually used, licences granted are renewed if they have not been used within a specified period. Portions of quotas for which no import application has been made are not as a rule carried over to the following year. All information furnished by applicants must be regarded as confidential (industrial secrets); hence the names of importers cannot be revealed. However, in cases where this is justified, ways and means are sought of putting exporters and importers into contact.

(d) The time-limit for submitting applications is fixed in different ways according to circumstances. In the case of large quotas, applications may be submitted immediately and continually until the quota is exhausted. If in the case of small quotas an apportionment has to be made, as a rule a time-limit of two to three weeks is allowed.

(e) In the event of possible large-scale imports, licences are often granted on the day on which the application is submitted. In other instances, time-limits up to three weeks are necessary.

(f) Once a licence has been granted, importation may begin immediately.

(g) The licensing authorities are the Federal Industrial Economy Office at Eschborn (Frankfurt) and the Federal Agriculture and Forestry Office at Frankfurt. The authorities grant licences in accordance with the regulations of the competent Federal Ministry, and they can make their decision without reference to other services or organs.

(h) In the case of small-scale quotas, sufficient time is allowed for making application. Applications are examined simultaneously. In apportioning amounts, either the import operations effected over a reference period are taken as the basis, or the quantities requested by the importers are reduced in an equal proportion, or each applicant receives the same quantity irrespective of the amount he wishes to import. In some instances maximum time-limits are fixed for applications from a particular importer. They must be economically justified. Newcomers are also considered.

(i) In some cases a dual control system (export licence and import licence) may be agreed bilaterally by the European Economic Community. In such cases an import licence is granted automatically on production of the export licence from the supplier country in the limits of the agreed quantity.

(j) See reply under 6(i).

(k) Import licences are not subject to the re-exportation requirement. Exceptions are possible.

7. (a) As a rule there is no fixed time-limit for submitting applications.

(b) Licences are as a rule granted immediately.

(c) In the case of automatic licences (ACA) there is no limitation as to a specific period.

(d) Licences are issued exclusively on the responsibility of the competent authorities.

8. Licences are refused only where the conditions laid down by law are not fulfilled. The reasons for the refusal are communicated to the person concerned. He has the right to appeal for reconsideration and can complain to the administrative tribunal.

Eligibility of importers to apply for a licence

9. In principle, anyone is eligible to apply for a licence. However, licensing can if necessary be made subject to conditions of substance or withheld on personal grounds. Applicants who are hampered by import restrictions in carrying on their business can be given preferential treatment.

The conditions are specified in the invitation to submit tenders. There is no registration procedure.

Documentational and other requirements for licence application

10. Applications must be submitted on the printed import licence form (Annex E3 to the External Trade Regulations). Where the import possibilities are restricted a contract subject to a firm offer is required to ensure that the quota will be used.

11. On actual importation (free circulation of goods), the import licence or the sealed import declaration must be produced.

12. No licensing fee or administrative charge is made for import licences.

13. There is no deposit or advance payment requirement.

Conditions of licensing

14. The period of validity of a licence is as a rule six months. It can be reduced exceptionally, and where necessary it frequently covers a longer period. Upon request it can be extended by the competent authorities.

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

16. Licences are not transferable.

17. There are no conditions attached to the issue of a licence other than those mentioned above.

Other procedural requirements

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

19. There are no restrictions on the provision of foreign exchange.

(v) IRELAND

1. Quota licensing

Annual total import quotas are prescribed for: (i) cycle tyres from non-OECD countries and Japan, and (ii) certain textile goods from sixteen low cost countries. Licences are granted in respect of types within the product range covered by the quota but for which suitable substitutes are not available from home manufacturers.

Surveillance

A system of national surveillance, within Community procedure was introduced in June 1975. It embraces sisal binder twine, certain clothing, textiles and footwear. Import documents are granted automatically on application.

2 and 3. Quota goods	Originating in
Certain pneumatic tyres and tubes for bicycles and tricycles (including both motor and pedal) (Quota No. 2)	(A) Czechoslovakia and Poland (Council Decision No. 75/788/EEC of 18 December 1975) (B) Other non-OECD countries and Japan
Textile goods comprising certain yarns and made-up articles (Quota No. 51) Textile goods comprising certain piece-goods (Quota No. 52)	(A) Bulgaria, Czechoslovakia, East Germany, Hungary, People's Republic of China, Poland, Romania, USSR (Council Decision No. 75/788/EEC of 18 December 1975) (B) Hong Kong, India, Japan, Macao, Malaysia, Pakistan, Taiwan (Formosa) and Yugoslavia.

Surveillance goods	Originating in
Sisal binder twine (Statutory Instrument No. 111 of 1975)	Countries other than member States of the European Economic Community
Certain clothing and footwear (Statutory Instrument No. 116 of 1975)	All countries
Footwear (Statutory Instrument No. 61 of 1976)	All countries

4. Quota restrictions and quota licensing restrict imports by quantity for Quotas Nos. 2 and 52 and by value for Quota No. 51.

Surveillance provides a monitoring of the origin of imports and enables those from Third countries via member States of the European Economic Community to be measured.

The present methods are considered to be the most suitable.

5. Quotas

Control of Imports Acts 1934 to 1964 under quota orders as set out above.

Surveillance

European Communities Act 1972 under Statutory Instruments as detailed above.

Licensing is required in both cases. Designation of products is not left to administrative discretion. Legislative approval would not be required to abolish either system.

Procedures

6. (a) Information as to the making of annual quota period orders is published in the "Iris Oifigiúil", the Official Gazette, and in the national daily newspapers. Copies of the orders are also circulated to embassies, trade delegations, legations, consulates, etc., regional Chambers of Commerce in Ireland and the Confederation of Irish Industries. Copies are also sent to the national and university libraries. The overall amount of each quota is published. The quotas are not allocated by country except in the case of the State-trading countries referred to at (A) in 2 and 3 ante. The amounts allocated to individual importers are not published.

(b) Quotas are determined on an annual basis; licences, issued on receipt of applications, are valid from date of issue up to the end of the quota period.

(c) Generally, licences are not issued to domestic producers of like goods. Because several large importers continually seek additions to their quota allocations it is not considered necessary to examine the usage of licences. Unused allocations are not added in a succeeding period. The names of registered importers to whom quota licences are granted are regarded as confidential and not supplied to parties outside the Department of Industry and Commerce.

Quota No. 2

This quota is a nominal one and is not allocated. However, supplementary licences are issued freely for the types not manufactured in Ireland. Applications are dealt with on receipt.

Quota No. 51

This quota is a nominal one and is not allocated. Supplementary licences are issued up to a limited value.

Quota No. 52

This quota is a nominal one and is not allocated. Supplementary licences for substantial quantities are issued freely for goods not now made in Ireland.

(d) As the three quotas extant are now nominal quotas, licensing is by way of supplementary licences. Thus arrangements for applications vary according to the needs of the occasion.

(e) and (f) Licences against the applications received are usually issued within a week but the issue may take two weeks. Licences are valid from the date of issue.

(g) Quota licence applications are considered by a single administrative organ. Importers are required to approach only one such organ.

(h) Quota No. 2

This is a nominal quota only but supplementary quota licences are issued on request for all motorcycle tyres and tubes and several sizes of cycle and tricycle tyres and tubes not manufactured in this country. These licences are additional to the basic quota and are (i) for specified amounts in respect of State-trading countries named at (A) in 2 and 3 ante and (ii) for substantial amounts in respect of countries set out at (B) in 2 and 3 ante but excluding the remaining State-trading countries.

Quota No. 51

This quota is for a nominal value. Supplementary licences are issued for (i) specified values in respect of some of the State-trading countries named at (A) of 2 and 3 ante and (ii) limited value in respect of the countries shown at (B) of 2 and 3 ante.

Quota No. 52

This quota is a nominal one and supplementary licences are granted in respect of certain types of fabrics in which home production is not adequate and applications are dealt with on receipt. The amounts (i) for the State-trading countries specified at (A) of 2 and 3 ante are specified but (ii) for the countries specified at (B) of 2 and 3 ante the amounts are fairly substantial. New applicants are facilitated when they have completed a minimum period of trading, normally six months and all applicants receive similar treatment.

(i) The quotas are as set out at 2 and 3 ante and no separate bilateral quotas or export restraint arrangements are in operation.

(j) This does not arise.

(k) No.

7. (a) No time-limit.

(b) Yes.

(c) No limitation in respect of applications; importation must be effected within a period of three months, viz. the period of validity of the licence.

(d) One administrative organ.

8. None.

Eligibility of importers to apply for licence

9. (a) Yes.

(b) Yes.

Documentational and other requirements for licence applications

10. Quota

Evidence of despatch or arrival of goods. Certificate of purchases from Irish manufacturers, copy invoices and certificates of origin are sometimes necessary.

Surveillance

Usual information such as name and address of applicant; description and quantity of goods; country of origin and of purchase; c.i.f. price. Copy of invoices and certificates of origin are necessary.

11. Apart from the general documentation required to be furnished in connexion with the importation of any goods the only additional document required by the customs is the import licence covering the goods.

12. There is no licensing fee or administrative charge.

13. There is a refundable deposit requirement associated with Quotas Nos. 51 and 52. The deposit, equal to 10 per cent of the invoiced value of goods, is required where an importer wishes to have reserved a share in a quota and is intended to discourage frivolous applications.

No deposit or advance payment requirement exists in respect of surveillance.

Conditions of licensing

14. Quota

Normally twelve months - no extension of period.

Surveillance

Three months. Yes. On application.

15. There is no penalty for non-utilization of licence.

16. Licences are not transferable.

17. (a) Theoretically exhausted licences must be returned to the Department of Industry and Commerce when the quantity specified is imported or at the end of the quota period, whichever is the earlier, but it is administratively difficult to insist on compliance with this rule.

(b) No.

Other procedural requirements

18. No.

19. The Irish reply to this question in 1971 is still in order.

(vi) ITALY

General Replies

Reply to Question No. 1

The following licensing systems are applied:

(a) Licensing (or rather ministerial authorization) for goods listed in Annex I to the Ministerial Decree (M.D.) of 6 May 1976 and indicated by the letter "A" opposite the zone comprising the countries of origin of the goods to be imported.

The above-mentioned M.D. establishes the list of goods and, in Appendix I, the countries included in the five zones.

(b) Automatic licensing for imports of goods in free circulation in an EEC country, provided that in respect of those goods recourse has not been had to Article 115 of the Rome Treaty nor to the ECSC and EEC provisions designed to prevent deflection of trade.

(c) Controlled customs system (first come, first served). The administration empowers the customs office to authorize individual applicants to import, the only criterion applied in processing customs clearance applications being the date on which the latter are presented and the need not to exceed the quota limits.

(d) Statistical control system by means of an import declaration for surveillance purposes at national or Community level.

Reply to Question No. 8

(i) Applications are never refused because of failure to meet the ordinary criteria.

(ii) In any case, the reasons for any refusal of applications are always given to the parties concerned.

(iii) The latter always have the right to appeal to the regional administrative courts (organs of administrative justice).

Reply to Question No. 10

The information required of the parties concerned comprise, in addition to the normal particulars for identification of the goods to be imported and the identity of the operator, an indication of the customs office selected for the customs clearance formalities.

The following documents must be supplied with the application:

Pro forma invoice in certain cases, the document required under restraint agreements concluded with exporting countries and the free movement certificate in the case of automatic licensing (form T.2).

Reply to Question No. 11

The documents required upon definitive importation of goods are, according to the case concerned, the import licence, import declaration or import certificates as provided under the common agricultural regulations.

Reply to Question No. 12

To obtain an import licence, the applicant does not have to pay any charge but the application must be made on stamped paper.

Reply to Question No. 13

To obtain an import licence, the operator is not required to lodge any prior deposit.

Reply to Question No. 14

The period of validity of an import licence is normally six months from the date of issue, but it may be shorter in certain cases. The validity can be extended upon request.

Reply to Question No. 15

No financial penalty is applied in the event of non-utilization of an authorization.

Reply to Question No. 16

Licences are transferable only in cases where the licensee has sold the goods to another importer prior to customs clearance.

Reply to Question No. 18

Normally there are no other administrative procedures required prior to the issue of a licence. Visas and certificates are required only in exceptional cases.

Reply to Question No. 19

Foreign exchange is automatically provided by the banking authorities to applicants for the import of goods. In order to obtain foreign exchange, the importer must hold the necessary legal document for customs clearance of the goods. Foreign exchange is always available for imports.

ANNEX I

LICENCES TO ADMINISTER QUANTITATIVE RESTRICTIONS

Licensing systems used to administer quantitative import restrictions

Reply to Question Nos. 2 and 3

To administer import restrictions, the administration applies the following systems:

- Ministerial licence

- Controlled customs (imports authorized directly by customs within the limits of the quota allocated to them and in the order of priority resulting from presentation of customs clearance applications).

The products subject to import restrictions include certain products originating in State-trading countries and in Japan, and also textiles of various origins that are the subject of restraint agreements concluded with the exporting countries.

Reply to Question No. 5

The licensing is always established under provisions consistent with the Community regulations (Regulation (EEC) No. 1439/74 and others).

Reply to Question No. 6

(a) Information concerning allocation of quotas is always brought to the attention of those concerned by ministerial decrees published in the Official Gazette or by ministerial circulars addressed to the quasi-State organs and professional associations. In addition, this information is published in the weekly bulletin of the National External Trade Institute (ICE).

The global amount of the quotas is published and also the amount by country, if necessary.

(b) (i) Quotas granted on the basis of applications by importers are generally valid for one year.

(ii) The normal period of validity of licences is six months; it is extended without difficulty by the administration where an application for extension is presented by the parties concerned on stamped paper.

(iii) An application for extension on stamped paper is always necessary.

(c) (i) Licences are not reserved solely for domestic producers; they may likewise be granted to foreign producers provided the latter have a resident representative in Italy.

(ii) The administration does not take any direct action to ensure that licences granted are actually used.

(iii) Unused quotas are normally added to the quotas for the ensuing year.

(iv) The names of importers to whom import licences have been allocated are not published, but exporting countries can obtain this information upon request from the Ministry of External Trade.

(d) Licence applications are normally submitted within thirty days following publication of the ministerial decree, the ministerial circular establishing the amount of the quota and the criteria that the administration will apply for preliminary allocation of the quota as among the various applicants.

(g) Licence applications are examined by the Ministry of External Trade, Directorate-General for Imports and Exports, after having obtained in certain cases the advisory opinion of an appropriate inter-ministerial committee. Accordingly, the importer has to approach only one administrative organ.

(h) In cases where licence applications cannot all be satisfied, the allocation is generally made on a preliminary basis according to pre-determined criteria. There is no maximum amount to be allocated per applicant. Provision is made for new importers. Licence applications are examined as and when received by the appropriate office.

(i) Import licences are required in the case of products subject to bilateral and/or Community quotas or to restraint agreements concluded with exporting countries.

(j) Not applicable.

(k) The issue of licences is conditional on re-export of the goods only in cases where the goods are imported under the temporary admission régime.

Reply to Question No. 9

In order to apply for a licence, importers must comply with the following conditions: they must be resident in Italy and must indicate the serial number of registration with the Chamber of Commerce, Industry, Handicrafts and Agriculture. However, "una tantum" operations are likewise permitted on the part of occasional operators.

Natural persons and corporate bodies authorized to import, and who must show evidence that they customarily engage in import and export activities, can request and very easily obtain their inclusion in the register of importers and exporters which is kept by the Ministry of External Trade.

No charge is made for this registration.

The list of entries in the above-mentioned register can be consulted at the Ministry by any interested person.

17(a) Issue of a licence is not subject to any other condition.

ANNEX II

Automatic Licensing

Licensing systems not applied to administer import restrictions.

Reply to Question Nos. 2 and 3

Automatic licensing, the import declaration, the ICE visa (National External Trade Institute) and agricultural certificates are not used as procedures designed to administer import restrictions; they are merely a means of surveillance and of collecting statistics immediately.

The above-mentioned systems applied to iron and steel, chemical, textile and agricultural products of various origins and countries of consignment.

Reply to Question No. 4

The above-mentioned automatic licensing systems are designed to allow surveillance of the quantities imported.

Reply to Question No. 5

Automatic licensing is introduced and amended under Community regulations and national legislation.

The choice of products to be brought under one of the above-mentioned systems is never left to arbitrary decision by the ad inistration.

In this choice, account must always be taken of Regulation (EEC) No. 1439/74 and likewise of national legislation.

Reply to Question No. 7

(a) The licence application can be made well before the date on which the operator wishes to clear the goods through customs. It is normally examined within four or five days.

(b) In case of urgency, it can be granted in a day.

(c) There are no limitations as to the period of the year during which licence applications or importation may be made.

(d) Licence applications are examined by one administrative organ which is in the Ministry of External Trade.

Reply to Question No. 17(b)

The issue of licences is not subject to any other condition.

(vii) UNITED KINGDOM

IMPORT LICENSING ARRANGEMENTS - GENERAL

1. Outline of systems

Import licensing arrangements in the United Kingdom are operated under various legislative measures, principally the Import, Export and Customs Powers (Defence) Act 1939. The main instrument for import licensing is described in the paragraphs below. The scope of the scheme is comprehensive and covers all types of general imports except explosive and therapeutic substances (as defined by United Kingdom legislation and statutory orders); live animals including domestic pets and certain species of wild birds, alive or dead; and the following agricultural products: cocoa, meat and meat products, certain animal products, certain fresh fruit and vegetable, hay straw and dried grass, and trees, plants, seeds etc. For these categories of imports there may be different or additional administrative requirements. These detailed requirements for individual products are not annexed to this return but the information is available[1] should any delegation wish to seek further clarification.

PURPOSE AND COVERAGE OF THE LICENSING

2. All goods to be imported from any source require an import licence, but the vast majority may be imported without restriction on the authority of an Open General Import Licence which is valid for goods from all sources except Southern Rhodesia.

3. The products listed below cannot be imported on the authority of the Open General Import Licence when originating from the sources indicated. (These sources are described in detail in the Open General Import Licence.) For these products an importer is required to apply for an individual import licence.

(i) From all sources

Potatoes
Fire-arms and ammunition
Certain radioactive substances
Gold coins and medallions minted after 1837

(ii) Dollar area

Bananas

(iii) State-trading area

Certain agricultural and manufactured goods and textile products

[1] This information may be consulted at the secretariat.

(iv) Developing countries

Cotton and m.m.f. textiles

(v) All sources other than the EEC and EFTA

Jute yarn and manufactures

(vi) All sources other than the EEC

Electronics calculating machines
Zip fasteners
Textile yarns, fabrics and made-ups
Colour television tubes and colour and portable monochrome television sets
Phosphate fertilizers
Certain iron and steel products
Footwear

(vii) Japan

Certain textiles and certain textile products

(viii) Romania

Aluminium products

4. The purposes of the control are, according to the nature of the product:

(i) To restrict the quantity or value of imports. In some cases this is in the interests of the United Kingdom's overseas suppliers (e.g. bananas), or under international agreement (e.g. cocoa, imports from Southern Rhodesia);

(ii) to protect public safety or health (e.g. fire-arms and radioactive substances);

(iii) to provide more details of imports than are available from normal statistical returns (e.g. certain textile yarns, fabrics and made-ups, of the main textile fibres).

Licensing control to restrict imports by quantity or value is employed only when alternative means of achieving a particular purpose are unsuitable. In some cases international obligations may require the use of licensing restrictions rather than other methods of control. For the purposes listed above, there is no practicable alternative.

5. The Import of Goods (Control) Order, 1954, made under the Import, Export and Customs Powers (Defence) Act 1939. The legislation leaves designation of controlled products to administrative discretion and the control could be abolished without legislative approval.

PROCEDURES

6. (a) Information about the allocation of quotas, and formalities for applying for licences where this is required, is announced as appropriate in Parliament, in Press Notices and by means of notices to importers in the weekly journal "Trade and Industry", published by the Departments of Trade and Industry. So far as exporting countries are concerned information announced in this way is available to their representatives in the United Kingdom in the same way as it is domestically to importers or others concerned. The "overall amount" of the quota is published, as is that allocated to imports from particular sources where applicable. The maximum amount allocated to each importer is not published.

(b) The period to which quotas for particular products are related may vary according to the product but twelve months is the most usual. Licences are normally but not invariably issued for the period of the quota. When not issued in this way they are valid for a particular consignment of goods or for a limited period within that of the overall quota.

(c) Licences are not deliberately or exclusively allotted to domestic producers of like goods although they are free to apply for them (see paragraph 9 below). Normally no steps are taken to check whether licences are used, and unused allocations for one quota period do not entitle licence holders to carry them over to a subsequent period. Quotas may, however, be re-allocated if persistent failure by some importers to utilize licences comes to light. The names of licence holders are not normally released as the issue of a licence remains confidential to the licence holder concerned.

(d) There are no general rules about the period of time allowed for submitting applications for licences. Each quota is considered on its merits and a time-limit felt reasonable in the circumstances is then established.

(e) No time-limits for processing applications are prescribed, except when goods are subject to surveillance whereby under Community rules, on the provision of the correct information licences should be issued within five days

(f) For importers' convenience licences are issued, when practicable, in advance of the operative date of the quota but are not valid until then; in other cases they are issued at the start of the quota period, or after it has started, and are valid immediately.

(g) With the exception of the items mentioned in paragraph 1, consideration of licence applications is carried out by one "administrative organ" - the Import Licensing Branch of the Department of Trade to which alone the importer has to apply. (The "administrative organ" concerned may of course wish to consult other government departments in particular cases.)

(h) When the demand for licences cannot be satisfied there are no set rules for allocating them within an overall quota but such critera as past trading performance, the claims of newcomers, minimum allocations, are employed as considered appropriate in the circumstances. In such cases the first come, first served basis is not used. Applications are examined on receipt, but the actual issue of a licence may be made later, e.g. after a closing date for submitting applications.

(i) An import licence is required in all cases of bilateral quotas or export restraint arrangements, but goods are licensed freely provided the conditions governing the particular arrangements are satisfied, e.g. there may be a limited number of importers entitled to apply for licences and checks may be kept on the amount of the quota that is utilized.

(j) Import licences are required in all cases.

(k) Generally, licences are freely issued for imports that are thereafter to be exported and not sold in the domestic market.

CASES WHERE THERE IS NO QUANTITATIVE LIMIT

7. (a) There are no set rules for the time when applications for licences should be made although licences have a limited validity. There would be no objection in principle to granting a licence for goods arriving at a port without a licence provided there was reasonable justification for this.

(b) There is no objection to granting a licence immediately on request, and this often happens; but no set rule can be applied since there would obviously be cases where immediate issue might be impossible, e.g. where special conditions for application had still to be fulfilled or proof of a firm order for the goods adduced.

(c) There are no limitations about the period of the year when applications for licences may be made. Nor would there be any such limitations on the use of the licence as long as it was valid.

(d) As for 6(g) above.

REFUSAL OF LICENCE APPLICATIONS

8. There are no general criteria for considering licence applications and each case may have some criteria of its own, depending upon such factors as the product concerned, possible limitations on the class of importers, or the origin of the goods imported. It is the practice to make it known by publication (see the answer to 6(a) above under the heading "Procedures") what are the criteria that apply to particular controls. It would be normal practice also to indicate why applications for licences were refused, but there is no legal obligation to do so. There is no legal right of appeal by an applicant in the event of his being refused a licence.

ELIGIBILITY OF IMPORTERS TO APPLY FOR LICENCE

9. There are no limitations on persons, firms and institutions eligible to apply for import licences except that the applicant must be resident in the United Kingdom or other member State of the EEC. In some cases, however, the class of importer may be limited because of particular features of the product concerned. For example licences to import firearms are granted only to certain dealers or holders of firearm certificates for reasons of public safety (non-restrictive system).

DOCUMENTATION AND OTHER REQUIREMENTS FOR APPLICATION OF LICENCE

10. The precise information required varies with the product and the purpose of the control. It always includes the name and address of the importers and the description of the goods to be imported. It may also include the quantity and/or value to be imported. A sample application form is attached.[1] Other supporting information may be required in certain cases. For example, returns of past trade may be required in determining allocations within a restricted quota; especially where newcomers are concerned.

11. So far as the import licensing control is concerned, a valid import licence is the only document required on importation, except in those cases where the licence specifies that an export certificate (or similar document) from the exporting country is also required.

12. There are no licensing fees or administrative charges.

13. No deposit or advance payment requirements are associated with the issue of import licences.

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[1]This sample application form is not reproduced in this document.

CONDITIONS OF LICENSING

14. There are no set rules for the period of validity of a licence except where goods are subject to community surveillance. Some licences (see the answer to 6(b) under the heading "Procedures" above) are issued with a period of validity identical with that of the restricted quota concerned. Others are issued for a particular consignment only, with a period of validity considered adequate to cover the arrival of the goods at the port of importation. If an importer is unable to use his licence during its validity, he may always apply for an extension which will be granted if it is felt the circumstances justify this.

15. There is no penalty for not using a licence in whole or in part.

16. Licences are not transferable between importers.

17. Conditions other than a period of validity may be attached to particular licences depending on the circumstances. Examples are requirements about the date by which goods must have been shipped from the country of origin, the purpose for which the goods may be used, or the class of consumer to whom they may be sold. It is not possible to classify these restrictions between products subject to quantitative restrictions and those that are not, although, generally speaking, they are more likely to be imposed in the former case.

OTHER PROCEDURAL REQUIREMENTS

18. There are no administrative procedures, apart from import licensing and similar administrative procedures (which is taken to include such things as customs and health requirements) required before goods may be imported.

19. Foreign exchange is provided by the banking authorities where the goods may be imported on the authority of the Open General Import Licence or any individual import licence. Formalities vary according to the value of the import but they are simple and designed solely to establish that the currency is genuinely required for the import of goods.