

**GENERAL AGREEMENT ON
TARIFFS AND TRADE**

Original: French

REPLIES TO QUESTIONNAIRE ON
IMPORT LICENSING PROCEDURES

PORTUGAL

The following notification has been received from the delegation of Portugal in response to the questionnaire annexed to document L/5640. The present document replaces information previously contained in document COM.IND/W/55/Add.64/Rev.1 and Corr.1-COM.AG/W/72/Add.64/Rev.1 and Corr.1.

Outline of system

1. Practically all foreign trade operations - imports and exports - are subject to prior registration with the Ministry of Trade and Tourism on the basis of a "certificate".

Prior registration - which is at present governed by the provisions of Decree Law No. 353-F/77 of 29 August 1977 and Decree Law No. 340/78 of 15 November 1978 - is required in the form of a "certificate" for all imports of a value exceeding Esc 15,000 and also for certain goods even if the invoice value is less than Esc 15,000.

In the case of imports not subject to quantitative restrictions, the "certificate" is useful for statistical purposes and allows the importer to obtain the necessary foreign exchange specified therein.

For imports subject to quantitative restrictions the "certificate" is equivalent to an import licence.

Purposes and coverage of the Licensing

2-5. In respect of imports exempt from quantitative restrictions, the "certificate" is useful for statistical purposes and allows the importer to obtain the necessary foreign exchange specified therein.

For imports subject to quantitative restrictions, the "certificate" is also equivalent to an import licence.

The prior registration system applies to foreign trade operations with all countries, whether or not contracting parties to GATT.

Most imports from countries that are contracting parties to GATT are liberalized.

Nevertheless, import restrictions are still applicable to a few products:

- those included in the so-called negative list (GATT document L/2981/Add.14);
- and a few consumer goods which are subject to import quota, under Government Order No. 191-A/84 of 31 March 1984, issued in pursuance of Decree Law No. 720-A/76 of 9 October 1976.

Procedures

6. (a) Information concerning quotas and the time-limits for filing applications is brought to the attention of those concerned by notices published in the official and daily press.

(b) There are no rigid rules. Quotas are generally on an annual basis. Registration certificates are valid for a period of ninety days or, in certain cases, up to one year. No extension is possible, however; if need be, a new certificate is issued at the importer's request.

As a general rule, there are no special allocations, with the exception of imports of motor vehicles, whether CKD or built up.

(c) The customs authorities notify customs clearance of goods actually imported and on the basis of that notification the commercial banks advise the Central Bank of the corresponding exchange operations.

As a rule, any unused portion may not be added to quotas for succeeding periods.

A list of all certificates issued appears in a monthly publication (Exportar).

(d) For customary imports of the product, licences are granted automatically; for new importers, applications must be filed in the course of the first five months.

For the import of motor vehicles, however, applications may be filed at any time during the quota period.

(e) Allocation generally takes place in two or three weeks. Applicants are informed of the results, and they have the possibility of appealing and a time-limit for doing so.

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(f) Once the allocation has been approved - and after any appeals have been settled - the certificates are delivered immediately and can be used forthwith.

(g) There is one single responsible authority which in turn can request information from other departments; such information is furnished rapidly.

(h) Where it is not possible to grant all applications, the allocation is made on the basis of imports during preceding periods. In order to ensure free competition, shares are apportioned to new importers who meet the established legal requirements. As a general rule, applications are examined as soon as received.

(i) None.

(j) None.

(k) None.

7. (a) There is no fixed time-limit for filing an application. The certificate can generally be obtained within two weeks. In cases of recognized urgency, however, it can be obtained immediately.

(b) See reply to 7(a).

(c) There are no limited periods for presentation of applications.

(d) The importer applies to one administrative organ. Any additional information which may be necessary for examining applications is requested through the most rapid channels by the body responsible for prior registration.

8. The reasons for any refusal of an application for prior registration are communicated to the parties concerned. In certain cases, where those reasons prove not to be valid, the application is granted subsequently. In the event of a refusal, there is a right of appeal through appropriate channels.

Eligibility of importers to apply for licences

9. (a) and (b) Any person, firm or institution may apply for prior registration (registration certificate).

A register of importers and exporters is kept, at no charge to them, in order to simplify supervision of the conditions normally required for engaging in commercial activities (evidence of payment of taxes on business activities, personal qualifications, etc.).

There are Lists of importers, but only for some sectors of activity. Additional Lists can be drawn up at any time.

Documentary and other requirements for licence applications

10. As a general rule, it is sufficient to fill in and present the import registration certificate, which is a standard form containing a few basic particulars.

11. At the time of actual importation (customs clearance), various documents are required according to the nature of the goods concerned or according to the requirements under tariff régimes or international agreements - for example, endorsed invoices, certificates of origin, plant health certificates, etc.

12. For prior registration the importer or exporter pays only the cost of the forms (Esc 12.50 each).

13. No.

Conditions of Licensing

14. For customs clearance purposes, prior registration certificates are valid for ninety days, as a rule. For payment purposes, they are valid for 120 days, as a rule. In certain cases these two periods of validity may be for up to one year. No extension is possible.

15. No.

16. Not in principle. In duly justified cases, and provided there is no change in the holder of the registration certificate, customs clearance or payment thereof can be effected by another party.

17. No.

Other procedural requirements

18. No.

19. In order to acquire foreign exchange, a certificate must be obtained and presented to a commercial bank. In the case of imports where payment is deferred for more than one year, the approval of the Bank of Portugal is required.