

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/5640/Add.21/Rev.1

5 November 1985

Limited Distribution

Original: English/French

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

European Economic Community and Member States

Revision

The following notification has been received from the delegation of the European Economic Community in response to the questionnaire on import licensing procedures annexed to L/5640. The present documentation contains information on import licensing procedures applied at the Community level (Part I) and on import licensing procedures of a number of its member States (Part II). The delegation of the European Community has informed the secretariat that revised notifications for the three member States not covered by the present notification will be submitted shortly. The information on import licensing procedures of these three member States will be circulated as (a) supplement(s) to this document. The information appearing in the present document and its supplement(s) replaces the information on import licensing procedures of the Community and its member States previously contained in: COM.IND/W/55 - COM.AG/W/72, Add.28, Add.56/Rev.1 and Add.59; L/5169 and Add.1 and Add.2, and in L/5640/Add.21.

Part I: European Economic Community

COMMISSION OF THE EUROPEAN COMMUNITIES

Import Documents for Liberalized Products under
Community Surveillance

Import Authorizations for Products under
Community Quota

1. Outline of systems

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 hereinafter. Annex I to this document contains additional information in regard to the agricultural sector.

The great majority of goods imported into the Community are not subject to any Community licensing system. The following texts govern cases where application of licensing is required under the Community policy in regard to the chapters of the common customs tariff that cover industrial products.

Regulation (EEC) 1023/70 (OJ L 124 of 8 June 1970)

Common procedure for administering import or export quotas at Community level.

Regulation (EEC) 3589/82 (OJ L 374 of 31 December 1982, page 106)

Common rules for imports of certain textile products originating in third countries. In particular Articles 3:2 and 10.

Regulation (EEC) 1765/82 (OJ L 195 of 5 July 1982, page 1)

Common rules for imports from State-trading countries. In particular Titles III and IV.

Regulation (EEC) 288/82 (OJ L 35 of 9 February 1982, page 1)

Common rules for imports. In particular Titles IV and V.

Regulation (EEC) 3420/83 (OJ L 346 of 8 December 1983) (Updating of the Annex to that Regulation - OJ C.181 of 9 July 1984)

Import arrangements for products originating in State-trading countries. Also annual amendments.

In certain cases, these regulations are the subject of more detailed implementing modalities which are likewise published from time to time in the Official Journal of the European Communities.

Recommendation 587/80/ECSC (OJ L 65 of 11 March 1980, page 5) amended by Recommendation 1997/81/ECSC (OJ L 194 of 17 July 1981, page 20)

Community surveillance in respect of imports of certain iron and steel products covered by the ECSC Treaty originating in non-member countries.

These texts make provision for two major categories of import licensing: automatic licensing and non-automatic licensing.

Automatic licensing

Regulations (EEC) 1765/82 (in particular Title III) and (EEC) 288/82 (in particular Title IV) make provision for surveillance of certain imports into the Community. To this end, imports are subject to production of an "import document". This document is issued and, where appropriate, endorsed, by the competent authorities of the member States.

As regards the content of the document, the regulations lay down certain framework provisions requiring inter alia an indication of the price and quantity of the goods to be imported. Subject to those provisions, the member States are free to decide on the external presentation of the documents used and the administrative rules for their use or to continue, as is usually the case, to apply their traditional documents.

Non-automatic licensing

The other texts mentioned above, together with the provisions of Titles IV, V respectively of Regulations (EEC) 1765/82 and (EEC) 288/82 cover the import into the Community of goods subject to non-automatic licensing. Such imports are subject to prior grant of an import authorization issued by the competent authorities of the member State concerned.

2. Purposes and coverage of the licensing

Identification of systems in force

(See reply No. 1 above.)

Products covered

See the text of the regulations mentioned above and, where relevant, the annexes thereto.

3. Country of origin of products covered

See above reply No. 2: "Products covered".

4. Utilization of licensing to restrict imports

When the Community establishes import quotas, the grant of import authorizations within the limits of the quotas is designed to restrict or stabilize the quantity or value of imports.

On the other hand, the import document provided for in Regulations (EEC) 288/82 and (EEC) 1765/82 serves exclusively for surveillance purposes. Alternative methods of surveillance are not practicable, since seven separate administrations are concerned.

5. Legal basis for licensing

The regulations mentioned above.

Competence and conditions for establishing licensing

- Import document for surveillance of liberalized products: Commission of the European Communities, where developments in the market for a liberalized product threaten to cause injury to Community producers of like or competing products.
- Establishment of quantitative restrictions on imports.
- Council of the Economic Communities, in the event of market disruption within the meaning of Article XIX of the General Agreement, or to allow the exercise of rights or to fulfil obligations of the Community or of all its member States.
- Commission of the Communities, when critical circumstances make immediate action necessary.

Abolition of the system

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

6. Implementing modalities for import licensing of products under quota

In the event that economic circumstances oblige the Community to establish licensing, the implementing modalities are the following:

(a) Publication

The amount of Community quotas, the products to which they apply, and their allocation among the various member States are determined by regulations which are required to be published in the Official Journal. Within three weeks following allocation of a quota, the member States publish a notice indicating the products authorized for import and the relevant modalities.

(b) Validity of quotas

There are no strict rules in this regard. As a general rule, however, quotas are fixed on an annual basis.

(c) Allocation to domestic producers only

The regulations contain no provisions in this regard.

Measures to ensure that licences allocated are actually used

In respect of each quota, within the first twenty days of each month the member States notify the Commission of the amount for which import authorizations were issued in the course of the preceding month and the quantity of imports effected in the course of the month preceding that month. If it is found, on the basis of that information, that the use of a quota needs to be improved, its allocation among the member States can be modified. This means that import possibilities not used in one member State can be transferred to another member State.

Communication to government of the exporting country of the names of importers to whom licences have been allocated

This is left to the discretion of the member States.

(d) Time allowed for submission of licence applications

One month, in the case of simultaneous examination of applications.

(e) Period of time for processing applications

When applications are examined as and when received, the period between receipt of an application and a decision on it may not exceed three weeks. In the case of simultaneous examination, the decision must be made not later than two months after submission of the application.

(f) Period allowed for carrying out imports

Not stipulated.

(g) Bodies competent to examine licence applications

Determined by the member States.

(h) Licence application procedure

Within the limits of their quota shares, the member States are in principle free to grant import authorizations, either as and when applications are received, or after simultaneous examination of applications.

(i) Application of licensing in the context of export restraint arrangements

In the case of Community restraint, a double-checking system is established. An import authorization or a visa is granted automatically by the member States on production of the export permit issued by exporting countries.

(j) Double checking

Not relevant.

(k) Re-export condition

The regulations do not lay down any specific provisions in this regard.

7. Surveillance document for liberalized products

(a) Time-limit for production of documents in advance of import

Regulation (EEC) 288/82 does not lay down any time-limit (however the period of validity of the document is determined case by case).

(b) Immediate grant of document

This is possible, and is the general rule in most member States.

(c) Period of the year for applications

Regulation (EEC) 288/82 makes no provision in this regard.

(d) Administrative competence to examine applications

This is left to the discretion of the member States.

8. Refusal of licence applications, and right of appeal

This is left to the discretion of each member State.

9. Eligibility of importers to apply for licence

The importer is required to be established in the Community.

10. Information required in applications

Import document for liberalized products under surveillance:

- (a) Name and address of importer;
- (b) Description of product with indication of:
 - trade designation;
 - tariff heading number or reference number in goods nomenclature of the relevant national foreign trade statistics;
 - country of origin;
 - exporting country;
- (c) Indication of c.i.f. price free-at-frontier and quantity of the product in units customarily used in trade;
- (d) Proposed date or dates of import

The member States may require further particulars. Import authorizations for products under quota.

This matter is left to the discretion of member States.

11. Licensing fee

The Community regulations contain no provisions in this regard.

13. Deposit or advance payment requirements

The Community regulations contain no provision in this regard.

14. Period of validity of a licence

This is left to the discretion of member States in the case of import authorization for products under quota. In the case of a liberalized product under surveillance, the period of validity of the import document is determined case by case.

15. Penalty for non-utilization of a licence

This is left to the discretion of the member States.

16. Transfer of licences

This is left to the discretion of the member States.

17. Conditions attached to issue of a licence

Uniformity has not yet been achieved at the Community level.

18. Administrative procedures other than licensing requirement

Idem.

19. Foreign exchange matters

Left to the discretion of the member States.

ANNEX I

Agricultural Sector

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, has no restrictive effect.

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

In certain circumstances, the import certificate for olive oil is issued only to tenderers who have indicated a levy rate of not less than the minimum levy.

The issue of import certificates for certain products of the sheep meat and goat meat sector is subject to production of a certificate for export to the EEC issued by the exporting third countries.

Purposes and coverage of the licensing

2. The system covers certain agricultural products coming under the following sectors: olive oil, cereals, rice, sugar, milk, beef and veal, wine, processed fruit and vegetable products, seeds, sheep meat and goat meat (see also reply to question 5).

3. Import certificates are required for all imports into the Community from all third countries. However, ¹ products may be imported in small quantities without a certificate.

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

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

¹The relevant amounts are indicated in Annex II to the Notice regarding import, export and advance-fixing certificates for agricultural products (OJ L 52 of 11 March 1981, page 2).

by the Council. As regards the seeds sector, the Commission determines the list of products subject to import certificate.

The legal basis for the import certificates is as follows:

- Article 19 of Regulation (EEC) 136/66 for the olive oil sector;
- Article 12 of Regulation (EEC) 2727/75 for the cereals sector;
- Article 10 of Regulation (EEC) 1418/76 for the rice sector;
- Article 13 of Regulation (EEC) 1785/81 for the sugar sector;
- Article 13 of Regulation (EEC) 804/68 for the milk and dairy products sector;
- Article 15 of Regulation (EEC) 805/68 for the beef and veal sector;
- Article 16 of Regulation (EEC) 337/79 for the wine sector;
- Article 10 of Regulation (EEC) 516/77 for the processed fruit and vegetables sector;
- Article 4 of Regulation (EEC) 2358/71 for the seeds sector;
- Article 16 of Regulation (EEC) 1837/80 for the sheep meat and goat meat sector.

Procedures

6. Not applicable.
7. (a) No time-limit is specified in the Community regulations.
(b) Yes. However, for certain sugars the import certificate is issued only on the third working day following submission of the application.
(c) No.
(d) The administrative organs¹ competent to issue import certificates are designated by the member States.
8. Applications for certificates which comply with the Community regulations are accepted.

¹Details of these administrative organizations are available for consultation in the secretariat. A list of them was published in OJ L 207 of 15 August 1981, page 2.

9. (a) Does not apply.

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

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 (as at 26 May 1984):

Olive oil sector²

2 AU/100 kg. net

Cereals and rice sector²

0.50 AU/ton

Sugar sector²

0.05 ECU/100 kg. net for products falling within headings 12.04 and 17.03.

0.25 ECU/100 kg. net for products falling within headings 17.01, 17.02 and 17.05.

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

²Where the total amount of the deposit for a certificate is less than 5 ECU the deposit is waived.

CCT HEADING NO.	DESCRIPTION OF GOODS	RATE OF DUTY (expressed in relation to volume on net weight)
22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol	1 ECU/hl
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol:	
	A. Sparkling wine	2 ECU/hl
	B. Wine in bottles with "mushroom" stoppers held in place by ties or fastenings and wine otherwise put up with an excess pressure of not less than one bar but less than three bar, measured at a temperature of 20°C	2 ECU/hl
	C. Other:	
	I. Of an actual alcoholic strength by volume not exceeding 13% vol	1 ECU/hl
	II. Of an actual alcoholic strength by volume exceeding 13% vol but not exceeding 15% vol except liqueur wines	1 ECU/hl
	III. Of an actual alcoholic strength by volume exceeding 15% vol but not exceeding 18% vol, except wine fortified for distillation and liqueur wines	1 ECU/hl
	IV. Of an actual alcoholic strength by volume exceeding 18% vol but not exceeding 22% vol, except wine fortified for distillation and liqueur wines	1 ECU/hl
	V. Of an actual alcoholic strength by volume exceeding 22%, except for wine fortified for distillation and liqueur wines	1 ECU/hl
Additional note 4(b) to	Chapter 22 Wine fortified for distillation	1 ECU/hl
Additional note 4(c) to	Chapter 22 Liqueur wines	2 ECU/hl

Processed fruit and vegetables sector

CCT heading number	Description of goods	Amount in ECU/100 kg. net
ex 07.03.E	Mushrooms	2,00
ex 08.10 A and ex 08.11 E	Raspberries and strawberries	0,60
08.12 C	Prunes	1,20
20.02 A	Mushrooms	2,40
ex 20.02 C	Tomato concentrates ¹	1,80
ex 20.02 C	Skinned tomatoes	0,60
20.02 G	Peas; beans in pod	0,60
ex 20.03	Raspberries	0,60
ex 20.05 C I(b), C II and C III	Jams, pastes, jellies, marmalades, and puree of raspberries, obtained by cooking, whether or not containing added sugar	0,60
ex 20.06 B II(a) 7, B II(b) 7(aa) 11 and B II(b) 7(bb) 11	Peaches	0,60
ex 20.06 B I(e), B II(a) 8, B II(b) 8 and B II(c) 1(dd)	Raspberries	0,60
ex 20.06 B II(c) 2(bb)	Raspberries (without fruit mixtures)	0,60
ex 20.06 B I(d), B II(a) 6, B II(b) 6, B II(c) 1(cc) and B II(c) 2(aa)	Pears	0,60
20.07 B II(a) 5 and B II(b) 6	Tomato juice	0,60

Seeds sector

3.6 ECU/100 kg. net

¹ Products the dry weight content of which is 12 per cent or more.

Sheep meat and goat meat sector

- 0.5 ECU per head for live animals;
- 2 ECU/ 100 kg. net for other products.

Conditions of licensing

14. The period of validity of the certificate varies according to the product concerned.

Olive oil sector

The certificate is valid as from its date of issue and until the end of the third month thereafter.

Cereals and rice sector

A. Cereals sector

CCT heading number	Description of goods	Period of validity
10.01 B I	Wheat and meslin)
10.02	Rye)
10.03	Barley)
10.04	Oats)
10.05 B	Maize, other than hybrid for sowing) 45 days
10.07	Buckwheat, millet, canary seed and sorghum, other cereals)))
10.01 B II	Durum wheat)
11.01 A	Wheat or meslin flour)
11.01 B	Rye flour) 60 days
11.02 A I	Groats and meal of wheat)
	Other products covered by Article 1 of Regulation (EEC) 2727/75	Until the end of the fourth month of issue of the certificate

B. Rice sector

10.06 B I(a)	Paddy rice)Until the end of the second
10.06 B I(b)	Husked rice)month following the month of
10.06 B II	Semi-milled or wholly milled rice)issue of the certificate)
10.06 B III	Broken rice	Until the end of the third month following the month of issue of the certificate
11.01 F	Rice flour)Until the end of the fourth
11.02 A VI	Groats and meal of rice)month following the month of
11.02 E II(d)1	Flaked rice)issue of the certificate
11.02 F VI	Rice pellets)
11.08 A II	Rice starch)

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 products sector

The import certificate is valid from the date of issue until the end of the second month following.

Beef and veal sector

The import certificate is valid for ninety days from the date of issue.

Wine sector

The import certificate is valid from the date of issue to the end of the fourth month following.

Processed fruit and vegetables sector

The import certificate is valid from the date of issue until the end of the third month following.

Seeds sector

The import certificate is valid from the date of issue until the end of the third month following.

Sheep meat and goat meat sector

The import certificate is valid from the date of issue until the end of the third month following.

The validity of the certificate can be extended if for reasons of "force majeure" the import cannot be carried out during the period of validity of the certificate. The issuing member State can decide, on request by the holder, to extend the validity of the certificate for the period deemed necessary having regard to the circumstances invoked. Such an extension can be granted after the validity of the certificate has expired.

15. When the import obligation has not been fulfilled, the deposit is forfeited in an amount equal to the difference between:

- (a) 95 per cent (93 per cent for the cereals and rice sector) of the net quantity indicated 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 for the cereals and rice sector) of the net quantity indicated in the certificate, the entire 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 validity of the latter. Such transfer, which can only be made to one transferee in respect of each certificate or portion thereof, concerns quantities not yet charged against the certificate or portion thereof.

The transfer takes effect as from the moment when the issuing body inscribes on the certificate or portion thereof, as the case may be, the name and address of the transferee and the date of such inscription as certified by the official stamp of the body concerned.

The inscription is made at the request of the holder; the transferee cannot transfer his right nor retransfer it to the holder.

17. See reply to question 1 - last two paragraphs.

Other formalities

18. Left to the discretion of member States.

19. Left to the discretion of member States.

Part II: Member States

BELGIUM-LUXEMBOURG 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 import of goods. To the extent that this right is not used, imports are unrestricted.

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.

Note: The present statement does not affect any measures which may be adopted in pursuance of 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	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 Belgium-Luxembourg Economic Union (BLEU) there is no such exemption, since in the BLEU countries licensing is the administrative instrument for applying the EEC levies;

(b) Imports of a small number of products from whatever source.

4. Licensing is intended either:

(a) to apply quantitative restrictions on imports;

(b) to control imports carried out in the context of restraint arrangements concluded with third countries;

(c) for the application of certain regulatory or administrative provisions, such as prior surveillance in order rapidly to obtain information that would not be so readily available under other methods;

(d) for the collection of agricultural levies (BLEU only).

5. The laws and orders constituting the legal basis of licensing are the following:

In Belgium:

- The Law of 11 September 1962 (Official Gazette of 27 October 1962) regarding the import, export and transit of goods, as amended by the Laws of 9 July 1968 (Official Gazette of 20 July 1968) and 6 July 1978 (Official Gazette of 12 August 1978).
- The Royal Order of 24 October 1962 (Official Gazette of 27 October 1962) regulating the import, export and transit of goods, which defines the licensing system.
- Ministerial orders enacted in pursuance of the above legislation, which determine what imports shall be subject to licensing.

In Luxembourg:

- The Law of 5 August 1963, as amended by the Law of 27 June 1969.

In the Netherlands:

- In - en uitvoerwet (Staatsblad 1962, 295, most recent amendment Staatsblad, 1976, 215)
- In - en uitvoerbesluit landen 1963 (Staatsblad 1963, 127, most recent amendment Staatsblad 1977, 615)
- In - en uitvoerbesluit industriële goederen 1963 (Staatsblad 1963, 126, most recent amendment Staatsblad 1980, 456)
- In - en uitvoerbesluit landbouwgoederen 1963 (Staatsblad 1963, 295, most recent amendment Staatsblad 1980, 252)
- In - en uitvoerbeschikking koffie (Staatsblad 1980, 210).

The import licensing system is based on the national legislation of the Benelux countries. Accordingly, the licensing of goods for import and the abolition of licensing are not left to administrative discretion but require legislative action.

Procedures

6. (a) Information is available to all concerned. Import quotas are published.

(b) The volume of import quotas is generally determined on an annual basis for the calendar year.

(c) In Belgium, certain quotas are allotted on a priority basis to domestic producers of like goods. In order to ensure that these quotas are used, a new allocation without priority is made to all interested parties if licences allotted have not been used within a specified period.

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 up to 30 June of the next calendar year.

An importer requesting renewal of an unused licence must furnish proof that the import 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) Applications for licences may be submitted at any time within the quota period.

(e) Applications presented on the appropriate completed form are processed upon receipt and import licences are issued as soon as possible, normally within three weeks.

(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 applications for licences cannot all be met, allocation to applicants is made on the basis of the past import 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 export restraint arrangements with a third country, concluded by the Community, a double-checking system is established.

An import licence is issued automatically on production of the export certificate issued by the exporting country, within the limits of the agreed quantity.

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

(k) No. However, import licences issued not under quota for re-export carry the obligation to re-export the manufactured product (inward processing traffic).

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, to the extent possible.

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

(c) No.

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

8. There are no circumstances other than failure to meet the established 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 product, 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 to be made.

Where necessary, the export certificate of the third country, 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, a stamp fee is charged, unless precluded under EEC or Benelux regulations, as follows:

F 20 if the value of the goods is less than F 20,000

F 40 in other cases.

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.

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) See reply 6(k).

(b) No.

Other procedural requirements

18. Apart from the import licensing system described above, there are import licensing systems in connection 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.

FRANCE

Coverage of the licensing

1. Only products under quota are subject to licensing. In exceptional cases arising out of special agreements, the import of products not involving quantitative restrictions is subject to licensing. In such cases a licence is issued automatically. The "exceptional cases" mentioned are licences issued without quantitative limitation (S.L.Q.) which are the subject of notices to importers. ECSC products are not subject to licensing, with the exception of the German Democratic Republic in respect of which there are quantitative limits. In general, imports of products not subject to quantitative restrictions are liberalized. The import declaration, whether or not endorsed, is a measure applied for purposes of surveillance, either prior to or following import; it is issued automatically (except in respect of MFA and ECSC).

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 notices to importers published periodically in the Official Gazette 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 Gazette of 6 September 1970.

3. The detailed lists of products still under quota, by source, are published regularly in the Official Gazette along with lists of liberalized products subject to technical visa. Technical visas are needed for establishing statistics, verifying the price of the product and also for implementing agricultural policy.

4. Licensing restricts 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. While the law leaves the Administration free to decide which products require a licence, legislative agreement 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 Gazette stating the conditions governing submission and processing of applications. The amount of quotas is likewise published in the Official Gazette. In the case of quotas under bilateral agreements, the information is published in the "Moniteur officiel du commerce

international (MOCI)", the official publication of the National Centre for Foreign Trade. This information is reproduced by the specialized press in professional publications.

(b) The amount of quotas is generally fixed on an annual basis. Global quotas are on a six-monthly basis. Licences are valid for six months with the possibility of extension.

(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 Directorate-General of Customs does not communicate the list of importers to whom licences have been allocated.

(d) Importers are advised of the opening of quotas by means of notices in the Official Gazette. In the case of examination on a first come, first served basis, importers may submit their applications immediately on publication of the notice and at any time of the year. 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 Directorate-General of Customs, which passes it on to the appropriate Ministries 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 applicants 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 Directorate-General of Customs) must follow the advice of the competent Ministries in the matter of allocation.

(i) In all cases of export restraint by the supplying country, the import document is issued only upon production of a document endorsed by the authorities of the exporting country (double-checking system).

(j) Control is exercised by virtue of special arrangements made with the exporting country, or simply by means of customs statistics, or an import declaration with technical visa.

(k) No.

Products not subject to restrictions

7. (a) No time-limit except the purely material period needed for the formalities of submission and issue. For products not subject to restrictions, import applications are processed, in principle, within a maximum of five days.

(b) 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 application is made too late or if the quota has been fully taken up. 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. Any person residing or any undertaking established in the EEC can submit a licence application.

10. All information is given on the prescribed form attached¹, which the importer can obtain from the Directorate-General of Customs. The licence application must be accompanied by a pro forma invoice.

11. As under 10, the replies are given in the Order of 31 January 1967 (Articles 10 to 15).

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

12. There is no licensing fee or administrative charge.
13. No prior deposit is required.
14. The period of validity is limited to six months. But a different period may be established in the qucta notice published in the Official Gazette.
15. There is no statutory penalty.
16. Licences are not transferable, except where the licensee company is purchased by another company.
17. (a) In certain instances, the import 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. No.
19. The answer to the first and third questions is yes. In order to obtain the foreign exchange needed for imports, domiciliation with an officially approved bank is required.

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

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 and coal 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.

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 91 amending the import list of 20 December 1984 (Supplement No. 71/84 to Bundesanzeiger No. 242 of 28 December 1984).

(c) The External Trade Regulations, in the version of 3 August 1981 (Bundesgesetzblatt 1981 I, p. 854) as amended recently by the 57th Regulation amending the External Trade Regulations, dated 6 November 1984 (Bundesgesetzblatt 1984 I, p. 1324).

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 under EEC law a limitation as to a specific period will be prescribed by EEC regulation.

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

GREECE

Outline of systems

1. Import licensing arrangements in Greece are all operated under the provisions of Law 936, 30 June 1979, "re: Amendment and supplementing of the Provisions concerning Foreign Trade, as well as abolition of related Provisions". This framework law abolished all previous laws and decrees covering foreign trade; it is implemented by Ministerial Decision.

In general, imports into Greece are free of any restriction unless made subject to import licensing under the terms of the above law.

Purposes and coverage of the licensing

2. All imports subject to licensing are specified in Lists "A" and "B" attached to Decision 4000 of 8 June 1982 by the Minister of Commerce. (In fact, the two lists are now unified.) Products covered include certain agricultural products, capital equipment, textiles and iron and steel products.

3. Licensing applies to imports from the following sources:

- (i) from all sources: firearms, ammunition and certain radioactive materials, and bananas.
- (ii) State Trading Area: certain agricultural and manufactured goods and textile products.
- (iii) Some Developing countries: MFA textiles.
- (iv) All sources other than EEC: certain manufactured goods and certain iron and steel products.
- (v) United States: certain manufactured products (in application of Article XIX:3(a) of GATT ⁽¹⁾ .)
- (vi) EEC countries only: certain manufactured products, on the basis of Article 130 of the Accession Act of Greece to the European Communities.

Certain of these measures will be phased out at the end of 1985, under the terms of the Accession Act of Greece to the European Communities.

(1) L/5224/Add.15 of 19 January 1984.

4. The purposes of the controls are, according to the nature of the product:
- (i) to restrict the quantity or value of imports;
 - (ii) to protect public safety or health (e.g.: firearms);
 - (iii) to provide details of anticipated imports to supplement statistical returns of actual imports (e.g.: certain iron and steel products).

Licensing control to restrict imports by quantity or value is employed only when alternative means of achieving a particular purpose are unsuitable. In the cases where it is applied, no practical alternative was available.

5. Law 936 is implemented, in the case of import licensing, by Joint Ministerial Decision 7900 of 15 November 1979 (Official Journal 1055). This establishes licensing procedures and a revised version is currently in preparation. It has already been amended by Decisions 8196 (25 November 1980) and 400 (23 January 1984) of the Minister of Commerce.

Lists of goods subject to licensing are set out in Decision 4000 of the Minister of Commerce (8 June 1982), amended principally by Decisions 6335 (13 December 1984) and 6713 (14 December 1984).

Since the government is not obliged by law to institute licensing, modification of the system is possible without legislative approval.

Products under restriction - procedures

6. (a) In addition to notices in the Chamber of Commerce bulletins, published at their headquarters, the specialised press gives more extensive publicity to quota allocations, in particular regarding quantities, countries of provenance and the objective criteria applied.
- (b) Quotas are fixed on a yearly basis.
- (c) The licenses are issued in respect of specified products to the trade in general, without discrimination, and on the basis of objective criteria. The imports allowed under the licences are carried out in the name of the importer who holds the licence. Unused allocations are sometimes reallocated, in the light of market conditions.

The names of importers holding licences are published in the press and notified to the appropriate Chamber of Commerce, from which anyone desiring information can enquire.

- (d) The parties concerned are requested to submit licence applications, with relevant supporting documents, within one to two months from the date of opening of the quota.
- (e) The length of time for processing applications and supporting documents varies from twenty to forty days.

- (f) The maximum time between the grant of a licence and actual importation is six months. Where licences are issued after the start of the quota period, they are valid immediately.
- (g) Licence applications are examined by one competent authority (authority is delegated to a Committee at the Chamber of Commerce of the district).
- (h) The specified import quantity for goods subject to quantitative restriction is allocated to interested importers in general on the basis of their imports during an earlier period, but allocation is also made to new importers.

Applications are examined simultaneously, within a reasonable period, after the deadline fixed for submission.

- (i) In the case of export restraint arrangements, licences are granted automatically.
- (j) Information is obtained through diplomatic channels.
- (k) Not applicable.

Products not subject to restrictions

7. (a) Authorisation is granted automatically upon application by the party concerned to the competent authority and such licences are valid immediately.

Authorisation may be obtained even after the goods have been disembarked in a Greek port.

- (b) The licence is generally granted immediately, and after a maximum of five days.
- (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).

8. There is no refusal if the applicant meets the required conditions. In case of unjustified refusal, the applicant can appeal to the Administrative Tribunal.

Eligibility of importers to apply for licence

9. Any person, company or institution is entitled to import, without discrimination and regardless of the treatment applicable to the product concerned. Nevertheless, persons professionally engaged in trade must be inscribed in the Register of the Chamber of Commerce at the place of their headquarters.

The registration fees are as follows: (1) Initial registration fee, which varies in amount from Dr 150 to Dr 500, depending on the legal constitution of the undertaking; (2) Annual subscription of 1 o/oo of taxable profit up to a maximum varying in amount from Dr 4.000 to Dr 25.000 depending upon the legal constitution of the undertaking.

Documentation and other requirements for licence applications

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. Other supporting information may be required in certain cases. For example, an export certificate (or similar document) from the exporting country; or returns of past trade where it is necessary to determine allocations within a restricted quota.

11. After examination of the invoice and bill of lading, as well as the import licence, the commercial bank issues a customs clearance permit, which is the sole document necessary for actual importation.

12. Depending on the value indicated in the invoice, the following charges are made: A. By the appropriate Chamber of Commerce, a charge at the rate of 1 per mil, the minimum and maximum amount of which vary between Dr 20 and Dr 200.

B. By the commercial bank, a commission in the amount of 0.5 per mil with a minimum and maximum varying from Dr 250 to Dr 5.000 (this latter item is subsequently reimbursed to the appropriate Chamber of Commerce).

13. Not applicable.

Conditions of licensing

14. A licence is valid for six months for loading plus three months for transport. It may be extended without difficulty. For machinery, the licence is valid for twelve months for loading plus three months for transport.

15. There is no penalty for non-utilisation of a licence or a part of a licence.

16. Licences are transferable between importers, with the exception of licences issued under the allocation system.

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

Other procedural requirements

18. Yes, with respect to specific regulations designed to protect consumers for reasons of public health or security.

19. If the applicant holds a licence, foreign exchange is automatically made available without any other formality.

UNITED KINGDOM

Outline of systems

1. 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 vegetables, hay, straw and dried grass, and trees, plants, seeds, etc. For these categories of imports there may be different or additional administrative requirements. Those detailed requirements for individual products are not annexed to this notification but the information is available should any Contracting Party wish to seek further clarification.

Purpose and coverage of the licensing

2. All goods to be imported from any source into the United Kingdom require an import licence under the Import of Goods (Control) Order 1954, but the vast majority may be imported without restriction on the authority of an Open General Import Licence.

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

- i) from all sources: firearms, ammunition and certain radioactive materials
- ii) Dollar Area: Fresh bananas
- iii) State Trading Area: certain agricultural and manufactured goods and textile products
- iv) Developing countries: MFA textiles
- v) All sources other than the ACP, CEFTA, Mediterranean and OCT Areas and certain specific countries: jute fabrics and manufactures
- vi) All sources other than the EEC: certain iron and steel products
- vii) Romania (EEC-Romania Industrial Products Agreement): aluminium products
- viii) Republic of Korea (EEC-ROK Understanding): stoneware articles

4. The purposes of the controls 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 (eg bananas);

- ii) to protect public safety or health (eg firearms and radioactive materials);
- iii) to provide details of anticipated imports to supplement statistical returns of actual imports (eg Community surveillance of textile yarns, fabrics and made-ups, of the main textile fibres, and certain iron and steel products).

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 practical alternative.

5. Imports are controlled by 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 "British business", published by the Department 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 available 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, since such information is confidential to the importer concerned.
- 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 used 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 utilise 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) Time limits for submitting licence applications are generally set only in those cases where applications are to be examined at the same time (eg for the allocation of quota between applicants). In such cases a period not exceeding one month for the submission of applications is set in accordance with Community rules.
- e) Five working days is the time limit set by Community rules for licence to be issued in respect of certain textile products from supplying countries with which the Community has negotiated bilateral agreements. In respect of goods subject to Community surveillance licensing five working days is the time limit for the issue of licences for textile products and ten working days for iron and steel products. In the case of unilaterally established restrictions, the maximum time allowed by Community rules is three weeks where applications are examined as and when received, or two months from the date set for receipt of applications where the applications are to be examined at the same time.
- 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 immediately valid.
- 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 and Industry, 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 criteria 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 generally used. Applications are examined on receipt, but the actual issue of a licence may be made later, eg after a closing date for submitting applications. Where goods in transit (ie goods loaded onto the exporting aircraft, vehicle or vessel) are involved at the time when a quota is published they are always licensed in accordance with GATT rules but where appropriate are deducted from the quota first before the balance is allocated.
- 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, eg 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 it utilised.

- j) Import licences are required in all such 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, eg 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 licences

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 states 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).

Documentational 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. Other supporting information may be required in certain cases. For example, an export certificate (or similar document) from the exporting country; or returns of past trade where it is necessary to determine allocations within a restricted quota.

11. So far as the import licensing control is concerned, a valid import licence is the only document required on importation.

12. There are no licensing fees or administrative charges.

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

Conditions of licensing

14. There are no set rules for the period of validity of a licence except where the goods are subject to Community surveillance, where validity may be two, three or six months as prescribed for the goods concerned. Some licences (see 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. Apart from import licensing and other similar documentary requirements (eg customs and health requirements) there are no other administrative procedures 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 the goods.