

GENERAL AGREEMENT ON

TARIFFS AND TRADE

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ACCESSION OF TUNISIA

Amendments to the Foreign Trade and Currency Notice No. 10

Amendments to the Foreign Trade and Currency Notice No. 10 submitted by Tunisia are reproduced hereunder for the information of contracting parties.

MINISTRY OF PLANNING AND FINANCE

Notice Amending Foreign Trade and Currency Notice No. 10*

Within the context of easing import procedures in respect of capital goods for approved investments, the present notice extends the import certificate procedure to capital goods for investments approved by the Investment Promotion Agency, the Agricultural Investment Promotion Agency or the Sub-Committee on Touristic Approval.

Accordingly, Foreign Trade and Currency Notice No. 10, published in the Official Gazette of the Republic of Tunisia of 7 and 11 February 1986, is hereby amended as follows:

TITLE II

IMPORTS

Chapter 2 - Liberalized Goods Imported on the Basis of
an Import Certificate

The introductory section of this chapter is amended to read as follows:

"Certain products listed in the notices to importers published in the Official Gazette of the Republic of Tunisia may be imported without prior authorization on presentation of an import certificate, supported by a commercial invoice.

This procedure may likewise be used by investment promoters approved to import capital goods needed for carrying out their projects and, to the extent that the approval certificate so indicates, by commercial representatives in Tunisia of the suppliers of those goods, and likewise by leasing companies. The import of such capital goods on the basis of an import certificate is subject to special procedural rules.

The following goods are excluded from the advantages of this import procedure:

- used articles;
- components and parts imported at prices higher than those set by the manufacturers;
- components and parts imported with a view to circumventing the legislation on investments;
- components and parts intended to be assembled."

* This Notice has been published in the Official Gazette, No. 63,
4 November 1986

The following paragraph is added to this chapter:

"E. (new): Special rules applicable to the import of capital goods for approved investment

The import of capital goods needed for carrying out approved investments under the import certificate procedure must be effected through one single approved intermediary with whom the approval certificate issued by the Investment Promotion Agency, the Agricultural Investment Promotion Agency of the Sub-Committee on Touristic Approval will be domiciled.

Accordingly, before the opening of any file for domiciliation of an approval certificate, the approved intermediaries must make sure that they are in a position to grant to the certificate holder the necessary credits for carrying out the investment project, where so foreseen by the financing plan approved by the Investment Promotion Agency, the Agricultural Investment Promotion Agency or the Sub-Committee on Touristic Approval.

A. Domiciliation of the approval certificate

The importer presents to the approved intermediary of his choice:

- Two originals of the approval certificate mentioned above, each accompanied by the list of capital goods to be imported. One of the originals and the list attached thereto bear the annotation: 'for the approved intermediary'. The other original and the attached list bear the annotation: 'for the customs'.
- Three copies of the certificate of approval and of the list, each bearing the annotation: 'for the approved intermediary'.

The approved intermediary must keep a register of domiciliation in which he records the domiciliation number and date of approval certificates in accordance with instructions from the Central Bank of Tunisia. This number will be entered by the approved intermediary on all the documents presented to him.

The approved intermediary retains the original of the certificate and of the list of capital goods intended for him, hands over one copy (certificate and list) to the importer together with the original of the certificate and list intended for the customs, and transmits to the Central Bank of Tunisia, at the latest on the day following the domiciliation, the other two copies of the approval certificate and of the list bearing the annotation: 'for the approved intermediary'. The Central Bank of Tunisia sends one of these two copies to the Ministry of Industry and Trade.

In addition, the approved intermediary must file the original of the approval certificate and of the list of capital goods intended for him, together with all documents relevant to the file (trade contract, invoices, import certificates) in two special folders which serve as

check-sheets consistent with the model drawn up by the Central Bank of Tunisia. These check-sheets must make reference to the approval certificate. They are used in particular for recording payments made in respect of imports in relation with the file concerned.

Since the list of capital goods mentioned in the preceding paragraph can be amended or supplemented, additional or amending lists issued for this purpose by the Investment Promotion Agency, the Agricultural Investment Promotion Agency or the Sub-Committee on Touristic Approval must be accepted by the approved intermediary who must update accordingly the import file domiciled with him, and advise the Central Bank of Tunisia thereof, forwarding to the latter two copies of these lists, one of which will be transmitted to the Ministry of Industry and Trade.

The additional or amending list must not lead to the opening of a domiciliation file separate from the one relating to the approval certificate concerned.

B. Establishment and domiciliation of import certificate

For the purpose of carrying out his import operations, the agreed promoter must establish and domicile, for each supplier and each contract, an import certificate in the conditions set forth in Title I.

The period of validity of the import certificate runs until the last delivery date stipulated in the relevant contract.

After having verified that the approval certificate to which the import certificate refers is domiciled at his offices, the approved intermediary domiciles the import certificate in accordance with paragraph B of this chapter. Nevertheless, by derogation from the general rules, trade contracts in respect of capital goods for approved investments are accepted whatever the delivery date stipulated and until such time as the imports have been completed.

All copies of the import certificate must bear the annotation: 'approved investment No. ... (followed by the approval number)'.

It is understood that the approved intermediary may domicile only import certificates in respect of capital goods included in the list attached to the approval certificate, domiciled in the conditions stipulated above and within the limit of the quantities likewise indicated on the same list.

To this end, he must enter the amounts of the import certificates on the page reserved for the domiciliary bank of the original of the list of goods to be imported intended for the approved intermediary, attached to the approval certificate.

Furthermore, the approved intermediary may not domicile an import certificate in respect of used goods without the explicit consent of the Investment Promotion Agency, the Agricultural Investment Promotion Agency or the Sub-Committee on Touristic Approval, duly mentioned on the approval certificate and the list of goods to be imported attached thereto.

C. Use of the import certificate

Use of the import certificate is subject to the same rules as are set forth in paragraph D of this chapter.

However, and on the occasion of the first import, the importer must present to the customs, in addition to the copies of the import certificate, the original of the approval certificate bearing the annotation: 'for the customs'."

Paragraph E of this chapter is amended as follows:

"F. (new): Special rules applicable to payment for imports effected on the basis of an import certificate

Imports can be paid for after domiciliation of the import certificate in accordance with the procedure laid down in the trade contract.

Payment must also be in accordance with the following rules:

- (a) Imports effected on the basis of an import certificate may in no case be prepaid.

Nevertheless, by derogation from the foregoing, in the case of imports of capital goods for approved investments and where the contract provides for prepayments, advance payments may be made which may not exceed 20 per cent of the total amount of the contract and subject to the stipulations therein.

In the case of payment on receipt of goods, the approved intermediaries responsible for domiciliation may arrange payment only after evidence is provided of the certification of the value of the goods by the customs.

- (b) The domiciliation of the import certificate is subject to the prior agreement of the Central Bank of Tunisia in the case of imports with payment periods greater than ninety days or payments involving supplier or buyer credit, regardless whether official or private.
- (c) The amount paid for imports must not exceed the value of the goods themselves. Payments in respect of any accessory charges must be the subject of a set of financial documents.

- (d) The approved intermediary may not make payments in respect of capital goods where the approval certificate and the list of goods concerned bearing the annotation: 'for the approved intermediary' stipulate that these goods are payable under a specific government loan agreement."

This amending notice is applicable to all approval certificates issued on or after 1 October 1986.