

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

Poland

The following notification has been received from the delegation of Poland in response to the questionnaire on import licensing procedures annexed to L/5640/Rev.4. The notification updates and replaces information previously provided in document L/5640/Add.39.¹

¹A copy of Regulation No. 10 of the Ministry for Foreign Economic Relations, referred to in the text, has been supplied to the Secretariat (Mr. P. Tulloch, 39 50 89)

Outline of system

1. According to Article 11 of the Customs Law of March 26, 1975 both imports and exports of goods are subject to licensing. The Law authorizes the Minister for Foreign Economic Relations to designate administrative bodies entitled to issue licences, as well as, to lay down principles and administrative procedures of granting licences.

On the basis of the authorization of the Law Minister for Foreign Economic Relations issued the Regulation No 10 of April 1, 1988 on the principles, procedures and organizational entities authorized to issue import and export licences in foreign trade.

The Regulation established an uniform import licensing system which covered all goods irrespective of their category and country of origin.

Liberalization and demonopolization of export and import rights resulted in large and still increasing number of different entities authorized to conduct foreign trade /over 1150 as of September 1988/.

Introduction of the general licences system which covers over 80 per cent of foreign trade transactions simplified the previously existing procedures of individual licences only. According to the new system licences may be of general or individual nature. Both general and individual ones are described in § 7 and § 8 of the Regulation No 10.

Licences are being granted upon applications submitted by importers.

Purposes and coverage of the licensing

2. Within the scope of foreign trade activity there is one import licensing system for all products and services specified in the Regulation No 10.
3. The system applies to goods originating in and coming from any country.

4. The system is not aimed at restricting imports of any particular products. Its purpose is to ensure an effective surveillance of foreign trade flows and their commodity structure, as well as, to establish the documentation basis for the information system about the conclusion and accomplishment of contracts.
5. The general requirement to obtain licence results from the provisions of Article 11 of the Customs Law and is of mandatory character. All imported /and exported/ goods are subject to licensing and the state administration has no right to abolish the system without legislative approval.

Procedures

- 6./1/ - /X/ Not applicable,

There are no import quotas at all however there may be some limitations if:

- the quantity or value of import is subject to bilateral and international agreements,
- import is financed by state budget /the limitations result from foreign exchange shortage/.

There are no limitations at all if the import of goods is financed from importers' foreign exchange retention accounts or any other own foreign exchange resources.

The objective of Polish economy is to cover majority of import foreign exchange expenditures from other than state budget sources.

- 6./XI/ No.

- 7./a/ Application for import licence has to be processed within the period of ten days since the day it is submitted.
Applications should be submitted within seven days since the date of concluding the contract.

- 7./b/ Yes

- 7./c/ There are no limitations as to the period of the year when applications for licences may be made however, the applications for general licences are expected to be submitted once a year /at any period/.
- 7./d/ Licence applications are considered by a single administrative organ i.e. Ministry of Foreign Economic Relations.
8. In circumstances warranted by special economic or social needs some goods may be excluded from the scope of general licences and put under individual ones. The replacement of general licences by individual ones may also take place in case the applicant seriously and repeatedly violates legal regulations and/or rules and habits prevailing in trade practices. In this case even individual licence may be refused.
- The application for the individual licence may be refused if:
- it does not meet legal regulations and/or international agreements,
 - the applicant is not authorized to deal with some particular items such as drugs, medicines, poisons, explosives, radioactive materials and so on.
- The reason of refusal is given to the applicant on request. In accordance with the Code of administrative proceedings the applicant has the right to present the appeal for reconsideration of the refused application directly to the Minister for Foreign Economic Relations, whose decision is final.

Eligibility of importers to apply for licence

9. All legal entities granted licences /permissions/ to conduct foreign trade operations are eligible to apply for import /and export/ licences.
- There is no registration fee.
- The list of authorized importers is published in "Rynek Zagraniczne" gazette /"Foreign Markets"/ edited by Polish Chamber of Foreign Trade.

Documentational and other requirements for application of licence

10. An applicant has to supply the following data:
 - a/ general licence
 - description of merchandise or service
 - country of origin
 - quantity
 - value
 - b/ individual licence
 - description of merchandise or service
 - country of origin
 - names of foreign supplier, importer and domestic user
 - number of contract
 - terms and conditions of payment and delivery
 - volume
 - unit price and contract value
11. At the time of clearing goods through the customs a commercial invoice and certificate of origin /if necessary/ are required in addition to the valid import licence.
12. There is no licensing fee nor administrative charge.
13. Neither deposit nor advance payment are associated with the issue of licences.

Conditions of licensing

14. General licences are issued for one year period in general, however, if any specific contract needs more time to be accomplished the validity of the general licence will exceed one year period.
Individual licences are issued for the period necessary to accomplish the contract. This period is specified by an applicant. In justified cases the validity period of individual licence may be extended but no more than by eighteen months in case of capital goods and by nine months in case of other commodities.

15. There is no penalty for the non-utilization of a licence or a portion of it.
16. The licences are non-transferable.
17. There are no other conditions attached.

Other procedural requirements

18. There are no other administrative procedures apart from import licensing required prior to importation.
19. When the import licence is granted and importer has foreign exchange funds available the bank will execute payment orders.