

Original: English/
anglais/
inglés

REPLIES TO THE QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

BENELUX ECONOMIC UNION

Revision

The following revised notification¹ has been received from the delegation of the European Economic Community in response to the questionnaire on import licensing procedures annexed to document L/5640/Rev.5. The information updates and replaces that contained in L/5640/Add.21/Rev.1 for the Benelux Economic Union.

REPONSES AU QUESTIONNAIRE RELATIF AUX PROCEDURES
EN MATIERE DE LICENCES D'IMPORTATION

UNION ECONOMIQUE BENELUX

Révision

La délégation de la Communauté économique européenne a fait parvenir au secrétariat la notification révisée ci-après¹ en réponse au questionnaire relatif aux procédures en matière de licences d'importation annexé au document L/5640/Rev.5. Les renseignements qu'elle contient mettent à jour et remplacent ceux qui figurent dans le document L/5640/Add.21/Rev.1 pour l'Union économique Benelux.

RESPUESTAS AL CUESTIONARIO RELATIVO A LOS PROCEDIMIENTOS
PARA EL TRAMITE DE LICENCIAS DE IMPORTACION

UNION ECONOMICA DEL BENELUX

Revisión

Se ha recibido de la delegación de la Comunidad Económica Europea la adjunta notificación, revisada¹, en respuesta al cuestionario relativo a los procedimientos para el trámite de licencias de importación anexo al documento L/5640/Rev.5. Esta información actualiza y sustituye a la que figura en el documento L/5640/Add.21/Rev.1 en relación con la Unión Económica del Benelux.

¹English only/Anglais seulement/En inglés solamente

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.¹

The customs authorities retain licences once they have been used or have expired and return 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.

Purpose and coverage of the licensing

2. & 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.

(c) Imports of textile products originating from most of the MFA-countries.

¹A specimen of the prescribed forms is available for consultation in the secretariat.

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) to provide details of anticipated imports, e.g. prior surveillance of certain iron and steel products in order to obtain rapidly information.
- (d) for the collection of agricultural levies (BLEU only);
- (e) to protect public safety or health (e.g. firearms and radioactive materials).

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

In Belgium

- The law of 11 September 1962 (Official Gazette 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.

Most important in the Netherlands:

- In- en uitvoerwet (Staatsblad 1962, 295, most recent amendment Staatsblad 1988, 288).
- Invoerbesluit landen 1981 (Staatsblad 1981, 576).
- In- en uitvoerbesluit industriële goederen 1963 (Staatsblad 1963, 126, most recent amendment Staatscourant 1988, 98).
- In- en uitvoerbesluit landbouwgoederen (Stb. 1080, 758, most recent amendment Stb. 1981, 606).

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-allocated during the current calendar 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. Five working days is the time limit set by Community rules for licences 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) Licences issued can be used immediately for importing.

(g) Consideration of licence applications is carried out by one single national administrative organ to which alone the importer has to apply

In Belgium:

- The Central Quota and Licensing Office

In the Netherlands:

- Central Licensing Office (C.D.I.U.) or one of the "(Hoofd) Productschappen", 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 examined on receipt, but the actual issue of a licence may be made later, e.g. after a closing date for submitting applications.

(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 required and 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) As a rule licences are freely issued for imports that are thereafter to be exported and not sold in the domestic market.

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

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

(b) There is no objection to granting a licence immediately on request, but no set rule can be applied since there would obviously be cases where immediate issue might be possible, e.g. where special conditions for application had still to be fulfilled.

(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.

(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) & (b) Any person, company, or institution is eligible to 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, CN code, 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. Sample application forms are attached.

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 upon actual 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:

F20 if the value of the goods is less than F20,000.

F40 in other cases.

13. There is no deposit or advance payment requirement, 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 of a licence is as a rule three, four, or six months.

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

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

16. Licences are not transferable between importers.

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

Other procedural requirements

18. Apart from the import licensing and other similar documentary requirements (e.g. customs and health requirements) there are no other administrative procedures required before goods may be imported.

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

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