

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

Notification under Article 7.3 of the
Agreement on Import Licensing Procedures¹

KYRGYZ REPUBLIC

The following notification, dated 11 April 2000, has been received from the Permanent Mission of the Kyrgyz Republic.

Outline of system

1. Most products can be imported into the Kyrgyz Republic without a licence. However a licence to import into the country is required for certain categories of goods that pose a risk to the population's health, consumer and ecological welfare, national security, and to protect national treasures and exhaustible natural resources.

The import licensing system is regulated by:

- Law No. 12 "On Licensing" of 3 March 1997 (as amended by Laws Nos. 13 of 14 February 1998, 53 of 24 April 1998, 87 of 7 July 1998 and 121 of 12 September 1998);
- Resolution of the Legislative Assembly of the Jogorky Kenesh of the Kyrgyz Republic No. 1100-1 of 8 June 1998, which establishes the order of registration and requirements for issuing a licence for import and export operations and establishes the list of goods subject to import licensing;
- Resolution of the Government of the Kyrgyz Republic No. 709 of 29 October 1998, which establishes the list of governmental bodies responsible for the review of applications and issuance of licences for exports and imports of goods into the Kyrgyz Republic;
- Regulation of the Kyrgyz Republic No. 334 from 21 June 1999 establishes fees for issuing a licence on carrying out export and import operations, issued by the Ministry of External Trade and Industry of the Kyrgyz Republic.

Purpose and coverage of licensing

2. There are two licensing systems in the Kyrgyz Republic:
- (a) Automatic import licensing: for precious metals and stones, tobacco and alcoholic products listed in paragraphs 10, 11, 17 and 18 of the List of specific goods imported under licences, approved by the Resolution of the Legislative Assembly of the Kyrgyz Republic of

¹ See document G/LIC/3, Annex, for the Questionnaire.

8 June 1998 (see Attachment 1). The draft regulations on amendments to the above resolution containing the requirements for issuing a licence within ten days are being drafted.

(b) Non-automatic import licensing: for arms, military equipment and special assembling articles for its production, works and services in the sphere of military and technical cooperation; explosive substances; nuclear materials and technologies, used for military purposes; intense poisons; narcotics (including used in pharmacology); psychotropic means (see Attachment 1).

3. Both systems apply to goods originating in, and coming from, all countries.

4. The licensing system is not intended to restrict either the quantity or value of imports. It is designed for ensuring human health, consumer and ecological welfare, national security, protection of artistic and archeological values, and protection of exhaustive natural resources.

5. See response to question 1. The list of goods subject to import licensing is established in accordance with the legislative order. It is not possible for the government to abolish the licensing system without legislative approval.

Procedures

6. Spirits and alcoholic products are subject to quotas, the size of which is determined based on the requests for quotas. It is the intention of the Kyrgyz Government, when determining the size of the quota, to cover all the demand for licences. Therefore, it does not have restrictive effects on the quantity or value of imports. It is possible to increase the size of a quota during the quota period on a case-by-case basis. Quotas are applicable globally.

I. Information relating to quotas on spirits and alcoholic products, formalities of filling applications for licences, exceptions and derogations, are published in the "Slovo Kyrgyzstana" gazette and other official publications.

II. Quotas on alcohol and alcoholic products are determined on an annual basis. Licences are issued for the period requested by the applicant but not exceeding a calendar year. Term of the licence can be extended upon the applicant's request on a case-by-case basis.

III. Licences are allotted to importers regardless of whether or not they are domestic producers of like goods. There is no penalty for non-utilization of a licence or a portion of a licence. No steps are taken to ensure that licences allocated are actually used for imports. Unused quotas on import of alcohol and alcoholic products are not added to the quotas for the next year. An application for a licence must be accompanied by an import contract.

IV. In practice, from the time of announcing the opening of quotas, a 30-day period is provided for the submission of applications for quotas. After the quota is obtained, an importer may apply for a licence at any time within the quota period.

V. Licences are processed no later than 30 days from the moment of submission of the application along with all the required documents. In urgent cases an application may be approved in a shorter length of time if all documents are in order.

VI. The period of importation is the calendar year starting from 1 January. The applicant may start importation of products at any time within the period of importation after obtaining a licence.

VII. One administrative body, i.e. joint stock company "Kyrgyzalko", considers licence applications on alcohol and alcoholic products.

VIII. The size of quota is determined to satisfy fully the demand for licences. There have not been cases when the demand for licences exceeded the amount of the quota. Applications for quotas are examined simultaneously. Licences are issued for those who obtained a quota on receipt of applications.

IX-X. Not applicable.

XI. No licences are issued on condition that goods should be exported and not sold in the domestic market.

7. For products subject to import licensing according to the list of specific goods imported under licences (except those listed in paragraphs 10, 11, 17 and 18 of the List (see Attachment 1)):

- (a) There are no requirements as to how far in advance of importation an application for an import licence must be made. According to Resolution No. 1100-1, licences are issued within 30 days. An application can be approved within a shorter time-limit if all documents are in order and in the case of urgency such as when goods arrive at the port without a licence due to inadvertence.
- (b) The licence can be granted immediately on request if all documents are in order.
- (c) An application for a licence may be made for any period of the year without limitation.
- (d) Applications are considered by more than one administrative organ. The Ministry of External Trade and Industry issues import licences subject to prior approval by experts from another administrative organ (see Attachment 1). Therefore the importer has to approach more than one administrative organ.

8. The application for a licence may be refused if goods fail to meet the ordinary criteria. The reasons for any refusal must be given to the applicant in writing. The grounds for refusal to issue a licence are the following:

- incorrectly filled application and supporting documents;
- lack of authentic information regarding a contract;
- failure to submit necessary documentation;
- failure to pay the required fee;
- court decision prohibiting the applicant to carry out such an activity; and
- contract clauses are in contradiction with the external trade policy of the Kyrgyz Republic.

The denial of a licence may be appealed to an independent court.

Eligibility of importers to apply for a licence

9. In general, all persons, firms and organizations are eligible to apply for licences for importation of goods under the licensing system of the Kyrgyz Republic. There is no system for registration of persons and firms permitted to engage in importation.

Documentational and other requirements for application for licence

10. The following information is required in applications:
- name, address, phone number, registration code of an applicant;
 - type of licence required (general or single);
 - name and addresses of importer and seller of goods;
 - country of a seller and country of origin of goods;
 - desired period of validity of licence;
 - type of transaction and type of currency;
 - description of goods including Kyrgyz tariff code number;
 - unit of measure, quantity, cost and terms of sale;
 - in case of counter-trade, description of goods traded; and
 - import contract or intergovernmental agreement number.

Sample application form is submitted as Attachment 2².

The approved application form bearing the official signatures and stamp constitutes the import licence. The following documents are to be supplied with the application:

- the import contract;
- the service contract of intermediary, if applicable;
- copy of certificate on state registration as a legal entity or as a physical person engaging in business activities;
- certificate quality of goods; and
- a document certifying the payment of the licensing fee.

11. Upon actual importation the import licence is necessary, in addition to other documents required from importers (i.e. declaration on import, contract and commercial invoice).

12. The licence application fee on import is 1,767 Som (about US\$40).

13. There is no deposit or advance payment requirement.

Conditions of licensing

14. The licence is granted for the period necessary for import operations, but not exceeding one calendar year. The validity of a licence can be extended if the applicant so requests within the next year.

15. There is no penalty for the non-utilization of a licence or a portion of it.

16. Licences are not transferable between importers.

17. There are no conditions attached to the issuance of a licence.

Other procedural requirements

18. There are no other administrative procedures, apart from import licensing required prior to importation.

² Available for consultation in the Secretariat (Market Access Division) (English only).

19. Foreign exchange is automatically provided for goods to be imported. No import licence is required as a condition of obtaining foreign exchange.

ATTACHMENT 1

List of specific goods imported under licences contained in the
Regulation on Import/Export Licensing
(No. 1100-1, implemented 8 June 1998)

No.	Goods	HS Code	Governmental bodies	
			Expert	Licensor
1.	Ciphering devices (including ciphering equipment, spare parts for the ciphering equipment, ciphering programmes), normative and technical documents to the ciphering devices (including designing and exploiting)	8471 (ciphering equipment only), 847330000 (for the ciphering equipment only), 854380900 (ciphering equipment only), 854390900 (ciphering equipment only)	Ministry of National Security	Ministry of External Trade and Industry
2.	Arms and weapons, specific parts for their production, works and services in the area of military-technological cooperation	by the list of the Ministry of Defence of the Kyrgyz Republic	Ministry of Defence	Ministry of External Trade and Industry
3.	Protection devices from the battle poisoning substances, parts and accessories thereof	by the list of the Ministry of Defence of the Kyrgyz Republic	Ministry of Defence	Ministry of External Trade and Industry
4.	Military uniform, clothing and attributes	by the list of the Ministry of Defence of the Kyrgyz Republic	Ministry of Defence	Ministry of External Trade and Industry
5.	Normative and technical documents to the military products (construction and exploitation)	by the list of the Ministry of Defence of the Kyrgyz Republic	Ministry of Defence	Ministry of External Trade and Industry
6.	Gunpowder and explosives, explosive devices and pyrotechnics	3601 (except for the hunting powder), 3602, 3603, 3604	Ministry of Internal Affairs, State Technical	Ministry of Internal Affairs
7.	Nuclear materials, technologies, equipment and plants, special non-nuclear materials, sources for the radioactive radiation, including radioactive waste	by the list approved by the President of the Kyrgyz Republic (Resolution No. 55, 2 June 1996, the Government of the Kyrgyz Republic)	Ministry of Environmental Protection	Ministry of Defence
8.	Materials, equipment and technologies which are intended for peaceful purposes but can be used while creating weapons for mass extermination	In accordance with the list passed by the President of the Kyrgyz Republic (Resolution No. 55, 2 June 1996, the Government of the Kyrgyz Republic)	Ministry of Health, Ministry of Agriculture and Water Economy	Ministry of External Trade and Industry
9.	Certain types of raw materials, equipment, technologies and scientific information which can be applied while creating weapons and military techniques	by the list approved by the President of the Kyrgyz Republic (Resolution No. 55, 2 June 1996, the Government of the Kyrgyz Republic)	Ministry of Defence	Ministry of External Trade and Industry

No.	Goods	HS Code	Governmental bodies	
			Expert	Licensor
10.	Precious metals, alloys, goods made from them, metals plated with precious metals and goods made from them; ores; concentrates; scrap and waste	2616 (ores and concentrates), 2843 (metals, junctions, amalgams), 300640000 (from precious metals only), 7106-7112, 711311000, 711319000, 711411000, 711419000, 711510100, 711590100, 711590900, 7118 (from precious metals only), 8544 (only with conductors from precious metals), 960810300, 960839100	Ministry of Finance	Ministry of External Trade and Industry
11.	Precious natural stones and goods from them, powder and recuperate of precious natural stones, goods from them	7101, 7102, 7103 (precious stones only), 7105 (from precious stones only), 7116 (from precious stones only)	Ministry of Finance	Ministry of External Trade and Industry
12.	Narcotics and psychotropic drugs, virulent and stupefying concoctions	by the list of the State Commission for Drug Control under the Government of the Kyrgyz Republic	Ministry of Health, Ministry of Internal Affairs	State Commission for Drug Control
13.	Virulent poisons	by the list approved by the Government of the Kyrgyz Republic (Resolution of the Government of the Kyrgyz Republic of 6 February 1996, No. 55)	Ministry of Health, Ministry of Internal Affairs, State Mining Safety Committee, State Commission on Drug Control, Ministry of Environmental Protection	Ministry of External Trade and Industry
14.	Hazardous wastes	by the list of the Basel Convention on the Control over Transborder Transportation of hazardous cargo of 22 March 1989, approved by Resolution of the Parliament of the Kyrgyz Republic of 18 January 1996, No. 304-1)	Ministry of Environmental Protection, Ministry of Health	Ministry of External Trade and Industry
15.	Pharmaceuticals	by the list of the Ministry of Health of the Kyrgyz Republic	Ministry of Health	Ministry of Health
16.	Service and civil guns	by the list of the Ministry of Internal Affairs of the Kyrgyz Republic	Ministry of Internal Affairs	Ministry of External Trade and Industry
17.	Tobacco	by the list of "Kyrgyztamekisi" 2401, 2402, 2403	State Joint Stock Company "Kyrgyztamekisi"	State Joint Stock Company "Kyrgyztamekisi"

No.	Goods	HS Code	Governmental bodies	
			Expert	Licensor
18.	Spirits and alcoholic products	by the list of the State Joint Stock Company "Kyrgyzalco" 2204, 2205, 2206, 2207, 2208, 220840, 220850, 220860, 220870, 220890	State Joint Stock Company "Kyrgyzalco"	State Joint Stock Company "Kyrgyzalco"
19.	Destructive substances of ozone and products containing them	By the list of the Vienna Convention on protection of ozone layers and the Montreal Protocol on destructive substances of ozone layer	Ministry of Environmental Protection, Ministry of Health	Ministry of External Trade and Industry