

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

Notification under Article 7.3 of the
Agreement on Import Licensing Procedures

KYRGYZ REPUBLIC

The following notification, dated 29 September 2006, has been received from the Delegation of the Kyrgyz Republic.

Outline of system

1. Import licensing is required in the case of importation to the territory of the Kyrgyz Republic of certain categories of goods which may have a negative influence on citizens' health, consumer and ecological welfare, national security, preservation of cultural, historical and archaeological values and protection of national wealth and natural resources. For the majority of goods an import licence for the Kyrgyz Republic is not required.

The import licensing system is regulated by:

- The Law of the Kyrgyz Republic "On Licensing" as of 3 March 1997, No 12 (revised as of 14 February 1998, N 13, 24 April 1998, N 53, 7 July 1998, N 87, 12 September 1998, N 121, 27 November 1999, N 131, 18 January 2001, N 13, 12 June 2001, N 48, 17 February 2003, N 38, 18 February 2003, N 41, 10 March 2003, N 59, 11 June 2003, N 95, 1 August 2003, N 165, 24 December 2003, N 239, 13 August 2004, N 129, 27 January 2006, N 21)
- Decrees of the Legislative Assembly of Jogorku Kenesh (Parliament) of the Kyrgyz Republic as of 8 June 1998, N° 1100-1 "On approval of discipline of registration and issuance of licences for export-import transactions" and N° 1101-1 "On approval of the List of goods, which export and import is carried out by licences".
- Decree of the Government of the Kyrgyz Republic as of 29 October 1998, N° 709 "On approval of organizations of licensers and experts on licensing of export and import of specific goods".
- Decree of the Government of the Kyrgyz Republic as of 6 February 1996, N° 55 "On approval of regulations on discipline of exportation and importation of materials and technologies, applied in creating chemical, missile and nuclear weapons".

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

Purposes and coverage of licensing

2. The existing system of licensing is applied to all goods included in, approved by decree of the Parliament of the Kyrgyz Republic as of 8 June 1998, N° 1101-1 "the List of specific goods which import is carried out by licences".

The new draft Law of the Kyrgyz Republic "On licensing" has provisions on an automatic system of licensing.

3. The import licensing in the Kyrgyz Republic is applied to goods originating in and importing from all countries.

4. The system of import licensing is not aimed at restricting imported goods neither by number nor by cost. The system is designed for the purpose of ensuring the interests of consumers, ecological welfare, national security of the state and preservation of cultural, historical and archaeological values, life and health of citizens, animals and plants, environment and exhaustible natural resources.

5. See answer to question 1. The list of goods subject to import licensing and amendments in that list is approved by the Parliament of the Kyrgyz Republic. The Government of the Kyrgyz Republic can not cancel the system of licensing without the Parliament of the Kyrgyz Republic.

Procedures

6. In accordance with the Regulation on procedure of quoting the imports in the Kyrgyz Republic of alcoholic products and beer and determining import quota approved by Decree of Government of the Kyrgyz Republic as of 5 April 2004, N 227, the import of alcoholic products and beer is subject to quoting. The effect of that Regulation is applied to the imports of alcoholic products and beer from the WTO non-Member countries.

I. Information relating to quoting of imports in the Kyrgyz Republic of alcoholic products and beer, is published in the mass media (in the newspapers "Slovo Kyrgyzstana", "Erkintoo") and other official publications.

II. Quotas for alcoholic products and beer are determined on an annual basis. Licences are issued for a period required by the applicant, but not to exceed one calendar year. The period of the validity of a licence may be extended once it has been requested by an applicant, based on circumstances.

III. Licences are distributed to importers regardless of whether they are manufacturers of such goods. Import of alcoholic products and beer in the territory of the Kyrgyz Republic is carried out as they are cleared through customs and as the importers paid all types of taxes under the control of the State Agency on production, storage and sale of alcohol and alcoholic products under the Government of the Kyrgyz Republic on the basis of registration lists for each batch of imported goods. There is no penalty for the non-utilization of a licence or a portion of it. The issued licences should be effectively used only for imports. Unused quotas for imports of alcoholic products and beer are not added in quotas of the next year. Application for issuance of a licence shall be accompanied with a list of documents approved by the Legislative Assembly of Parliament of the Kyrgyz Republic as of 8 June 1998, N° 1100-1.

IV. The competition on placement of volumes (quotas) of imports of alcoholic products and beer for the next year shall be conducted at the end of the current year, and then once every three months, if non-distributed quotas are available. The person who won in a competition will be entitled to register licences in the order approved by the Decrees of Legislative Assembly of the Parliament of

the Kyrgyz Republic as of 8 June 1998, N° 1100-1. Notice of conducting a competition is published in the mass media for not less than 15 days prior to the start of the competition.

V. Registration of licences is carried out not later than 30 days since the application is received with all required materials.

VI. A period for importing is one calendar year, starting from 1 January. Once the licence is received, the applicant has the right in any time during the period of validity of a licence, to start importing (import) products.

VII. Import licences of alcoholic products and beer are considered by one administrative body – the State Agency on production, storage and sale of alcohol and alcoholic products under the Government of the Kyrgyz Republic.

VIII. The volume of quota is determined by fully satisfying the demands for licences. There was no case when the demand for a licence exceeded the volume of quotas. Applications for licences are considered at the same time. Licences are issued based on notifications to importers who have received quotas.

IX. Not applicable.

X. Not applicable.

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

7. For products included in the List of specific goods which import is carried out by licences (see Annex No. 1):

- (a) There is no requirement on what number of days prior to importing the application for licences should be submitted. According to the decree of Parliament of the Kyrgyz Republic as of 8 June 1998, N° 1100-1, licences are issued within 30 days since the application is received. Licences can be considered and issued for a shorter period if all the documents submitted for licences are in order;
- (b) Licences are not issued immediately, a minimum period required for considering a licence is two to three days;
- (c) Application for a licence may be made at any time, without limitations;
- (d) Application for a licence is considered by one administrative body.

Licences for carrying out import transactions are issued by one administrative body – licensor agreed with experts from other administrative bodies. Consequently, importers should apply to more than one administrative body. A list of licensors' organizations and experts on import licensing of specific goods is approved by a decree of the Government of the Kyrgyz Republic as of 29 October 1998, N° 709 (Annex N° 1).

8. Application for a licence may be rejected only if the submitted documents do not comply with the requirements established by the National Legislation. Reasons for rejection should be motivated and provided to the applicant in written form. The ground for rejection on issuance of a licence may be the following:

- Incorrect drawing up of an application and attached documents (except for immaterial errors and minor deviations in the cost);
- Communication of inauthentic information on transactions;
- Non-submission of any document required for drawing up a licence;
- There is no fee paid for a licence;
- There is a court decision regarding the application which prohibits doing that type of activity,
- The provisions of contracts contradict the foreign trade policy of the Kyrgyz Republic.

The decision on the rejection of the issuance of a licence should be motivated and communicated to an applicant in written form within 10 days.

The licence is issued late, or rejection for the applicant is represented to be unreasonable, he/she has the right to appeal that action in court.

Eligibility of importers to apply for licence

9. Generally, any firm, regardless of property form, belonging, place of registration and natural entities, has the right to submit an application for a licence to import goods under the non-restrictive system of the Kyrgyz Republic. There is no registration system of persons and firms having the right to involve in importing goods.

Documentation and other requirements for application for licence

10. The following information is required to be included in an application:

- name, address, telephone number, applicant's registration code;
- what licence is required (general or one-time);
- country of purchaser or country of seller and country of origin of goods;
- requested period of validity of licence;
- nature of transaction and type of currency;
- description of goods, including number of goods nomenclature (Code HS);
- unit of measure, quantity, cost;
- in case of counter trade – description of goods for which the trade is conducted;
- number and date of contract for import or number and date of Intergovernmental agreements;

A sample of the application form is given in Annex 2²

Approved and sealed application with signatures of officials may be a licence for import. The following documents should be attached to the application:

- original of import contract (amendments or addenda to contract), its copy and translation, sealed by the manager of the importer's organization;
- copy of sales contract certified in the established order, unless the participant of the international contract is the owner of the goods;
- copy of certificate of state registration;
- certificate of origin of goods under ST-1 form and its copy;
- certificate of the quality of the goods and its copy;
- document confirming payment of the licence fee;
- licence for exclusive activity, if required.

Responsibility for the authenticity of the information given in the application for the issuance of a licence shall be the applying organization.

11. Upon actual importation, an import licence is required in addition to documents which are normally required from importers (import declaration, contract and commercial invoice).

12. According to the Law "On Licensing" a licence fee cannot exceed three times the settlement index and, today, shall be 300 soms (about US\$ 0.75).

13. There is no requirement for a deposit or advance payment.

Conditions of licensing

14. A licence is issued for a period necessary for carrying out import transactions, but should not exceed one calendar year. The validity can be extended within the current year, if the applicant so requests.

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.

19. Foreign exchange is automatically provided for the goods to be imported. In exchange an import licence is not required.

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

ANNEX 1

List of Goods Subject to Import Licensing
Appendix 2 to the Decree of the Legislative Assembly of Jogurku Kenesh (Parliament)
of the Kyrgyz Republic as of 8 June 1998, N° 1100-1

(in redaction of Decree N 1690-II dated on 25 June 2004)

Goods	HS Code	Licensing Body	Organization – experts on import licensing
Ciphering devices (including ciphering equipment, spare parts 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 Industry, Trade and Tourism	National Security Services
Arms and weapons, specific parts for their production, works and services in the area of military-technological cooperation	List of the Ministry of Defence	Ministry of Industry, Trade and Tourism	Ministry of Defence
Protection devices from the battle poisoning substances, parts and accessories thereof	List of the Ministry of Defence	Ministry of Industry, Trade and Tourism	Ministry of Defence
Military uniform, clothing and attributes	List of the Ministry of Defence	Ministry of Industry, Trade and Tourism	Ministry of Defence
Normative and technical documents to the military products (construction and exploitation)	List of the Ministry of Defence	Ministry of Industry, Trade and Tourism	Ministry of Defence
Gunpowder and explosives, explosive devices and pyrotechnics	3601 (except for the hunting powder), 3602, 3603, 3604	Ministry of Internal Affairs	Ministry of Internal Affairs, State Technical Supervision
Nuclear materials, technologies, equipment and plants, special non-nuclear materials, sources for the radioactive radiation, including radioactive waste	List approved by the President (Resolution No. 55, 6 February 1996)	Ministry of Industry, Trade and Tourism	Ministry of Defence, Ministry of Emergency Situations, Ministry of Foreign Affairs, National Academy of Sciences
Materials, equipment and technologies which are intended for peaceful purposes but can be used while creating weapons for mass extermination	List approved by the President (Resolution No. 55, 6 February 1996)	Ministry of Industry, Trade and Tourism	Ministry of Health Care, Ministry of Agriculture, Water resources and Processing Industry, Ministry of Emergency Situations
Certain types of raw materials, equipment, technologies and scientific information which can be applied while creating weapons and military techniques	List approved by the President (Resolution No. 55, 6 February 1996)	Ministry of Industry, Trade and Tourism	Ministry of Defence, Ministry of Foreign Affairs

Goods	HS Code	Licensing Body	Organization – experts on import licensing
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), 7106-7112, (from precious metals only),	Ministry of Industry, Trade and Tourism	Ministry of Economy and Finances
Precious natural stones and goods from them, powder and recuperate of precious natural stones, goods from them	7101, 7102, 7103 (precious stones only)	Ministry of Industry, Trade and Tourism	Ministry of Economy and Finances
Narcotics and psychotropic drugs, virulent and stupefying concoctions	List of the State Commission for Drug Control	State Commission for Drug Control	Ministry of Health Care, Ministry of Internal Affairs
Virulent poisons	List approved by the Government (Government Resolution No. 55, 6 February 1996)	Ministry of Industry, Trade and Tourism	Ministry of Health Care, Ministry of Internal Affairs, Ministry of Emergency Situations, State Technical Supervision
Hazardous wastes	List of the Basel Convention on the Control over Transborder Transportation of Hazardous Cargo of 22 March 1989 (Parliament Resolution No. 394-1, 18 January 1996)	Ministry of Industry, Trade and Tourism	Ministry of Emergency Situations, Ministry of Health Care
Pharmaceuticals	List of the Ministry of Health Care	Ministry of Health Care	Ministry of Health Care
Service and civil guns	List of the Ministry of Internal Affairs	Ministry of Internal Affairs	Ministry of Internal Affairs
Tobacco	List of "Kyrgyztamekisi" 2401, 2402, 2403	State Joint Stock Company "Kyrgyztamekisi"	State Joint Stock Company "Kyrgyztamekisi"
Spirits, alcoholic products and beer	List of "Kyrgyzalco"	State Joint Stock Company "Kyrgyzalco"	State Joint Stock Company "Kyrgyzalco"
Substances that deplete ozone and containing production thereof	List of the Vienna Convention on protection of ozone layers and the Montreal Protocol on Substances that deplete ozone	Ministry of Industry, Trade and Tourism	Ministry of Emergency Situations, Ministry of Health Care