

Committee on Import Licensing

AGREEMENT ON IMPORT LICENSING PROCEDURES

INVOCATION OF FOOTNOTE 5 TO ARTICLE 2.2

Note by the Secretariat

Pursuant to footnote 5 to Article 2.2 of the WTO Agreement on Import Licensing Procedures, a developing country Member, other than a developing country Member which was a Party to the Agreement on Import Licensing Procedures done on 12 April 1979, which has specific difficulties complying with the requirements of subparagraphs (a)(ii) and (a)(iii) may, upon notification to the Committee, delay the application of these subparagraphs by not more than two years from the date of entry into force of the WTO Agreement for such Member.

Article 2.2 (a) of the Agreement on Import Licensing Procedures states that automatic licensing procedures shall not be administered in such a manner as to have restricting effects on imports subject to automatic licensing. It further states that automatic licensing procedures shall be deemed to have trade-restricting effects unless, *inter alia*:

- subparagraph (i): any person, firm or institution which fulfils the legal requirements of the importing Member for engaging in import operations involving products subject to automatic licensing is equally eligible to apply for and to obtain import licences;
- subparagraph (ii): applications for licences may be submitted on any working day prior to the customs clearance of the goods;
- subparagraph (iii): applications for licences when submitted in appropriate and complete form are approved immediately on receipt, to the extent administratively feasible, but within a maximum of 10 working days.

Listed below are the developing country Members which have invoked the provisions for delayed application under footnote 5 to Article 2.2 of the Agreement on Import Licensing Procedures and (in brackets) the date of entry into force of the WTO Agreement for the Member concerned:

Bangladesh (1.1.95), Brazil (1.1.95), Colombia (30.4.95), Costa Rica (1.1.95), Côte d'Ivoire (1.1.95), El Salvador (7.5.95), Gabon (1.1.95), Honduras (1.1.95), Indonesia (1.1.95), Kenya (1.1.95), Malaysia (1.1.95), Myanmar (1.1.95), Sri Lanka (1.1.95), Thailand (1.1.95), Tunisia (29.3.95), Turkey (26.3.95), Uruguay (1.1.95) and Venezuela (1.1.95).

For the text of the communications received from these Members, please refer to documents WT/Let/1/Rev.1 dated 2 March 1995, WT/Let/10 dated 24 March 1995, WT/Let/12 dated 7 April 1995 and WT/Let/14 (to be issued).