

**Committee on Import Licensing**

**FIRST BIENNIAL REVIEW OF THE IMPLEMENTATION AND OPERATION  
OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES**

Article 7.1 of the Agreement on Import Licensing Procedures requires the Committee to review as necessary, but at least once every two years, the implementation and operation of the Agreement, taking into account the objectives thereof, and the rights and obligations contained therein. Article 7.2 states that as a basis for the Committee review, the Secretariat shall prepare a factual report based on information provided under Article 5, responses to the annual Questionnaire on Import Licensing Procedures and other relevant reliable information which is available to it, and that this report shall provide a synopsis of the aforementioned information, in particular indicating any changes or developments during the period under review, and including any other information as agreed by the Committee.

The main objectives of the Agreement are those listed in the preamble of the Agreement. The review should cover the implementation and operation of the Agreement in the light of its objectives and specific obligations.

At its meeting on 23 October 1996, the Committee conducted the first biennial review under Article 7.1 of the Agreement on the basis of document G/LIC/W/5/Rev.1. The present document takes into account the points made during that review and the work of the Committee at that meeting as a whole.

The information contained in this document covers the period from 1 January 1995 to 23 October 1996.

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I. COMMITTEE ON IMPORT LICENSING

A. Officers, Members and observers

1. Officers:

Chairman (1995-1996): Mr. Calson Mbegabolawe (Zimbabwe)  
Vice-Chairman (1995-1996): Mr. Jan Michalek (Poland)

2. Members (125)<sup>1</sup>

Antigua & Barbuda	Greece	Norway
Argentina	Grenada	Pakistan
Australia	Guatemala	Papua New Guinea
Austria	Guinea Bissau	Paraguay
Bahrain	Guinea, Rep. of	Peru
Bangladesh	Guyana	Philippines
Barbados	Haiti	Poland
Belgium	Honduras	Portugal
Belize	Hong Kong	Qatar
Benin	Hungary	Romania
Bolivia	Iceland	Rwanda
Botswana	India	St. Kitts & Nevis
Brazil	Indonesia	St. Lucia
Brunei Darussalam	Ireland	St. Vincent & Grenadines
Burkina Faso	Israel	Senegal
Burundi	Italy	Sierra Leone
Cameroon	Jamaica	Singapore
Canada	Japan	Slovak Republic
Central African Rep.	Kenya	Slovenia
Chad	Korea	Solomon Islands
Chile	Kuwait	South Africa
Colombia	Lesotho	Spain
Costa Rica	Liechtenstein	Sri Lanka
Côte d'Ivoire	Luxembourg	Suriname
Cuba	Macau	Swaziland
Cyprus	Madagascar	Sweden
Czech Republic	Malawi	Switzerland
Denmark	Malaysia	Tanzania
Djibouti	Maldives	Thailand
Dominica	Mali	Togo
Dominican Republic	Malta	Trinidad & Tobago
EC	Mauritania	Tunisia
Ecuador	Mauritius	Turkey
Egypt	Mexico	Uganda
El Salvador	Morocco	United Arab Emirates
Fiji	Mozambique	United Kingdom
Finland	Myanmar	United States
France	Namibia	Uruguay
Gabon	Netherlands	Venezuela
Gambia	New Zealand	Zambia
Germany	Nicaragua	Zimbabwe
Ghana	Nigeria	

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<sup>1</sup>Members and observers on 23 October 1996.

3. ObserversObserver Governments (37)<sup>2</sup>

Albania	Former Yugoslav Rep. of	Niger
Algeria	Macedonia	Oman
Angola	Gambia	Panama
Armenia	Georgia	Russian Federation
Belarus	Jordan	Saudi Arabia
Bulgaria	Kazakhstan	Seychelles
Cambodia	Kyrgyz Rep.	Sudan
Chad	Latvia	Taipei, Chinese
China	Lithuania	Tonga
Congo	Moldova	Ukraine
Croatia	Mongolia	Uzbekistan
Estonia	Nepal	Vanuatu
		Vietnam
		Zaire

Observer organizations<sup>3</sup>

IMF  
UNCTAD  
World Bank

B. Main developments in the work of the Committee during the period covered

4. During the reporting period, the Committee held four meetings on 3 May and 12 October 1995, and 8 March and 23 October 1996. The minutes of these meetings are contained in documents G/LIC/M/1-4, respectively.

5. During the period covered, the Committee adopted rules of procedure for its meetings (G/LIC/W/1); received notifications of legislation and/or publications submitted by 30 Members, replies to the Questionnaire on Import Licensing Procedures submitted by 29 Members, and notifications relating to the institution of import licensing procedures or changes in these procedures submitted by eight Members; agreed on reporting procedures to the Council for Trade in Goods under Article 7.4; adopted procedures for notification and review under the Agreement; and as concerns notifications provided for in Article 7.3, agreed on revisions to the Questionnaire on Import Licensing Procedures and established a time-limit of 30 September to provide replies to the Questionnaire. The Committee agreed that all import licensing procedures that fall under this Agreement should be notified to the Committee on Import Licensing (G/LIC/M/2, paragraphs 21-23). As concerns substantive issues arising from notifications of import licensing procedures, the Committee reached an understanding on review procedures in general with a view to facilitating and speeding up the review of notifications and minimizing any delays in providing clarifications or responses to such queries concerning notifications (G/LIC/4); and conducted the first biennial review of the implementation and operation of the Agreement under Article 7.1 on the basis of a factual report prepared by the Secretariat (G/LIC/W/5/Rev.1 & G/LIC/M/4). The Committee adopted its report to the Council for Trade in Goods in the context of

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<sup>2</sup>Members and observers on 23 October 1996.

<sup>3</sup>The invitations to these three organizations by the Council for Trade in Goods are on an *ad hoc* basis, pending final agreement on guidelines for observer status for international intergovernmental organizations.

the Singapore Ministerial Conference (G/L/127). It took note of the invocation of the provisions of footnote 5 to Article 2.2 by 24 developing country Members (G/LIC/1 and Add.1-3).

6. The overall compliance with notification procedures has not been satisfactory. The Committee recognized the importance of notifications for the effective implementation and functioning of the Agreement.

## II. NOTIFICATIONS<sup>4</sup>

### C. Invocation of delayed application provisions by developing country Members (Footnote 5 to Article 2.2)

7. Pursuant to footnote 5 to Article 2.2 of the Agreement, 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 subparagraph (a)(ii) (which requires applications for automatic import licences to be accepted on any working day prior to the customs clearance of the goods) and subparagraph (a)(iii) (which requires applications for automatic import licences when submitted in appropriate and complete form to be approved within a maximum of ten working days) may, upon notification to the Committee, delay the application of these provisions by not more than two years from the date of entry into force of the WTO Agreement for such Member.

8. Listed below are the 24 developing country Members which have invoked the delayed application provisions since the entry into force of the WTO Agreement and (in brackets) the date of entry into force of the WTO Agreement for the Member concerned (G/LIC/1 and Add.1-3).

Bangladesh (1.1.95)	Honduras (1.1.95)
Bolivia (13.9.95)	Indonesia (1.1.95)
Brazil (1.1.95)	Kenya (1.1.95)
Burkina Faso (3.6.95)	Malaysia (1.1.95)
Cameroon (13.12.95)	Myanmar (1.1.95)
Colombia (30.4.95)	Sri Lanka (1.1.95)
Costa Rica (1.1.95)	Thailand (1.1.95)
Côte d'Ivoire (1.1.95)	Tunisia (29.3.95)
Dominican Republic (9.3.95)	Turkey (26.3.95)
El Salvador (7.5.95)	United Arab Emirates (10.4.96)
Gabon (1.1.95)	Uruguay (1.1.95)
Guatemala (21.7.95)	Venezuela (1.1.95)

### D. Notifications of publications and/or legislation (Articles 1.4(a) and/or 8.2(b))

9. Paragraph 4(a) of Article 1 and paragraphs 3, 4, 5(b), 5(c) and 5(d) of Article 3 require Members to publish certain information "for other Members and traders to know the basis for granting and/or allocating licences", or "in such a manner as to enable governments and traders to become acquainted with them". Article 1.4(a) requires Members to notify to the Committee the sources in which the information concerning import licensing procedures are published, and to make copies of these publications available to the Secretariat.

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<sup>4</sup>A list of notifications by Member and Article is contained in Annex III.

10. Paragraph 2(a) of Article 8 provides that "each Member shall ensure, not later than the date of entry into force of the WTO Agreement for it, the conformity of its laws, regulations and administrative procedures with the provisions of this Agreement"; paragraph 2(b) states that "each Member shall inform the Committee of any changes in its laws and regulations relevant to this Agreement and in the administration of such laws and regulations".

11. At its meeting on 12 October 1995, the Committee agreed that in cases where the publications or legislation were not in a WTO official language Members shall provide, together with such publications or legislation, a summary of the notification in one of the WTO languages. Other Members may ask for a full translation if they so wish, or seek any additional information on a bilateral basis. Any issues that cannot be solved on a bilateral basis may be brought to the attention of the Committee. It was also agreed that the first notification under Article 8.2(b) shall contain the full text of relevant laws and regulations in effect on the entry into force of the WTO Agreement for the Member concerned (G/LIC/M/2 and G/LIC/3).

12. Notifications pursuant to Articles 1.4(a) and/or 8.2(b) have been received from the following Members and have been circulated in the G/LIC/N/1/- series. Copies of publications and/or legislation submitted with these notifications are available for consultation in the Secretariat.

<u>Argentina</u>	(G/LIC/N/1/ARG/1)
<u>Australia</u>	(G/LIC/N/1/AUS/1)
<u>Barbados</u>	(G/LIC/N/1/BRB/1)
<u>Canada</u>	(G/LIC/N/1/CAN/1)
<u>Chile</u>	(G/LIC/N/1/CHL/1)
<u>Colombia</u>	(G/LIC/N/1/COL/1)
<u>Costa Rica</u>	(G/LIC/N/1/CRI/1)
<u>Cuba</u>	(G/LIC/N/1/CUB/1)
<u>Cyprus</u>	(G/LIC/N/1/CYP/1)
<u>European Communities</u>	(G/LIC/N/1/EEC/1/Rev.2 & Rev.2/Add.1)
<u>Hong Kong</u>	(G/LIC/N/1/HKG/1 & 2)
<u>Hungary</u>	(G/LIC/N/1/HUN/1)
<u>Jamaica</u>	(G/LIC/N/1/JAM/1)
<u>Japan</u>	(G/LIC/N/1/JPN/1)
<u>Malta</u>	(G/LIC/N/1/MLT/1)
<u>Mauritius</u>	(G/LIC/N/1/MUS/1 & Add.1)
<u>Morocco</u>	(G/LIC/N/1/MAR/1)

<u>New Zealand</u>	(G/LIC/N/1/NZL/1)
<u>Nicaragua</u>	(G/LIC/N/1/NIC/1)
<u>Norway</u>	(G/LIC/N/1/NOR/1)
<u>Pakistan</u>	(G/LIC/N/1/PAK/1)
<u>Peru</u>	(G/LIC/N/1/PER/1)
<u>Romania</u>	(G/LIC/N/1/ROM/1)
<u>Singapore</u>	(G/LIC/N/1/SGP/1)
<u>Swaziland</u>	(G/LIC/N/1/SWZ/1)
<u>Turkey</u>	(G/LIC/N/1/TUR/1)
<u>Uganda</u>	(G/LIC/N/1/UGA/1)
<u>United States</u>	(G/LIC/N/1/USA/1 & Rev.1)
<u>Uruguay</u>	(G/LIC/N/1/URY/1)
<u>Zimbabwe</u>	(G/LIC/N/1/ZWE/1)

E. Notifications of import licensing procedures (Articles 7.3 and 5)

13. Article 2.1 of the Agreement defines automatic import licensing as "import licensing where approval of the application is granted in all cases, and in accordance with the requirements of paragraph 2(a)". Paragraph 2(a) of Article 2 states that "automatic import licensing procedures shall not be administered in such a manner as to have restricting effects on imports subject to automatic licensing ...".<sup>5</sup> Article 3 defines non-automatic import licensing as "import licensing not falling within the definition contained in paragraph 1 of Article 2".<sup>6</sup>

14. Pursuant to Article 7.3 of the Agreement, Members undertake to complete the annual Questionnaire on Import Licensing Procedures promptly and in full. At its meeting in October 1995, the Committee established a time-limit of 30 September each year to submit these notifications (G/LIC/M/2 and G/LIC/3).

15. Article 5.1 of the Agreement requires Members which institute licensing procedures or changes in these procedures to notify the Committee of such within 60 days of publication. Pursuant to Article 5.2, the notifications shall include the list of products subject to licensing procedures; contact point for information on eligibility; administrative body(ies) for submission of applications; date and name of publication where licensing procedures are published; indication of whether the licensing procedure is automatic or non-automatic according to definitions contained in Articles 2 and 3; in

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<sup>5</sup>A concordance between the provisions the Agreement relating to automatic licensing procedures and the Questionnaire on Import Licensing Procedures is contained in Annex I.

<sup>6</sup>A concordance between the provisions of the Agreement relating to non-automatic licensing procedures and the Questionnaire on Import Licensing Procedures is contained in Annex II.

the case of automatic licensing procedures, their administrative purpose; in the case of non-automatic licensing procedures, indication of the measure being implemented through the licensing procedure; and expected duration of the licensing procedure if this can be estimated with some probability, and if not, reason why this information cannot be provided. Article 5.4 requires Members to notify the Committee of the publications in which the information required in Article 1.4 will be published.

16. In addition, pursuant to Article 5.5 any interested Member which considers that another Member has not notified the institution of a licensing procedure or changes therein in accordance with the provisions of Articles 5.1-5.3 may bring the matter to the attention of such other Member. If notification is not made promptly thereafter, such Member may itself notify the licensing procedure or changes therein, including all relevant and available information.<sup>7</sup>

17. During the period covered, the following Members have submitted replies to the Questionnaire pursuant to Article 7.3 of the Agreement and/or have notified the institution of import licensing procedures or changes in these procedures pursuant to Article 5 (circulated in the G/LIC/N/3/- and G/LIC/N/2/- series, respectively). Reference is also made to any relevant statements made by Members on their implementation of the Agreement, as reported in the minutes of the meetings.

<u>Argentina</u>	(G/LIC/N/3/ARG/1 & G/LIC/N/2/ARG/1 & 2)
<u>Australia</u>	(G/LIC/N/3/AUS/1)
<u>Barbados</u>	(G/LIC/N/3/BRB/1)
<u>Bolivia</u>	(G/LIC/N/3/BOL/1)
<u>Canada</u>	(G/LIC/N/3/CAN/1)
<u>Chile</u>	(G/LIC/N/3/CHL/1)
<u>Colombia</u>	(G/LIC/N/3/COL/1)
<u>Costa Rica</u>	(G/LIC/N/3/CRI/1)
<u>Cyprus</u>	(G/LIC/N/3/CYP/1 & Rev.1)
<u>Ecuador</u>	(G/LIC/N/3/ECU/1)
<u>European Communities</u>	(G/LIC/N/2/EEC/1)
<u>Hong Kong</u>	(G/LIC/N/3/HKG/1 & Rev.1 & G/LIC/N/2/HKG/1)
<u>Hungary</u>	(G/LIC/N/3/HUN/1)
<u>India</u>	(G/LIC/N/3/IND/1)
<u>Japan</u>	(G/LIC/N/2/JPN/1 & G/LIC/N/3/JPN/1)
<u>Korea</u>	(G/LIC/N/3/KOR/1)

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<sup>7</sup>So far, the Committee has not received any notifications under this provision.



<u>Malta</u>	(G/LIC/N/3/MLT/1)
<u>Malaysia</u>	(G/LIC/N/2/MYS/1 & G/LIC/M/1, paras. 39-44)
<u>Mauritius</u>	(G/LIC/N/3/MUS/1)
<u>Morocco</u>	(G/LIC/N/3/MAR/1)
<u>New Zealand</u>	(G/LIC/N/3/NZL/1)
<u>Nigeria</u>	(G/LIC/N/2/NGA/1 & G/LIC/N/3/NGA/1)
<u>Norway</u>	(G/LIC/N/3/NOR/1 & Corr. 1)
<u>Pakistan</u>	(G/LIC/N/2/PAK/1)
<u>Peru</u>	(G/LIC/N/3/PER/1)
<u>Philippines</u>	(G/LIC/N/3/PHL/1)
<u>Romania</u>	(G/LIC/N/2/ROM/1 & G/LIC/N/3/ROM/1)
<u>Singapore</u>	(G/LIC/N/3/SGP/1)
<u>Trinidad &amp; Tobago</u>	(G/LIC/N/3/TTO/1)
<u>Turkey</u>	(G/LIC/N/3/TUR/1)
<u>United States</u>	(G/LIC/N/3/USA/1)
<u>Uruguay</u>	(G/LIC/N/3/URY/1)

### III. CONSULTATION AND DISPUTE SETTLEMENT

18. During the reporting period, Ecuador, Guatemala, Honduras, Mexico and the United States requested consultations with the European Communities concerning the EC regime for the importation, sale and distribution of bananas. The complainants allege that the EC's regime is inconsistent with, *inter alia*, Articles 1 and 3 of the Agreement on Import Licensing Procedures (G/LIC/D/1 and 2). A panel was subsequently established at a meeting of the WTO Dispute Settlement Body on 8 May 1996 (WT/DS27/7 and G/LIC/M/2, paragraphs 38-39).

ANNEX I

Generally, information concerning the administration of automatic licensing procedures can be found under the following headings of the replies to the Questionnaire on Import Licensing Procedures:

	<u>Relevant Article in Agreement</u>	<u>Relevant Question in Questionnaire</u>
1. Purposes of maintaining automatic import licensing procedures	Article 2.2(b)	No. 4
2. Product coverage	Article 1.4(a)	No. 2
3. Eligibility of importers to apply for automatic licences	Articles 2.2(a)(i) and 1.4(a)	No. 9(b)
4. Period of submission and processing of applications	Articles 2.2(a)(ii) and 2.2(a)(iii)	Nos. 7(a), 7(b) and 7(c)
5. Administrative body to be approached	Article 1.6	No. 7(d)
6. Refusal of applications	Article 1.7	No. 8
7. Application forms and other documents required on application	Article 1.5	No. 10
8. Availability of foreign exchange for imports	Article 1.9	No. 19

## ANNEX II

Generally, information concerning the administration of non-automatic licensing procedures can be found under the following headings of the replies to the Questionnaire on Import Licensing Procedures:

	<u>Relevant Article in Agreement</u>	<u>Relevant Question in Questionnaire</u>
1. Purpose	Articles 3.1 and 3.3	No. 4
2. Product coverage under each non-automatic licensing system	Article 1.4(a)	No. 2
3. Distribution of licences among supplying countries	Articles 3.5(a)(iii) and 3.5(c)	No. 3
4. Size of quotas	Articles 3.5(h), 3.5(i) and 3.5(l)	Nos. 6(I), 6(II) and 6(III)
5. Eligibility of importers to apply for non-automatic licences	Article 3.5(e)	No. 9(a)
6. Allocation of licences to applicants	Article 3.5(j)	Nos. 6(III) and 6(VIII)
7. Period of processing of applications	Article 3.5(f)	Nos. 6(V) and 6(VIII)
8. Period of licence validity	Article 3.5(g)	Nos. 6(VI) and 14
9. Application forms and other documents required on application	Article 1.5	No. 10
10. Administrative body to be approached	Article 1.6	No. 6(VII)
11. Refusal of applications	Article 1.7	No. 8
12. Availability of foreign exchange for imports	Article 1.9	No. 19

ANNEX III

Notifications received as at 23 October 1996

(i) Notifications of legislation and/or publications (Articles 1.4(a) and/or 8.2(b)) received from:  
(30)

Argentina (G/LIC/N/1/ARG/1)	Mauritius (G/LIC/N/1/MUS/1 & Add. 1)
Australia (G/LIC/N/1/AUS/1)	Morocco (G/LIC/N/1/MAR/1)
Barbados (G/LIC/N/1/BRB/1)	New Zealand (G/LIC/N/1/NZL/1)
Canada (G/LIC/N/1/CAN/1)	Nicaragua (G/LIC/N/1/NIC/1)
Chile (G/LIC/N/1/CHL/1)	Norway (G/LIC/N/1/NOR/1)
Colombia (G/LIC/N/1/COL/1)	Pakistan (G/LIC/N/1/PAK/1)
Costa Rica (G/LIC/N/1/CRI/1)	Peru (G/LIC/N/1/PER/1)
Cuba (G/LIC/N/1/CUB/1)	Romania (G/LIC/N/1/ROM/1)
Cyprus (G/LIC/N/1/CYP/1)	Singapore (G/LIC/N/1/SGP/1)
EC (G/LIC/N/1/EEC/1/Rev.2 & Rev.2/Add.1)	Swaziland (G/LIC/N/1/SWZ/1)
Hong Kong (G/LIC/N/1/HKG/1 & 2)	Turkey (G/LIC/N/1/TUR/1)
Hungary (G/LIC/N/1/HUN/1)	Uganda (G/LIC/N/1/UGA/1)
Jamaica (G/LIC/N/1/JAM/1)	United States (G/LIC/N/1/USA/1 & Rev. 1)
Japan (G/LIC/N/1/JPN/1)	Uruguay (G/LIC/N/1/URY/1)
Malta (G/LIC/N/1/MLT/1)	Zimbabwe (G/LIC/N/1/ZWE/1)

(ii) Replies to the Questionnaire on Import Licensing Procedures (Article 7.3) received from:  
(29)

Argentina (G/LIC/N/3/ARG/1)	Malta (G/LIC/N/3/MLT/1)
Australia (G/LIC/N/3/AUS/1)	Mauritius (G/LIC/N/3/MUS/1)
Barbados (G/LIC/N/3/BRB/1)	Morocco (G/LIC/N/3/MAR/1)
Bolivia (G/LIC/N/3/BOL/1)	New Zealand (G/LIC/N/3/NZL/1)
Canada (G/LIC/N/3/CAN/1)	Nigeria (G/LIC/N/3/NGA/1)
Chile (G/LIC/N/3/CHL/1)	Norway (G/LIC/N/3/NOR/1 & Corr. 1)
Colombia (G/LIC/N/3/COL/1)	Peru (G/LIC/N/3/PER/1)
Costa Rica (G/LIC/N/3/CRI/1)	Philippines (G/LIC/N/3/PHL/1)
Cyprus (G/LIC/N/3/CYP/1 & Rev.1)	Romania (G/LIC/N/3/ROM/1)
Ecuador (G/LIC/N/3/ECU/1)	Singapore (G/LIC/N/3/SGP/1)
Hong Kong (G/LIC/N/3/HKG/1 & Rev.1)	Trinidad & Tobago (G/LIC/N/3/TTO/1)
Hungary (G/LIC/N/3/HUN/1)	Turkey (G/LIC/N/3/TUR/1)
India (G/LIC/N/3/IND/1)	United States (G/LIC/N/3/USA/1)
Japan (G/LIC/N/3/JPN/1)	Uruguay (G/LIC/N/3/URY/1)
Korea (G/LIC/N/3/KOR/1)	

(iii) Notifications of institution of import licensing procedures or changes therein (Article 5) received from: (8)

Argentina (G/LIC/N/2/ARG/1 & 2)	Malaysia (G/LIC/N/2/MYS/1)
EC (G/LIC/N/2/EEC/1)	Nigeria (G/LIC/N/2/NGA/1)
Hong Kong (G/LIC/N/2/HKG/1)	Pakistan (G/LIC/N/2/PAK/1)
Japan (G/LIC/N/2/JPN/1)	Romania (G/LIC/N/2/ROM/1)

(iv) Developing country Members which have invoked the two-year delayed application provisions (footnote 5 to Article 2.2): (24) (G/LIC/1 and Add.1-3)

Bangladesh (as from 1.1.95)	Honduras (as from 1.1.95)
Bolivia (13.9.95)	Indonesia (1.1.95)
Brazil (1.1.95)	Kenya (1.1.95)
Burkina Faso (3.6.95)	Malaysia (1.1.95)
Cameroon (13.12.95)	Myanmar (1.1.95)
Colombia (30.4.95)	Sri Lanka (1.1.95)
Costa Rica (1.1.95)	Thailand (1.1.95)
Côte d'Ivoire (1.1.95)	Tunisia (29.3.95)
Dominican Republic (9.3.95)	Turkey (26.3.95)
El Salvador (7.5.95)	United Arab Emirates (10.4.96)
Gabon (1.1.95)	Uruguay (1.1.95)
Guatemala (21.7.95)	Venezuela (1.1.95)