

Committee on Import Licensing

**THIRD 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.

At its meeting on 11 October 2000, the Committee conducted the third biennial review under Article 7.1 of the Agreement on the basis of document G/LIC/W/14. The present document takes into account the points made during that review. The Committee's main concern was the lack of compliance of Members with notification obligations under the Agreement, in respect of which several proposals were made by Members to remedy the situation.

The information contained in this document covers the period from 7 November 1998 to 11 October 2000.

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I. COMMITTEE ON IMPORT LICENSING

A. OFFICERS, MEMBERS AND OBSERVERS

1. Officers:

<u>Chairperson</u> (1999):	Mrs. Marie Gosset (Côte d'Ivoire)
<u>Vice-Chairperson</u> (1999):	Mr. Lars Andersen (Norway)
<u>Chairperson</u> (2000):	Mr. Albert Wright (Denmark)
<u>Vice-Chairperson</u> (2000):	Ms. Fonny Shek (Hong Kong, China)

2. Members (138)¹

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

¹ Members on 11 October 2000.

3. Observers

Observer Governments (34)²

Algeria	Ethiopia	Samoa
Andorra	Former Yugoslav Rep. of	Saudi Arabia
Armenia	Macedonia	Seychelles
Azerbaijan	Holy See	Sudan
Bahamas	Kazakhstan	Chinese Taipei
Belarus	Lao Dem. Rep.	Tonga
Bhutan	Lebanon	Ukraine
Bosnia & Herzegovina	Lithuania	Uzbekistan
Cambodia	Moldova	Vanuatu
Cape Verde	Nepal	Vietnam
China	Oman	Yemen
Croatia	Russian Federation	

Observer organizations

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 its ninth, tenth, eleventh and twelfth meetings on 29 April and 21 October 1999, and 11 April and 11 October 2000. The minutes of these meetings are contained in documents G/LIC/M/9-12, respectively.

5. During the period covered, the Committee received notifications of legislation and/or publications submitted by 20 Members, replies to the Questionnaire on Import Licensing Procedures submitted by 37 Members³ and notifications relating to the institution of import licensing procedures or changes in these procedures submitted by seven Members; carried out the third 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/14 & G/LIC/7); adopted its annual reports for 1999 and 2000 to the Council for Trade in Goods in accordance with Article 7.4 of the Agreement (G/L/336 and G/L/403); took note of the response of the Chairperson to the Chairman of the Council for Trade in Goods summarizing the discussion held in this Committee at the request of the CTG on the subject of trade facilitation (G/C/W/149, paragraph 7 and G/LIC/M/9); heard concerns expressed by several delegations regarding the compatibility with the Agreement of certain modifications introduced in August 1998 by Brazil to its non-automatic import licensing system which had not yet been notified to the Committee (G/LIC/M/9-12); and discussed the matter of the lack of compliance with notification obligations and how this situation could be improved.

6. It was noted that, in spite of numerous reminders and urging from the Committee, the situation had not improved. Out of a current Membership of 138, a total of only 81 Members had submitted notifications of laws, regulations and administrative procedures relevant to import licensing under Articles 1.4(a) and 8.2(b), and only 82 Members had submitted replies to the Questionnaire under Article 7.3 since the entry into force of the WTO Agreement. Though the Agreement required all Members to provide replies to the Questionnaire on an annual basis, the total notified each year

² Observers on 11 October 2000.

was much less than the Membership of the WTO, accounting for only 11 Members in 1995, 22 in 1996, 40 in 1997, 25 in 1998, 35 in 1999 and 20 up to now in 2000. Members as a whole were delaying more and more their notifications under Articles 1.4(a), 5, 8.2(b) and 7.3 of the Agreement, thereby reducing the usefulness of the information once it was finally notified. It was also noted that many Members have not submitted any notification at all since joining the WTO, which can lead to a situation where Members which have fulfilled their obligations come under close scrutiny of those that have not yet submitted their notifications.

7. Several Members suggested possible ways of remedying the problem. It was suggested that Members which had not yet done so make a special commitment to bring themselves fully up to date regarding the notification of their legislation and publications; and as regarded the annual Questionnaire, Members with more than one notification due should make a single "best efforts" notification covering all of the time periods for which a notification was due, putting most emphasis on the most recent period. It was suggested that the Secretariat and other Members provide assistance to the newest Members of the Committee as well as those that had never notified and, in particular, those that used import licensing to operate tariff rate quotas on agricultural products, to encourage compliance for the next meeting. Sending out letters to delegations indicating what their notification obligations were might also be considered. It was also suggested that Members who had difficulties in notifying should inform the Committee or the Secretariat to see how assistance could be provided. Members were encouraged to participate more fully in reviewing the notifications that were made and were invited to submit further proposals for consideration by the Committee with a view to agreeing how to ensure full compliance of all Members with the obligations to notify import licensing procedures (G/LIC/M/12).

II. NOTIFICATIONS

A. INVOCATION OF DELAYED APPLICATION PROVISIONS BY DEVELOPING COUNTRY MEMBERS (FOOTNOTE 5 TO ARTICLE 2.2)

8. 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.

9. The Committee did not receive any notifications under the above provision during the reporting period. Listed below are the 24 developing country Members which had 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).

10. The two-year period of delay allowed under the Agreement has expired for all these Members, and accordingly the obligations of Article 2.2(a)(ii) and (a)(iii) apply to all current WTO Members. It is recalled that the invocation of the above provisions does not exempt Members from the obligation to notify under Articles 1.4(a), 8.2(b), 5 and 7.3 of the Agreement.

Developing country Member	Footnote 5 to Article 2.2 Two-year delayed application (date of WTO Membership)	Developing country Member	Footnote 5 to Article 2.2 Two-year delayed application (date of WTO Membership)
Bangladesh	G/LIC/1 (1.1.95)	Honduras	G/LIC/1 (1.1.95)

Developing country Member	Footnote 5 to Article 2.2 Two-year delayed application (date of WTO Membership)	Developing country Member	Footnote 5 to Article 2.2 Two-year delayed application (date of WTO Membership)
Bolivia	G/LIC/1/Add.2 (13.9.95)	Indonesia	G/LIC/1 (1.1.95)
Brazil	G/LIC/1/ (1.1.95)	Kenya	G/LIC/1 (1.1.95)
Burkina Faso	G/LIC/1/Add.1 (3.6.95)	Malaysia	G/LIC/1 (1.1.95)
Cameroon	G/LIC/1/Add.3 (13.12.95)	Myanmar	G/LIC/1 (1.1.95)
Colombia	G/LIC/1 (30.4.95)	Sri Lanka	G/LIC/1 (1.1.95)
Costa Rica	G/LIC/1 (1.1.95)	Thailand	G/LIC/1 (1.1.95)
Côte d'Ivoire	G/LIC/1 (1.1.95)	Tunisia	G/LIC/1 (29.3.95)
Dominican Rep.	G/LIC/1/Add.2 (9.3.95)	Turkey	G/LIC/1 (26.3.95)
El Salvador	G/LIC/1 (7.5.95)	United Arab Emirates	G/LIC/1/Add.3 (10.4.96)
Gabon	G/LIC/1 (1.1.95)	Uruguay	G/LIC/1 (1.1.95)
Guatemala	G/LIC/1/Add.1 (21.7.95)	Venezuela	G/LIC/1 (1.1.95)

B. NOTIFICATIONS OF PUBLICATIONS AND/OR LEGISLATION (ARTICLES 1.4(A) AND/OR 8.2(B))

11. 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.

12. 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".

13. 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).

14. Since the entry into force of the WTO Agreement, notifications pursuant to Articles 1.4(a) and/or 8.2(b) have been received from 66 Members (European Communities and its member States counted as one Member) 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. The current status of notifications is contained in the table below.

Member	Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication)	Member	Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication)
Albania	Not notified	Kyrgyz Rep.	G/LIC/N/1/KGZ/1 (6.1.00)
Angola	Not notified	Latvia	G/LIC/N/1/LVA/1 (18.5.99)
Antigua & Barbuda	Not notified	Lesotho	Not notified
Argentina	G/LIC/N/1/ARG/1/Rev.1 G/LIC/N/1/ARG/2 (19.12.97)	Liechtenstein	G/LIC/N/1/LIE/1 (18.4.97)
Australia	G/LIC/N/1/AUS/1 & Add.1 (28.4.97)	Macau, China	Not notified
Bahrain	G/LIC/N/1/BHR/1 (27.5.97)	Madagascar	G/LIC/N/1/MDG/1-2 (31.3.00)
Bangladesh	G/LIC/N/1/BGD/1 (31.3.00)	Malawi	G/LIC/N/1/MWI/1 (10.5.99)
Barbados	G/LIC/N/1/BRB/1 (4.10.96)	Malaysia	Not notified

Member	Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication)	Member	Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication)
Belize	Not notified	Maldives	Not notified
Benin	G/LIC/N/1/BEN/1 (18.12.96)	Mali	Not notified
Bolivia	G/LIC/N/1/BOL/1 (29.5.97)	Malta	G/LIC/N/1/MLT/1 (29.5.96)
Botswana	Not notified	Mauritania	Not notified
Brazil	G/LIC/N/1/BRA/1 (24.4.98)	Mauritius	G/LIC/N/1/MUS/1 & Add.1-3 (4.5.98)
Brunei Darussalam	Not notified	Mexico	Not notified
Bulgaria	G/LIC/N/1/BGR/1 (20.3.97)	Mongolia	Not notified
Burkina Faso	G/LIC/N/1/BFA/1 (8.1.97)	Morocco	G/LIC/N/1/MAR/1 (3.7.96)
Burundi	Not notified	Mozambique	Not notified
Cameroon	Not notified	Myanmar	Not notified
Canada	G/LIC/N/1/CAN/1 (29.1.96)	Namibia	Not notified
Central African Rep.	Not notified	New Zealand	G/LIC/N/1/NZL/1 (2.8.96)
Chad	G/LIC/N/1/TCD/1-2 (18.7.00)	Nicaragua	G/LIC/N/1/NIC/1 (18.7.96)
Chile	G/LIC/N/1/CHL/1 (16.7.96)	Niger	G/LIC/N/1/NER/1 (10.12.97)
Colombia	G/LIC/N/1/COL/1 (12.1.96)	Nigeria	G/LIC/N/1/NGA/1 (16.2.98)
Congo	Not notified	Norway	G/LIC/N/1/NOR/1-2 (3.11.97)
Congo, Dem. Rep. of	Not notified	Pakistan	G/LIC/N/1/PAK/1 (6.5.96)
Costa Rica	G/LIC/N/1/CRI/1 (21.11.95)	Panama	G/LIC/N/1/PAN/1-2 (19.10.98)
Côte d'Ivoire	Not notified	Papua New Guinea	Not notified
Cuba	G/LIC/N/1/CUB/1 (11.1.96)	Paraguay	Not notified
Cyprus	G/LIC/N/1/CYP/1 (30.5.96)	Peru	G/LIC/N/1/PER/1 (13.2.96)
Czech Republic	G/LIC/N/1/CZE/1+Add.1 (24.1.00)	Philippines	G/LIC/N/1/PHL/1 (6.4.98)
Djibouti	Not notified	Poland	Not notified
Dominica	Not notified	Qatar	G/LIC/N/1/QAT/1 (24.3.98)
Dominican Republic	Not notified	Romania	G/LIC/N/1/ROM/1-2 (1.3.99)
Ecuador	Not notified	Rwanda	Not notified
Egypt	Not notified	St. Kitts & Nevis	G/LIC/N/1/KNA/1 (17.7.98)
El Salvador	Not notified	St. Lucia	Not notified
Estonia	G/LIC/N/1/EST/1+Add.1 (10.5.00)	St. Vincent & Gren.	Not notified
European Communities	G/LIC/N/1/EEC/1/Rev.2 + Add.1-2 & EEC/2 + Add.1-2 (10.1.00)	Senegal	Not notified
Fiji	G/LIC/N/1/FJI/1 (30.7.97)	Sierra Leone	Not notified
Gabon	Not notified	Singapore	G/LIC/N/1/SGP/1-3 (23.2.00)
Gambia	Not notified	Slovak Republic	Not notified
Georgia	Not notified	Slovenia	G/LIC/N/1/SVN/1 (27.11.96)
Ghana	Not notified	Solomon Islands	Not notified
Grenada	Not notified	South Africa	Not notified
Guatemala	G/LIC/N/1/GTM/1-2 (20.1.00)	Sri Lanka	Not notified
Guinea, Republic of	Not notified	Suriname	Not notified
Guinea Bissau	Not notified	Swaziland	G/LIC/N/1/SWZ/1 (19.8.96)
Guyana	Not notified	Switzerland	G/LIC/N/1/CHE/1-2 (21.9.00)
Haiti	G/LIC/N/1/HTI/1 (8.10.99)	Tanzania	Not notified
Honduras	G/LIC/N/1/HND/1 (31.10.96)	Thailand	Not notified
Hong Kong, China	G/LIC/N/1/HKG/1-4 (20.4.98)	Togo	Not notified
Hungary	G/LIC/N/1/HUN/1-3 (7.3.00)	Trinidad & Tobago	G/LIC/N/1/TTO/1 (28.10.98)
Iceland	G/LIC/N/1/ISL/1 (8.1.99)	Tunisia	G/LIC/N/1/TUN/1+Add.1 (21.1.99)
India	G/LIC/N/1/IND/1/Rev.1 G/LIC/N/1/IND/2 (6.9.99)	Turkey	G/LIC/N/1/TUR/1-TUR/2/Rev.1 G/LIC/N/1/TUR/3 (29.6.99)
Indonesia	G/LIC/N/1/IDN/1 (27.10.98)	Uganda	G/LIC/N/1/UGA/1 (16.8.96)
Israel	Not notified	United Arab Emirates	G/LIC/N/1/ARE/1 (19.3.97)
Jamaica	G/LIC/N/1/JAM/1 (1.7.96)	United States	G/LIC/N/1/USA/1 & Rev.1 (1.10.96)
Japan	G/LIC/N/1/JPN/1 & JPN/2/Rev.1 (7.1.97)	Uruguay	G/LIC/N/1/URY/1 (4.9.96)

Member	Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication)	Member	Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication)
Jordan	G/LIC/N/1/JOR/1 (2.10.00)	Venezuela	Not notified
Kenya	G/LIC/N/3/KEN/1 (10.11.97)	Zambia	Not notified
Korea	G/LIC/N/1/KOR/1-3 (3.4.98)	Zimbabwe	G/LIC/N/1/ZWE/1-2 (21.9.98)
Kuwait	Not notified		
TOTAL NOTIFIED	66 ³		

C. NOTIFICATIONS OF IMPORT LICENSING PROCEDURES (ARTICLES 7.3 AND 5)

15. 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 ...".⁴ Article 3 defines non-automatic import licensing as "import licensing not falling within the definition contained in paragraph 1 of Article 2".⁵

16. Pursuant to Article 7.3 of the Agreement, Members undertake to complete the annual Questionnaire on Import Licensing Procedures⁶ 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).

17. 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 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.

18. 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.⁷

19. During the period covered, 37 Members (European Communities and its member States counted as one Member) have submitted replies to the Questionnaire pursuant to Article 7.3 of the Agreement and seven Members have notified the institution of import licensing procedures or changes

³ The European Communities and its member States counted as one Member.

⁴ A concordance between the provisions the Agreement relating to automatic licensing procedures and the Questionnaire on Import Licensing Procedures is contained in Annex II.

⁵ 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 III.

⁶ The Questionnaire is annexed to document G/LIC/3 and is reproduced in Annex I.

⁷ So far, the Committee has not received any notifications under this provision.

in these procedures pursuant to Article 5 (circulated in the G/LIC/N/3/- and G/LIC/N/2/- series, respectively). The status of notifications under these two provisions since the entry into force of the Agreement is as follows:

Member	Article 7.3 Replies to Questionnaire - Annual (date of latest communication)	Article 5 - Ad hoc (date of latest communication)
Albania	Not notified	
Angola	Not notified	
Antigua & Barbuda	Not notified	
Argentina	G/LIC/N/3/ARG/1 + Corr.1 & ARG/2 (19.12.97)	G/LIC/N/2/ARG/1-6 (26.11.99)
Australia	G/LIC/N/3/AUS/1 & Rev.1 (28.4.97)	
Bahrain	G/LIC/N/3/BHR/1 (5.9.00)	
Bangladesh	G/LIC/N/3/BGD/1 (31.3.00)	
Barbados	G/LIC/N/3/BRB/1 (15.9.95)	
Belize	Not notified	
Benin	Not notified	
Bolivia	G/LIC/N/3/BOL/1-3 (20.6.00)	
Botswana	Not notified	
Brazil	G/LIC/N/3/BRA/1 (24.4.98)	G/LIC/N/2/BRA/1 (24.4.98)
Brunei Darussalam	G/LIC/N/3/BRN/1 (4.3.97)	
Bulgaria	G/LIC/N/3/BGR/1 (20.3.97)	
Burkina Faso	G/LIC/N/3/BFA/1 (8.1.97)	
Burundi	Not notified	
Cameroon	Not notified	
Canada	G/LIC/N/3/CAN/1-3 (2.9.99)	
Central African Rep.	Not notified	
Chad	G/LIC/N/3/TCD/1 (18.7.00)	
Chile	G/LIC/N/3/CHL/1 & Adds.1-2 (3.2.99)	
Colombia	G/LIC/N/3/COL/1 & Add.1 (2.11.96)	
Congo	Not notified	
Congo, Dem. Rep	Not notified	
Costa Rica	G/LIC/N/3/CRI/1-2 (7.5.98)	
Côte d'Ivoire	Not notified	
Cuba	Not notified	
Cyprus	G/LIC/N/3/CYP/1+ Rev.1 & CYP/2 (28.8.98)	
Czech Republic	Not notified	
Djibouti	Not notified	
Dominica	Not notified	
Dominican Rep.	Not notified	
Ecuador	G/LIC/N/3/ECU/1 (1.8.95)	
Egypt	Not notified	
El Salvador	Not notified	
Estonia	G/LIC/N/1/EST/1 (5.10.00)	
European Communities	G/LIC/N/3/EEC/1+Add.1 G/LIC/N/3/EEC/2+ Add.s.1-27 G/LIC/N/3/EEC/3+Add.s.1-26 (6.10.00)	G/LIC/N/2/EEC/1-2 (4.7.97)
Fiji	G/LIC/N/3/FJI/1 (1.4.97)	
Gabon	Not notified	
Gambia	G/LIC/N/3/GMB/1 (31.10.97)	
Georgia	Not notified	
Ghana	G/LIC/N/3/GHA/1 (28.4.99)	
Grenada	Not notified	
Guatemala	G/LIC/N/3/GTM/1 (20.1.00)	
Guinea, Rep. of	Not notified	
Guinea Bissau	Not notified	
Guyana	Not notified	
Haiti	G/LIC/N/3/HTI/1-2 (27.4.00)	
Honduras	Not notified	

Member	Article 7.3 Replies to Questionnaire - Annual (date of latest communication)	Article 5 - Ad hoc (date of latest communication)
Hong Kong, China	G/LIC/N/3/HKG/1 + Rev.1-2, G/LIC/N/3/HKG/2-3+Corr.1 G/LIC/N/3/HKG/4 (29.9.00)	G/LIC/N/2/HKG/1-2 (27.1.98)
Hungary	G/LIC/N/3/HUN/1-3 (7.3.00)	G/LIC/N/2/HUN/1 (19.1.98)
Iceland	G/LIC/N/3/ISL/1-2 (5.6.00)	
India	G/LIC/N/3/IND/1-3 (14.10.99)	G/LIC/N/2/IND/1-2 (6.9.99)
Indonesia	G/LIC/N/3/IDN/1 (27.10.98)	
Israel	Not notified	
Jamaica	G/LIC/N/3/JAM/1+Add.1 (14.3.00)	
Japan	G/LIC/N/3/JPN/1 + Corr.1 (2.4.98)	G/LIC/N/2/JPN/1-2 (18.8.98)
Jordan	G/LIC/N/3/JOR/1 (2.10.00)	
Kenya	G/LIC/N/3/KEN/1 (10.11.97)	
Korea	G/LIC/N/3/KOR/1-2 (6.4.98)	
Kuwait	Not notified	
Kyrgyz Rep.	G/LIC/N/3/KGZ/1 (11.4.00)	
Latvia	G/LIC/N/3/LVA/1 (18.5.99)	
Lesotho	Not notified	
Liechtenstein	G/LIC/N/3/LIE/1+Add.1 (9.11.98)	G/LIC/N/2/LIE/1 (18.4.97)
Macau, China	G/LIC/N/3/MAC/1-2 (16.11.99)	
Madagascar	Not notified	
Malawi	G/LIC/N/3/MWI/1 (10.5.99)	
Malaysia	G/LIC/N/3/MYS/1 (4.12.97)	G/LIC/N/2/MYS/1-2 (21.7.99)
Maldives	Not notified	
Mali	G/LIC/N/3/MLI/1 (9.5.97)	
Malta	G/LIC/N/3/MLT/1-2+Corr.1&Add. 1 (6.6.00)	
Mauritania	Not notified	
Mauritius	G/LIC/N/3/MUS/1 (2.11.95)	
Mexico	Not notified	G/LIC/N/2/MEX/1 (16.10.98)
Mongolia	Not notified	
Morocco	G/LIC/N/3/MAR/1-2 +Add.1 (18.2.99)	
Mozambique	Not notified	
Myanmar	Not notified	
Namibia	G/LIC/N/3/NAM/1-3 (30.3.00)	
New Zealand	G/LIC/N/3/NZL/1 + Add.1 (24.3.98)	
Nicaragua	Not notified	
Niger	Not notified	
Nigeria	G/LIC/N/3/NGA/1-2 (16.2.98)	G/LIC/N/2/NGA/1-2 (16.2.98)
Norway	G/LIC/N/3/NOR/1 + Corr.1 & NOR/2 + Add.1-2 (7.4.00)	
Pakistan	Not notified	G/LIC/N/2/PAK/1 (6.5.96)
Panama	G/LIC/N/3/PAN/1 (22.1.99)	G/LIC/N/2/PAN/1 (21.7.98)
Papua New Guinea	Not notified	G/LIC/N/2/PNG/1 (6.2.98)
Paraguay	Not notified	
Peru	G/LIC/N/3/PER/1-2+Add.1 (4.10.99)	
Philippines	G/LIC/N/3/PHL/1-3+Corr.1 (11.1.00)	
Poland	G/LIC/N/3/POL/1 (7.10.97)	
Qatar	G/LIC/N/3/QAT/1 (24.3.98)	
Romania	G/LIC/N/3/ROM/1-2 (6.7.99)	G/LIC/N/2/ROM/1-2 (6.7.99)
Rwanda	Not notified	
St. Kitts & Nevis	Not notified	
St. Lucia	Not notified	
St. Vincent & Grenadines	Not notified	
Senegal	G/LIC/N/3/SEN/1 (20.1.97)	
Sierra Leone	Not notified	
Singapore	G/LIC/N/3/SGP/1-2 (17.11.97)	G/LIC/N/2/SGP/1-2 (23.2.00)
Slovak Republic	Not notified	
Slovenia	G/LIC/N/3/SVN/1 (6.6.97)	
Solomon Islands	Not notified	

Member	Article 7.3 Replies to Questionnaire - Annual (date of latest communication)	Article 5 - Ad hoc (date of latest communication)
South Africa	G/LIC/N/3/ZAF/1-2 (20.9.99)	G/LIC/N/2/ZAF/1 (9.7.97)
Sri Lanka	Not notified	
Suriname	Not notified	
Swaziland	Not notified	
Switzerland	G/LIC/N/3/CHE/1-3 (21.9.00)	G/LIC/N/2/CHE/1-2 (21.9.00)
Tanzania	Not notified	
Thailand	Not notified	
Togo	Not notified	
Trinidad & Tobago	G/LIC/N/3/TTO/1-2 (28.10.98)	
Tunisia	G/LIC/N/3/TUN/1-3 (23.11.99)	
Turkey	G/LIC/N/3/TUR/1-2 + Corr.1 G/LIC/N/3/TUR/3 (29.6.99)	
Uganda	G/LIC/N/3/UGA/1 (17.6.97)	
United Arab Emirates	G/LIC/N/3/ARE/1 (11.4..00)	
United States	G/LIC/N/3/USA/1-2 (1.10.98)	
Uruguay	G/LIC/N/3/URY/1+Add-1 (27.1.99)	
Venezuela	Not notified	G/LIC/N/2/VEN/1 (28.2.00)
Zambia	Not notified	
Zimbabwe	G/LIC/N/3/ZWE/1/Add.1 (22.9.00)	
TOTAL NOTIFIED ⁸	67	19

⁸ The European Communities and its member States counted as one Member.

III. CONSULTATION AND DISPUTE SETTLEMENT

Dispute	Request for consultations	Request to join consultations	Mutually agreed solution	Panel established	Panel report circulated	Notice of appeal	Appellate Body Report circulated
Brazil – Measures on minimum import prices	30.5.00 United States (WT/DS197) (G/LIC/D/131)	European Communities					
Brazil – Measures on import licensing and minimum import prices	14.10.99 European Communities (WT/DS183) (G/LIC/D/30)	United States					
Brazil – Measures affecting payment terms for imports	9.1.98 European Communities (WT/DS116) (G/LIC/D/17)	Australia, Japan, Korea, Switzerland, United States					
Canada – measures affecting the importation of milk and the exportation of dairy products	8.10.97 United States (WT/DS103) (G/LIC/D/13)			25.3.98	17.5.99	15.7.99	13.10.99
European Communities – Regime for the importation, sale and distribution of bananas II	20.1.99 Guatemala, Honduras, Mexico, Panama United States (WT/DS158) (G/LIC/D/27)	Belize, Ecuador					
European Communities – Regime for the importation, sale and distribution of bananas	24.10.97 Panama (WT/DS105) (G/LIC/D/15+Add.1-2)	Colombia, Costa Rica, Côte d'Ivoire, Dominican Rep., Ecuador, Guatemala, Honduras, Mexico, United States					Recourse to DSU Art. 21.5 on 31.8.98.
European Communities – Measures affecting butter products	24.3.97 New Zealand (WT/DS72) (G/LIC/D/4)		11.11.99	18.11.97			
European Communities – Measures affecting import duties on rice	28.5.98 India (WT/DS134) (G/LIC/D/23+Corr.1)						
India – Quantitative restrictions on imports of agricultural, textile and industrial products	15.7.99 United States (WT/DS90) (G/LIC/D/6)			18.11.97	6.4.99	26.5.99	23.8.99

Dispute	Request for consultations	Request to join consultations	Mutually agreed solution	Panel established	Panel report circulated	Notice of appeal	Appellate Body Report circulated
India – Quantitative restrictions on imports of agricultural, textile and industrial products	16.7.97 New Zealand (WT/DS93) (G/LIC/D/9)	Australia, Canada, EC, Japan, Switzerland, United States	1.12.98				
India- Import restrictions	28.10.98 European Communities (WT/DS149) (G/LIC/D/25)	Australia, Japan, Switzerland, United States					
Japan – Tariff quotas and subsidies affecting leather	8.10.98 European Communities (WT/DS147) (G/LIC/D/24)						
Korea - Measures affecting imports of fresh, chilled and frozen beef	1.2.99 United States (WT/DS161) (G/LIC/D/28)	Australia, Canada, New Zealand		26.5.99	31.7.00		
Korea - Measures affecting imports of fresh, chilled and frozen beef	13.4.99 Australia (WT/DS169) (G/LIC/D/29)	Canada, New Zealand, United States		26.7.99	31.7.00		
Slovak Republic – Measures concerning the importation of dairy products and the transit of cattle	11.5.98 Switzerland (WT/DS133) (G/LIC/D/22)	United States					
United States – Tariff rate quota for imports of groundnuts	19.12.97 Argentina (WT/DS111) (G/LIC/D/16)	Canada, Japan					

ANNEX I

QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

The present questionnaire is designed to elicit information on import licensing and similar administrative procedures¹ maintained in and applied to the customs territories to which GATT 1994 applies. If different procedures or methods of licensing or similar administrative procedures are applied to different categories of products, to different countries of supply or to different modes of importation, they should be separately described in respect of each question as relevant.

Outline of systems

1. Give a brief description of each licensing system as a whole and, with respect to each, reply to the following questions as relevant, placing all of the material with respect to a given system in sequence together, and using cross references as appropriate when elements which have already been described are also present in another system.

Purposes and coverage of licensing

2. Identify each licensing system maintained and state what products, appropriately grouped, are covered.

3. The system applies to goods originating in and coming from which countries?

4. Is the licensing intended to restrict the quantity or value of imports, and if not, what are its purposes? Have alternative methods of accomplishing the purposes been considered and if so which? Why have they not been adopted?

5. Cite the law, regulation and/or administrative order under which the licensing is maintained. Is the licensing statutorily required? Does the legislation leave designation of products to be subjected to licensing to administrative discretion? Is it possible for the government (or the executive branch) to abolish the system without legislative approval?

Procedures

6. For products under restriction as to the quantity or value of imports (whether applicable globally or to a limited number of countries or whether established bilaterally or unilaterally):

I. Is information published, and where, concerning allocation of quotas and formalities of filing applications for licences? If not, how is it brought to the attention of possible importers? Of governments and export promotion bodies of exporting countries and their trade representatives? Is the overall amount published? The amount allocated to goods from each country? The maximum amount allocated to each importer? How to request any exceptions or derogations from the licensing requirement?

II. How is the size of the quotas determined: on a yearly, six-monthly or quarterly basis? Are there cases where the size of quota is determined on a yearly basis but licences are issued for imports on a six-monthly or quarterly basis? In the latter case, is it necessary for importers to apply for fresh licence on a six-monthly or quarterly basis?

¹ Similar procedures are understood to include technical visas, surveillance systems, minimum price arrangements, and other administrative reviews effected as a prior condition for entry of imports.

- III. Are licences allotted for certain goods partly or only to domestic producers of like goods? What steps are taken to ensure that licences allocated are actually used for imports? Are unused allocations added to quotas for a succeeding period? Are the names of importers to whom licences have been allocated made known to governments and export promotion bodies of exporting countries upon request? If not, for what reason? (Indicate products to which replies relate.)
 - IV. From the time of announcing the opening of quotas, as indicated in I above, what is the period of time allowed for the submission of applications for licences?
 - V. What are the minimum and maximum lengths of time for processing applications?
 - VI. How much time remains, at a minimum, between the granting of licences and the date of opening of the period of importation?
 - VII. Is consideration of licence applications effected by a single administrative organ? Or must the application be passed on to other organs for visa, note or approval? If so, which? Does the importer have to approach more than one administrative organ?
 - VIII. If the demand for licences cannot be fully satisfied, on what basis is the allocation to applicants made? First come, first served? Past performance? Is there a maximum amount to be allocated per applicant and, if so, on what basis is it determined? What provision is made for new importers? Are applications examined simultaneously or on receipt?
 - IX. In the case of bilateral quotas or export restraint arrangements where export permits are issued by exporting countries, are import licences also required? If so, are licences issued automatically?
 - X. In cases where imports are allowed on the basis of export permits only, how is the importing country informed of the effect given by the exporting countries to the understanding between the two countries?
 - XI. Are there products for which licences are issued on condition that goods should be exported and not sold in the domestic market?
7. Where there is no quantitative limit on importation of a product or on imports from a particular country:
- (a) How far in advance of importation must application for a licence be made? Can licences be obtained within a shorter time-limit or for goods arriving at the port without a licence (for example, owing to inadvertency)?
 - (b) Can a licence be granted immediately on request?
 - (c) Are there any limitations as to the period of the year during which application for licence and/or importation may be made? If so, explain.
 - (d) Is consideration of licence applications effected by a single administrative organ? Or must the application be passed on to other organs for visa, note or approval? If so, which? Does the importer have to approach more than one administrative organ?

8. Under what circumstances may an application for a licence be refused other than failure to meet the ordinary criteria? Are the reasons for any refusal given to the applicant? Have applicants a right of appeal in the event of refusal to issue a licence and, if so, to what bodies and under what procedures?

Eligibility of importers to apply for licence

9. Are all persons, firms and institutions eligible to apply for licences:

- (a) under restrictive licensing systems?
- (b) under non-restrictive systems?

If not, is there a system of registration of persons or firms permitted to engage in importation? What persons or firms are eligible? Is there a registration fee? Is there a published list of authorized importers?

Documentational and other requirements for application for licence

10. What information is required in applications? Submit a sample form. What documents is the importer required to supply with the application?

11. What documents are required upon actual importation?

12. Is there any licensing fee or administrative charge? If so, what is the amount of the fee or charge?

13. Is there any deposit or advance payment requirement associated with the issue of licences? If so, state the amount or rate, whether it is refundable, the period of retention and the purpose of the requirement.

Conditions of licensing

14. What is the period of validity of a licence? Can the validity of a licence be extended? How?

15. Is there any penalty for the non-utilization of a licence or a portion of a licence?

16. Are licences transferable between importers? If so, are any limitations or conditions attached to such transfer?

17. Are any other conditions attached to the issue of a licence: (a) for products subject to quantitative restriction? (b) for products not subject to quantitative restriction?

Other procedural requirements

18. Are there any other administrative procedures, apart from import licensing and similar administrative procedures, required prior to importation?

19. Is foreign exchange automatically provided by the banking authorities for goods to be imported? Is a licence required as a condition to obtaining foreign exchange? Is foreign exchange always available to cover licences issued? What formalities must be fulfilled for obtaining the foreign exchange?

ANNEX II

Generally, information concerning the administration of automatic import 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 III

Generally, information concerning the administration of non-automatic import 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
