

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

Notification Under Article 7.3 of the Agreement on Import Licensing Procedures¹

COTE D'IVOIRE

The following communication, dated 27 September 2007, is being circulated at the request of the delegation of Côte d'Ivoire.

Outline of systems

1. Under the provisions of Decree No. 93-313 of 11 March 1993 implementing Law No. 91-999 of 27 December 1991 on competition in connection with the conditions under which foreign goods from any source or origin may enter Côte d'Ivoire as well as the conditions under which goods may be exported or re-exported to foreign countries, there is only one licensing regime in force. This regime is comparable to automatic licensing in that the import licence is issued upon request.

Purposes and coverage of licensing

2. The import licensing regime applies to two groups of products:

Petroleum products:

- 27.09.00 – Petroleum oils and oils obtained from bituminous minerals, crude
- 27.10.10 – Partially refined petroleum
- 27.10.21 – White spirit
- 27.10.29 – Other special fuels
- 27.10.31 – Aviation fuel
- 27.10.32 – Super fuel
- 27.10.33 – Motor fuel
- 27.10.39 – Other light oils
- 27.10.41 – Jet fuel
- 27.10.42 – Lamp oil
- 27.10.49 – Other oils
- 27.10.50 – Diesel-oil DDO
- 27.10.51 – Gas oil
- 27.10.52 – Domestic fuel oil
- 27.10.53 – Light fuel oil
- 27.10.54 – Heavy fuel oil I

¹ The questionnaire is contained in the annex to document G/LIC/3.

27.10.55 – Heavy fuel oil II

Textile fabrics of cotton:

- 55.09.02 – Plain-woven unbleached fabrics of cotton
- 55.09.24 – Bleached dimity
- 55.09.41 – Dyed dimity
- 55.09.46 – Other plain-woven fabrics of cotton weighing more than 200 g/m², dyed (denim)
- 55.09.51 – Wax printed fabrics of cotton
- 55.09.53 – Printed fabrics of cotton of a width of less than 115 centimetres (fancy)
- 55.09.54 – Printed fabrics of cotton of a width exceeding 115 centimetres (fancy)

3. The regime applies to the products concerned whatever their origin and source (MFN).
 4. The licensing regime is not intended to restrict the quantity or value of imports, but simply to help with the management and follow-up of the products concerned upon importation.
 5. The licensing regime is based on Decree No. 93-313 of 11 March 1993 implementing Law No. 91-999 of 27 December 1991 on competition in connection with the conditions under which foreign goods from any source or origin may enter Côte d'Ivoire, as well as the conditions under which goods may be exported or re-exported to foreign countries.
- Order No. 38 of 12 March 1998 implementing Decree No. 93-313 of 11 March 1993.

The licensing regime is not directly imposed by the legislative provisions.

Procedures

6. The application of the licensing regime does not involve defining the quantity or value of the products in question.
 - I. Information concerning the use of the licences is published in a notice to importers and exporters.
 - II. No yearly, six-monthly or quarterly quotas are determined.
 - III. Licences are allocated to all. The names of importers to whom licences have been allocated are not published.
 - IV. No specific time-limit is set for the submission of licence applications.
 - V. No minimum or maximum length of time has been set for processing applications. In principle, they are processed within 72 hours.
 - VI. The licences that are delivered are usable de facto. There is no waiting period (between the granting of the licence and the date of opening of the period of importation).
 - VII. Licence applications are considered by a single administrative organ, namely the Trade Development Directorate of the Ministry of Commerce.

VIII. Applications for licences are systematically accepted. Since no quota is established in advance, there is no quota allocation to the different importers:

- Applications submitted on the basis of the needs of importers are generally accepted.
- Applications are examined on receipt.

IX. No.

X. Not applicable in Cote d'Ivoire.

XI. There are no products for which licences are issued on condition that goods are exported and not sold in the domestic market.

7.(a) There is no expressly established time-limit for submitting an application in advance of importation.

(b) A licence can be granted immediately on request.

(c) Applications for licences may be submitted at any time during the year.

(d) Licence applications are examined by a single administrative organ, namely the Trade Development Directorate (*Direction de l'Expansion Commerciale* – DEC) of the Ministry of Commerce.

8. There are no specific circumstances in which an application for a licence may be refused apart from the failure to meet the ordinary criteria.

Eligibility of importers to apply for licence

9. All persons, firms and institutions are eligible to apply for licences (as mentioned, these licences are not restrictive) as long as they are registered in the commercial register, that they have a tax payer's account provided by the tax authorities, and an importer/exporter code issued by the DEC.

Registration in the commercial register, which costs CFAF 25,000 (US\$52.0833) is not specific to the licensing regime.

Taxpayer account registration depends on the company's legal status and its turnover – it is not specific to imports of products covered by the licensing regime.

The fee for importer code registration, which is required of all importers, is CFAF 10,000 (US\$20.0833).

There is a published list of authorized importers for products subject to authorization and for which an import licence is not required.

Documentational and other requirements for application for licence

10. The following information must be provided:

- Identify of the importer (address, tax account number, importer code, tax code);
- amount (foreign exchange and CFAF value – f.o.b. value);
- financial settlement (intermediary bank and payment terms);
- identity of seller (address);

- country of consignment of the goods;
- country of origin of the goods;
- customs clearance office;
- description of the goods (technical characteristics, customs code, f.o.b. value, quantity in kg.);
- pro-forma invoice.

11. The final invoice is required upon actual importation.
12. A licensing fee of CFAF 1,000 (US\$2.0833) is charged.
13. The issue of a licence is not conditional upon any deposit or advance payment.

Conditions of licensing

14. A licence is valid for a period of six months which can be extended only once as from the 5th month (of the validity period) by submitting an application for extension to the DEC.
15. There is no penalty for the non-utilization of the licence or a portion of a licence.
16. Licences are not transferable.
17. The issue of a licence concerns the products that are subject to quantitative restrictions under the regulations in force, but in practice, no restrictions are imposed.

Other procedural requirements

18. Yes – pre-shipment inspection or scanning upon arrival.
19. Foreign exchange is provided subject to a justification in a form of an application with the invoice attached, to be submitted to the External Finance Directorate when the value of the goods exceeds CFAF five million (US\$10,416.667). This condition applies to any imports, whether or not covered by an import licence.

Foreign exchange is always available to cover licences issued.
