

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

Notification Under Article 7.3 of the Agreement
on Import Licensing Procedures

DEMOCRATIC REPUBLIC OF THE CONGO

The following communication, dated 2 October 2006, is being circulated at the request of the delegation of the Democratic Republic of the Congo.

Outline of systems

1. The import licensing regime is laid down by the Exchange Regulations establishing the list of products subject to import licensing. The licensing system is administered by the Central Bank of the Congo.

Purpose and coverage of licensing

2. Imports of goods are subject to licensing with the exception of border trade.
3. The regime applies to products originating in or coming from any country.
4. Automatic import licensing is used for statistical purposes. Non-automatic import licensing is used to administer import restrictions maintained under the customs regulations.
5. The licensing regime is not statutorily required. The regime may be suspended when such action is deemed appropriate. The suspension is not published in the Official Journal.

Procedures

6. For products under restriction:
 - I. Information on quotas, procedures for filing licence applications, exceptions and waivers is published in the Official Journal.
 - II. There are no quotas.
 - III. Licences are issued to importers regardless of whether they are producers of like products. Under the regulations, unused IB (goods imports) or EB (goods exports) licences must be surrendered

¹ See document G/LIC/3 (annex) for the questionnaire.

by the importer or exporter to the authorized bank concerned for cancellation not later than one month after the validity date.

An EB declaration duly validated by an authorized bank shall count as an authorization to export and an obligation to receive the totality of the value of the export that has taken place within the time period laid down in Article 19 of the Regulations.

It has a maximum validity of three months from the date of validation, and may be extended at the request of the applicant for a further 3-month period.

For statistical purposes, the banks concerned must transmit to the Central Bank of the Congo, on a quarterly basis, a table of the transactions conducted in this connection containing the following data:

- Exact nature of the goods imported;
- customs tariff number;
- quantity;
- freight cost;
- insurance cost;
- country of origin or source of imported goods.

IV. As from the date of announcement of the opening of quotas, there is no specified time-limit for the submission of licence applications.

V. There is no specified time period for the processing of licence applications.

VI. There is no specified deadline for issuing import licences before the date of opening of the period of importation, except in the case of urgent imports of goods under the same tariff heading whose characteristics are not known at the time of validation of the exchange document, for which the economic operators may use the general format IB declaration.

VII. Licence applications are processed by a single administrative entity, namely the bank concerned.

VIII. Licences are issued primarily on the basis of imports for the review period. None of the quota is allocated to new importers. Applications are examined as and when they are received.

IX. There are no bilateral quotas or export restraint arrangements. Export permits issued by the exporting countries are not required.

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XI. Licences are not issued on condition that goods should be exported and not sold in the domestic market.

7. When there is no quantitative limit on importation of a product or imports from a particular country:

- (a) The licence application is filed on the date agreed by the economic operator before the importation takes place.
- (b) Under certain circumstances, a licence may be issued immediately upon request.
- (c) There are no limitations as to the period of the year which licence applications and/or importation may be made.
- (d) In connection with import licence applications, importers approach a single administrative entity.

8. None. When a licence is denied, the reasons are not given, and no right of appeal to any jurisdiction is provided for in the Exchange Regulations.

Eligibility of importers to apply for licence

9. All persons, firms or institutions are eligible to apply for licences.

Documentational and other requirements for application for licence

10. A sample application form is available for reference in the Secretariat. Importers are required to submit the following documents with their application:

- Commercial contract and/or the invoice;
- any other document required in international trade.

11. Upon actual importation, the importer is required to present the approved import licence or a copy thereof.

12. A licence fee and an administrative charge are collected.

13. Issue of the licence is not conditional on payment of a deposit or an advance.

Conditions of licensing

14. The period of validity of a licence is three months reckoned from its date of validation. It may be extended for another three months at the applicant's request.

15. There is no penalty for non-utilization of all or part of a licence.

16. Licences are not transferable between importers.

17. The following documents must be submitted for a licence to be issued.

- (a) For exports
 - Sales contract and/or invoice;
 - consignment report for goods to be exported;

- quality certificate;
 - inspection certificate (precious materials);
 - certificate of origin (precious materials);
 - any other document required in international trade.
- (b) For imports
- Commercial contract and/or invoice;
 - any other document required in international trade.

Other procedural requirements

18. Apart from the licence requirement, imports are not subject to any other prior administrative procedures.

19. Foreign exchange is automatically provided by the banking authorities for the goods.
