

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

Notification under Article 7.3 of the
Agreement on Import Licensing Procedures

CZECH REPUBLIC

The following notification, dated 27 March 2001, has been received from the Permanent Mission of the Czech Republic.

Outline of system

1. The Czech Republic import licensing system is regulated by:
 - Act No. 62/2000 Coll., On Some Measures in the Export or Import of Products and the Licensing Procedures and on the Change of some Acts;
 - Government Regulation No. 185/2000 Coll., Determining Products That Can Be Imported to the Czech Republic or Exported from the Czech Republic only on the basis of a licence under Act 62/2000 Coll., as amended by Government Regulation No. 446/2000, and Government Regulation No. 495/2000 Coll.

The system is based on the premise that imports into the Czech Republic are free except where specific products are subject to automatic, non-automatic and security import licences maintained to monitor imports, protect health, life, safety and security.

Activities related to the operation of the import licensing system fall under the responsibility of the Ministry of Industry and Trade.

I. PRODUCTS SUBJECT TO AUTOMATIC IMPORT LICENSING

Purposes and coverage of licensing

2. Automatic import licensing is applied for statistical and monitoring purposes.
3. It applies to products originating in and coming from all countries.
4. The licensing is not intended to restrict the quantity or value of imports.

¹ See document G/LIC/3, Annex, for the Questionnaire.

5. Products subject to automatic import licensing are contained in Annex 1 to Government Regulation 185/2000 Coll., as amended, and contain some agricultural and food products, tobacco and substitutes of tobacco products, raw materials, products of chemical industry, used textile products, dangerous poisons, auxiliary chemical substances and precursors, pharmaceutical products and waste. The list of products is covered by the notification made by the Czech Republic pursuant to Articles 1.4(a) and 8.2(b) of the Agreement on Import Licensing Procedures².

Procedures

6. Not applicable (no quantitative restrictions).

7.(a) Generally, the application for a licence is not restricted in time, unless otherwise provided in the implementing legislation. According to Government Regulation 185/2000 Coll., as amended, the applications for a licence for products subject at present to automatic licensing have to be made no sooner than 45 days prior to the period of utilization of a licence. The Ministry of Industry and Trade has 14 days to process the application.

(b) The licence cannot be granted immediately on request.

(c) There are no limitations as to the period of the year during which the applications can be made.

(d) Only the Ministry of Industry and Trade has the authority to issue licences.

8. The application for a licence shall be refused if it does not meet the set requirements. The reasons for any refusal are communicated to the applicant, who has a right of appeal to the Ministry of Industry and Trade and, at a second instance, to the court.

Eligibility of importers to apply for a licence

9. As a rule, all natural or legal persons domiciled in the Czech Republic, irrespective of nationality or origin, are eligible to apply for a licence, provided their economic activities have been registered in the Czech Republic.

Documentation and other requirements for application for licence

10. A sample of the application is contained in Annex 6 to Government Regulation No. 185/2000 Coll., as amended.²

The application for a licence contains the usual information regarding the importer, product(s) in question and purpose of the import.

The following documents have to be annexed to the application:

- extract from the commercial register or trade licence;
- contract for the importation of the product in question;
- other documents as set forth in Government Regulation No. 185/2000 Coll., as amended (such as approval of the Ministry of Environment in case of imports of waste and dangerous chemical products, of the Ministry of Health in case of imports of pharmaceutical products, of the State Office for Nuclear Safety in case of imports of radioactive materials).

² Available for consultation in the Secretariat (Market Access Division).

11. In addition to the automatic license, the documents usually required by the customs services have to be submitted.
12. The administrative fee is set at the level of 500 CZK.
13. No deposit or advance payment is required in connection with the issue of licences.

Conditions of licensing

14. A licence is generally valid for a calendar year with the exception of some products (precursors) for which the period of validity is six months.
15. There is no penalty for the non-utilization of a licence.
16. Licences are not transferable between importers.
17. No.

Other procedural requirements

18. There are no other administrative procedures required to importation apart from health, veterinary, sanitary and quality regulations.
19. The foreign exchange is automatically provided for goods to be imported and a licence is not a condition for obtaining foreign exchange.

II. PRODUCTS SUBJECT TO NON- AUTOMATIC LICENSING

Purposes and coverage of licensing

2. Non-automatic import licensing is applied to restrict the quantity of imports. The products subject to quantitative restrictions cover sugar, sucrose and isoglucose (import from the Slovak Republic) and Coal, briquettes, ovoids and similar solid fuels manufactured from coal (imports from Poland and Ukraine).
3. See above.
4. The purpose of the licensing of some sugars maintained under the bilateral agreement is to safeguard domestic industry against increased imports. The licensing of coal was introduced as part of a restructuring program aimed at the conservation of exhaustible natural resources.
5. Products subject to non-automatic import licensing are contained in Annex 3 to Government Regulation 185/2000 Coll., as amended.

Procedures

- 6.I. All relevant information, including the overall amount and the amount allocated to goods from each country is published in a Government Regulation. No maximum amount allotted to each importer is being set. Information about importers and licences accorded is not accessible due to protection of personal data.

II. The size of the quotas on coal is determined on a yearly basis, on some sugars on a quarterly basis.

III. The Ministry of Industry and Trade is in permanent contact with the customs authorities with a view to having updated information on actual utilization of allotted licences. In case of non-utilization of a licence before its expiry, the authorities may take this fact into account when deciding on a licence for the importer concerned for the next period. Unused allocations are not added to quotas for succeeding period. The names of importers to whom licences have been allocated are not published.

IV. Usually, the application for a licence has to be made no later than 15 days prior to the period in question, unless otherwise provided by the implementing legislation. Moreover, according to Government Regulation No. 185/2000 Coll., as amended, the licence applications for some sugars have to be made no sooner than 45 days prior to a quarter and for coal and related products no sooner than 45 days prior to a calendar year.

V. The minimum length of time for processing applications is 24 hours, the maximum length is 30 days, assuming that all of the requirements have been met.

VI. The period of importation may be the same as the date for the utilization of a licence. The date of utilization may differ from a date of the issue of a licence.

VII. Only the Ministry of Industry and Trade has the authority to issue licences.

VIII. According to Act No. 62/2000 Coll., the Ministry of Industry and Trade decides on applications for a non-automatic licence in order in which applications have been received pursuant to their registration date and number and as long as the size of the quota has not been used. In allocating quotas, past performance is taken into account. The method enables new importers to participate in the market.

IX. Not applicable.

X. Not applicable.

XI. No.

7. Not applicable.

8. See reply I.8.

Eligibility of importers to apply for a licence

9. See reply I.9.

Documentational and other requirements for application for licence

10. See reply I.10.

11. In addition to the non-automatic licence, the documents usually required by the customs services have to be submitted.

12. See reply I.12.

13. See reply I.13.

Conditions of licensing

14. Non-automatic licences are valid for a calendar year unless otherwise provided in a Government Regulation. Regarding licensing of some sugars, the period of validity is up to three months.

15. See reply I.15.

16. See reply I.16.

17. Regarding coal and related products, licences are allotted only to the applicants who import these products as a technological need of their production.

Other procedural requirements

18. There are no other administrative procedures required to importation.

19. See reply I.19.

III. PRODUCTS SUBJECT TO SECURITY LICENSING

Purposes and coverage of licensing

2. The system is applied for security reasons.

3. It applies to products originating in and coming from all countries.

4. The licensing is not intended to restrict the quantity or value of imports.

5. Products subject to security licensing are listed in Annex 5 to Government Regulation 185/2000 Coll., as amended, and contain propellant powders, prepared explosives, safety fuses, detonating fuses, percussion, other telescopic sights, revolver and pistols, other firearms, arms, parts and accessories for civil use.

Procedures

6. Not applicable (no quantitative restrictions).

7.(a) The application for a license is not restricted in time, unless otherwise provided by a Government Regulation. The Ministry of Industry and Trade has 60 days to decide on the application.

(b) The license cannot be granted immediately on request.

(c) There are no limitations as to the period of the year during which the applications can be made.

(d) Only the Ministry of Industry and Trade has the authority to issue licences.

8. The application for a licence shall be refused if it does not meet the set requirements. It may also be refused when the security or other major interest of the Czech Republic so requires. The reasons for any refusal are communicated to the applicant, who has a right of appeal to the Ministry of Industry and Trade and, at a second instance, to the court.

Eligibility of importers to apply for a licence

9. See I. 9

Documentational and other requirements for application for licence

10. A sample of the application is contained in Annex 7 to Government Regulation No. 185/2000 Coll., as amended (See Appendix 2),

The application for a licence contains the usual information regarding the importer, product(s) in question and purpose of the import.

The following documents have to be annexed to the application:

- extract from the commercial register or trade licence;
- other documents according to special regulations (such as approval of the Czech Mining Office in case of import of new powders for blasting works, import of new or in the Czech Republic unknown sorts of explosives or initiators; certificate of the Czech Testing Office of Arms and Ammunition in case of import of new or unknown sorts of explosives, arms or their spare parts),
- contract for the importation of the product in question;
- other documents as set forth in Government Regulation No. 185/2000 Coll., as amended (such as contract for import of product or confirmed order, invoice);

11. In addition to the security licence, the documents usually required by the customs services have to be submitted.

12. See reply I.12.

13. See reply I.13.

Conditions of licensing

14. A licence is valid for a calendar year.

15. See reply I.15.

16. See reply I.16.

17. The issue of a licence may contain conditions regarding third countries through which the goods have to transit.

Other procedural requirements

18. There are no other administrative procedures required to importation apart from security, technical, health, and quality regulations.

19. See reply I.19.
