

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

Notification under Article 7.3 of the Agreement
on Import Licensing Procedures

EUROPEAN COMMUNITIES

Addendum

Import Licensing Procedures for WTO Tariff Quotas
Covering Certain Pigmeat Products

Outline of system

1. The object of the import licensing system is to ensure a sound administration of the EC's WTO tariff rate quota mentioned in reply 2. The relevant legislation related to the import licensing system for these tariff quotas is mentioned in reply 5. As regards the requirements for applicants for import licences see reply 6.

Purpose and coverage of licensing

2. See reply 1. The products covered by the tariff quota mentioned in reply 1 are as follows:

Description of products	Tariff item number(s)
Meat of swine, fresh, chilled or frozen: - Fresh or chilled: --- of domestic swine ---- loins and cuts thereof, bone-in	0203 19 13
- Frozen: ---of domestic swine ----bellies, streaky and cuts thereof	0203 29 15

3. The system applies in the European Community to the above-mentioned products originating in third countries.

4. See reply 1. As referred to in reply 1, the licensing system covers the relevant WTO tariff quota. The EC considers the method adopted to be the most appropriate to administer these tariff rate quotas.

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

5. The relevant legislation for the administration of import licences for the tariff quota mentioned in reply 1 is:

Council Regulation (EC) No. 774 of 29 March 1994 (OJ No L 91); Commission Regulations (EC) No. 1432/94 of 22 June 1994 (OJ No L 159), at last amended by Commission Regulation (EC) No. 2068/96 of 29 October 1996 (OJ L 277).

The licensing is statutorily required. The legislation does not leave designation of products to be subjected to licensing to administrative discretion. The system cannot be abolished without legislative approval.

Procedures

6. Answer to questions 6.I to VIII and to 6. XI. Questions 6.IX and X are not relevant.

The information related to the allocation of the quota and the formalities for licence application is published in the Official Journal of the European Communities (see reply 5). There is no derogation from the licensing requirement.

The tariff quota is an annual tariff quota, opened on a quarterly basis.

Applicants for import licences must be natural or legal persons, who at the time applications are submitted, prove to the satisfaction of the competent authorities of the Member States that they have been engaged in trade with third countries in pigmeat products for at least the preceding 12 months. Retail and catering establishments selling their products to the final consumer are excluded from the benefits of this system. Imports are only known to the competent authority in the Member States to which the import licence application has been submitted and to the Commission.

Licence applications may be submitted during the first 10 days of the quarterly quota period (1 January, 1 April, 1 July and 1 October) to the competent authorities in the Member States. The applicant for an import licence must approach only one administrative organ. The competent authorities in the Member States have to notify to the Commission, on the third working day following the end of the application submission period, of applications submitted. Applications are examined simultaneously by the Commission. The Commission decides as quickly as possible to what extent quantities may be awarded in respect of the quantities requested in the import licence applications. If the quantities in respect of which licences have been applied for exceed the quantities available, the Commission fixes a single percentage of acceptance for the quantities applied for. Where this percentage is less than 5%, it is possible that the Commission will not award the quantities applied for and release the security. The Commission calculates the quantities remaining which are added to the quantity available in respect of the following period in the same year.

7. Question 7 is not relevant in the present case.

8. The application for an import licence can only be refused if the relevant criteria are not fulfilled. Applicants can appeal to courts in the Member States according to the legislation in force in the respective Member States.

Eligibility of importers to apply for licence

9. See reply 6. There is no specific system of registration necessary for the application of an import licence.

Documentational and other requirements for application for licence

10. A specimen of the import licence is set out at Annex XI to the Community's general Article 7.3 notification for 1999 (G/LIC/N/3/EEC/2). Regarding the information required, see the import licence and Commission Regulation (EC) No 1432/94 of 22 June 1994 (published in OJ No L 159, page 14), at last amended by Commission Regulation (EC) No 2068/96 of 29 October 1996 (published in OJ L 277, page 12).

11. The import licence.

12. No.

13. The issuance of import licence is subject to a security in order to guarantee that the undertaking to import will be fulfilled during the period of validity of the licence. The security is released when the obligation to import has been fulfilled.

Conditions of licensing

14. Import licences are valid 150 days, but not beyond the 31 December of the year of issue and the period of validity cannot be extended.

15. In case of non-utilisation of an import licence, the security is not released. In the case of partial use of the import licence, the security is partially released.

16. Import licences are not transferable.

17. No.

Other procedural requirements

18. No.

19. Not relevant.
