

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
for Grape Juice and Grape Must

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 for the products mentioned in reply 2. The relevant legislation related to the import licensing system for this tariff quota 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 are as follows:

Product description	Tariff item number(s)
Grape juice (including grape must):	
- Of a density exceeding 1.33 g/cm ³ at 20° C:	
--Of a value not exceeding 22 ECU/100 kg net weight	2009 60 11
-- Other	2009 60 19
- Of a density not exceeding 1.33 g/cm ³ at 20° C:	
-- Of a value exceeding 18 ECU/100 kg net weight:	2009 60 51
--- Concentrated	2009 60 90
-- Of a value not exceeding 18 ECU/100 kg net weight:	
--- Other	

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

3. The system applies in the European Community to the product mentioned reply 2, originating 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 this tariff rate quota. All imports of grape musts in the Community are subject to a licensing system. Therefore, this was the most appropriate method to manage the import quota concerned.

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

Commission Regulation (EC) No 2012/96 of 21 October 1996 (OJ L 269), as amended by Commission Regulation (EC) No 2499/97 of 15 December 1997 of 15 December 1997 (OJ L 345).

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. Question 6.IX and 6.X are not relevant.

The information related to the allocation of the quotas 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, running from 1 September to 31 August of the following year and opened in three parts.

Applications for import licences must be submitted to the competent authorities in the Member States on a weekly basis from a Wednesday until the following Tuesday. Member States communicate this information to the Commission on Wednesday. Import licences are issued on the Monday following this Wednesday, or on the next working day, provided that the Commission has not adopted special measures in the meantime. Where the quantities for which licence applications have been made exceed the quantities available, the Commission sets a single percentage of reduction for the acceptance of licence applications and notifies this percentage of reduction. Import licences are issued then on the fifth working day following the publication of that percentage.

Applications submitted for the first part of the quota can be submitted up to 30 November each year. Applications for the second part can be submitted up to 31 March each year. Application for the third part can be submitted as from 1 April each year. Quantities belonging to the first part not used up by 30 November and those belonging to the second part not used up by 31 March are automatically transferred to the following part of parts.

Imports are only known to the competent authority in the Member States to which the import licence application has been submitted, to the exporting country and to the Commission. Applicants must only approach one administrative organ. Names of applicants are only known to the competent authorities of the Member States receiving the applications.

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 foreseen. All persons, firms and institutions can therefore apply.

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. 2012/96 of 21 October 1996 (published in OJ L 269, page 8), as amended by Commission Regulation (EC) No.2499/97 of 15 December 1997 of 15 December 1997 (published in OJ L 345, page 15). Also the provisions of Regulation (EEC) No. 3719/88 on common implementation rules for the system of import and export licences for agricultural products (published in OJ L 331, p. 1) are applicable.

11. The import licence and other relevant customs documents as for any import.

12. No.

13. The issuance of import licence is subject to a security. The security is released in case that the applicant withdraws its application for an import licence or when the obligation to import has been fulfilled during the period of validity of the import licence.

Conditions of licensing

14. Import licences are valid from the date of its actual issue until the end of the fourth month following such date but may in no case extend beyond 31 August of the year of the quota concerned. 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.
