

WORLD TRADE ORGANIZATION

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Committee on Import Licensing

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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 Live Sheep and Goats and Meat of Sheep and Goats

Outline of system

1. The object of the import licensing system is to ensure a sound administration of the EC's WTO tariff rate quotas 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 rate quotas are as follows:

Description of products	Tariff item number(s)	Quota volume	Country allocation
Live sheep and goats, other than pure-breeding animals	ex 0104 10 ex 0104 20	39.310 t	Poland, Rumania, Hungary, Bulgaria, FYROM, other countries.
Live sheep and goats, other than pure-bred breeding animals Meat of sheep or goats, fresh chilled or frozen	ex 0104 10 ex 0104 20 0204	800 t	Czech Republic and Slovak Republic
Meat of sheep or goats, fresh, chilled or frozen	0204	283.854 t	Argentina, Australia, Chile, New Zealand, Uruguay, Iceland, Poland, Rumania, Hungary, Bulgaria, Bosnia-Herzegovina, Croatia, Slovenia, FYROM, Greenland, other countries.

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

3. The system applies in the European Community to the products mentioned in reply 2 and originating in the above-mentioned countries.

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

5. The relevant legislation for the administration of import licences for these tariff rate quotas mentioned in reply 2 is:

Commission Regulation (EC) No 1439/95 of 26 June 1995 (OJ L 143), as last amended by Commission Regulation (EC) 2526/95 of 27 October 1995 (OJ L 258) and Commission Regulation (EC) 2327/97 of 26 November 1997 (OJ L 323), as last amended by Commission Regulation (EC) 1214/98 of 11 June 1998 (OJ L 167).

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 and 6. X. Question 6.IX is 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 quotas are annual tariff quotas.

(a) Country-specific WTO tariff quotas: The application for an import licence is subject to the submission of a certificate of origin issued by an empowered authority in the exporting country. The import licence has to be issued by the competent authorities in the Member States not later than one working day following that on which the application is lodged. The quota allocations are made on the basis first come first served.

(b) Non-country-specific WTO tariff quotas: Import licences are issued by the competent authorities in the Member States. The tariff quotas are administered on a quarterly basis. During each of the first three-quarters of each year, import licences are issued within the limits of one quarter of the quota quantity. During September of each year the competent authorities in the Member States have to issue import licences within the remaining balance of these quantities. Applications for licences can be lodged only during the first three-quarters of the year and during the first 10 days of September. Applications for licences have to be forwarded by the competent authorities in the Member States to the Commission no later than the sixteenth day of each of the first three-quarters and by 16 September. The Commission has to decide before the twenty-sixth day of each of the three quarters and before 26 September to what extent applications may be accepted. If the quantities in respect of which applications are made exceed the quantities available, the Commission fixes a single percentage reduction to be applied to the quantities applied for. Following the Commission's decision on acceptance of applications, licences are issued on the thirtieth day of each of the first three-quarters and on 30 September by the competent authorities in the Member States.

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 1439/95 of 26 June 1995 (published in OJ L 143, page 7), as last amended by Commission Regulation (EC) 2526/95 of 27 October 1995 (published in OJ L 258, page 48) and Commission Regulation (EC) 2327/97 of 26 November 1997 (published in OJ L 323, page 5), as last amended by Commission Regulation (EC) 1214/98 of 11 June 1998 (published in OJ L 167, page 7).

11. The import licence and, in the case of country-specific WTO tariff quotas, the certificate of origin.

12. No.

13. In the case of WTO country-specific tariff quotas no security is required. In the case of non-country-specific WTO tariff quotas the issuance of the 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 three months from their date of issue and in the case of WTO country-specific tariff quotas the import licence is not valid beyond 31 December and in duly justified exceptional cases, the competent authorities in the Member States can extend the validity of an import licence for a period up to 25 January of the following year.

15. As regards non-country-specific WTO tariff quotas the non-utilisation of an import licence implies that 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.
