

REPLIES TO THE 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 Millet

Outline of systems

1. The object of the import licensing system is to ensure a sound administration of the EC's WTO tariff rate quota for 1,300 tonnes of millet of tariff heading 1008 20 00. The relevant legislation related to the import licensing system for this tariff quota is mentioned in the reply to question 5. As regards the requirements for applicants for import licences see reply to question 6.

Purpose and coverage of licensing

2. See answer to question 1.

3. The system applies in the European Community to the product mentioned in answer to question 1 originating in third countries.

4. See answer to question 1. As referred to in the answer to question 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.

5. The relevant legislation for the administration of import licences for the tariff quota mentioned in the answer to question 1 is the Commission Regulation (EC) No 1970/96 of 14 October 1996 (OJ L 261).

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 answer to question 5). There is no derogation from the licensing requirement.

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

The tariff quota is an annual tariff quota.

Applications for import licences have to be accompanied by the proof that the applicant is a natural or legal person who has carried out a commercial activity in the cereals sector for at least 12 months and who is registered in the Member State in which the application is submitted. Applications for import licences have to be submitted to the competent authorities in the Member States on the second working Monday of each month. If the quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage of acceptance for the quantities applied for by the third working day following the submission of applications. Import licences are issued by the competent authorities in the Member States on the fifth working day following the day on which applications are submitted.

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.

The applicant for an import licence must approach only one administrative organ.

7. Question 7 related to no quantitative limits 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 answer to question 6. Applicant must be entered in a VAT register and there is no registration fee.

Documentational and other requirements for application for licence

10. A specimen of the import licence is included in the EC Regulations set out in answer to question 10 of the main notification for 2000. Regarding the information required, see the import licence and Commission Regulation (EC) No 1970/96 of 14.10.96 (published in OJ L 261, page 34).

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 from the day of their issue until the end of the third month following that of issue. However, no licence is valid after 30 June of each marketing year. 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.
