

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
Cane and Beet Sugar

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 85,463 tonnes of raw cane sugar, for refining of tariff heading 1701 11 10. 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 Cuba, Brazil and other 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:

Commission Regulation (EC) No 1507/96 of 29 July 1996 (OJ L 189), as last amended by Commission Regulation (EC) 1250/97 of 30 June 1997(OJ L 173).

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.X and 6.XI. Question 6.IX is not relevant.

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

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.

The tariff quota is an annual tariff quota.

Applications for import licences must be submitted by refiners to the competent authority in the Member State of import concerned and must be accompanied by a declaration to the effect that the applicant undertakes to refine the quantity of sugar in question before 1 July following the date of import. The competent authorities in the Member States have to inform the Commission of application submitted in order in which they are recorded. The Commission has to inform the Member States as soon as possible of the quantities, which can be allocated to importers. Import licences are issued by the competent authorities in the Member States. Refiners applying for licences must, within three months of the end of the time limit laid down for refining provide the Member State which issued the licence with proof of refining which the latter recognises. Entitlement under the tariff quota is conditional on the presentation, at the time for release for free circulation, of a certificate of origin from the third country concerned. The import of the raw sugar has to take place in the Member State, which issued the import licence. 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.

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 1507/96 of 29.07.96 (published in OJ L 189, page 82), as last amended by Commission Regulation (EC) 1250/97 of 30.06.97 (published in OJ L 173, page 2).

11. See answer to question 6.

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 their date of issue until 30 June thereafter. 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.
