

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 Quota for
Worked Oats

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 10,000 tonnes of worked oats of tariff heading ex 1104 22 98. 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.

3. The system applies in the European Community to the product mentioned in reply 1, 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.

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

Commission Regulation (EC) No 2369/96 of 12 December 1996 (OJ L 323) as last amended by Commission Regulation (EC) 630/97 of 10 April 1997 (OJ L 96).

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.

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 reply 5). There is no derogation from the licensing requirement.

The tariff quota is an annual tariff quota.

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 operating commercially in the cereals sector for twelve months at least and that they are registered in the Member State where the application is made.

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.

Applications for import licences have to be submitted to the competent authorities in the Member States on the second working Monday of each month. A quantity of 1.000 tonnes is, to this end, available in respect of each month until the quota volume is used up. Quantities not used up in one month are carried forward to the following month until the end of each marketing year. The competent authorities of the Member State have to notify to the Commission within two working days of the closing date for the submission on the applications submitted. Applications are examined simultaneously by the Commission. Where the total quantity for which import licences are submitted exceeds the quantity of product which may be imported during the period in question, the Commission notifies the Member States (within three working days) of the reduction percentage they must apply to the quantities for which applications were submitted, when issuing licences. Import licences are then issued within three working days

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 reply 6. Applicants 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 2369/96 of 12 December 1996 (OJ L 323, page 8) as last amended by Commission Regulation (EC) 630/97 of 10 April 1997 (OJ L 96 page 5).

11. The import licence.

12. No.

13. The issuance of import licence is subject to a security in order to guarantee the good faith of the applicants. The security is released on the issue of the import licence.

Conditions of licensing

14. Import licences are valid 45 days from the day of their issue until. The period of validity cannot be extended.

15. In case that the imported oats does not meet the required quality, the security is not released. The security is only released for the volume of imported wheat that complies with the relevant quality criteria.

16. Import licences are not transferable.

17. No.

Other procedural requirements

18. No.

19. Not relevant.
