

**REPLIES TO THE QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES<sup>1</sup>**

Notification under Article 7.3 of the Agreement on Import Licensing Procedures

EUROPEAN COMMUNITIES

Addendum

Import Licensing Procedures for WTO Tariff Quota for Rice

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 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 (a) husked brown rice tariff item 1006 20 and (b) semi-milled or wholly milled rice tariff item number 1006 30.

3. The system applies in the European Community to the product mentioned in reply 2, originating in Australia, the United States of America and in other 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 327/98 of 10 February 1998 (OJ L 37) as last amended by Commission Regulation (EC) 648/98 of 23 March 1998 (OJ L 88).

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.

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<sup>1</sup> 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 in one of the three years preceding the date of submission of the application were engaged in trade in rice or submitted import licence applications covering rice and 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 in the first 10 working days of the first month corresponding to one quarterly tranche. Import licences are issued under specific quarterly tranches per country of origin. Quantities not used in respect of a tranche are carried forward to the following tranche of the relevant quota. Quantities not covered by licences in September are made available under a supplementary tranche in October.

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.

Within 10 days of the closing date for notification the Commission shall decide to what extent the applications may be accepted. Where the total applied for exceeds the availability per tranche and country, the Commission sets a reduction percentage. It also fixes the quantities available under the following tranche. Within three working days of the date of publication of this decision import licences shall be issued.

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 327/98 of 10 February 1998 (OJ L 37, page 5) as last amended by Commission Regulation (EC) 648/98 of 23 March 1998 (OJ L 88 page 3).

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 from their actual day of issue until the end of the third month thereafter but not beyond 31 December of the year of issue. The period of validity cannot be extended.

15. See reply 13.

16. Import licences are not transferable.

17. No.

Other procedural requirements

18. No.

19. Not relevant.

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