

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

Notification under Article 7.3 of the Agreement on Import Licensing Procedures for 2012

EUROPEAN UNION

The following communication, dated 22 September 2012, is being circulated at the request of the delegation of the European Union.

**Outline of system**

1. The EU import licensing system is based on the premise that no import licences are required except where specific products are subject to quantitative restrictions, safeguard measures or import monitoring or surveillance. The EU applies no quantitative restrictions to WTO Members in the industrial sector. There are however a number of products subject to EU surveillance with the purpose of improving transparency of import trends of the products concerned, but with no intention of limiting market access. The coverage of products subject to EU licensing systems appears in the annexes and regulations referred to in replies to questions 2 and 3. The relevant legislation is mentioned in reply to question 5.

The import licensing scheme for agricultural products serves statistical purposes and is an automatic licensing system. The competent authorities in the Member States issue import licences to every applicant. Import licences are subject to lodging a security and are valid in all the Member States of the EU. Import licences have to be submitted with the import declaration.

Furthermore, a licence is required in respect of a number of tariff quotas in the agricultural sector.

**Purpose and coverage of licensing**

2. See reply 1.

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<sup>1</sup> See document G/LIC/3, Annex, for the Questionnaire.

3. See the following table:

<b>Licensing system</b>	<b>Product coverage</b>	<b>Country coverage</b>
Quantitative quotas (other than textiles)	<u>Certain steel products</u>	None for WTO Members, only for Kazakhstan
EU surveillance (other than textiles)	a. <u>Certain steel products</u> Commission Regulation (EU) No 1241/2009 (OJ L 332, 17.12.2009, p. 54) continuing and updating the scope of prior surveillance of imports of certain iron and steel products originating in certain third countries, following Regulation (EC) No 76/2002 (OJ L 16, 18.01.2002) which was also amended by 1337/2002 (OJ L 195, 24.7.2002) 2385/2002 (OJ L 358, 31.12.2002, p.125) and 469/2005 (OJ L78, 24.3.2005, p.12) and Commission Regulation (EC) No 1915/2006 (OJ L365, 21.12.2006, p.76) .	All countries
	b. <u>Certain agricultural products</u> . See Annex I.	All countries
Textiles: Quantitative levels or surveillance	Council Regulation (EEC) No. 3030/93 (OJ L 275, 8.11.93, p.1) - on common rules for imports of certain textile products from third countries, as last amended by Commission Implementing Regulation (EU) No 1321/2011.	Russian Federation <sup>2</sup> , Serbia

#### A. TEXTILES

The EU maintains bilateral measures relating to trade in textile products with the following countries: Russian Federation<sup>3</sup> and Serbia.

In addition, the EU maintains autonomous quantitative restrictions on imports from two non-WTO Member, namely Belarus and North Korea, with which no bilateral agreements exist.

#### B. AGRICULTURE

For agricultural tariff quotas subject to import licensing, see reply to question 7.

4. The EU applies no quantitative quotas to WTO Members in the industrial sector.

The purpose of import licensing procedure for products under surveillance is for statistical reasons and to strengthen control on imports originating from the country concerned and, more

<sup>2</sup> Council Regulation (EEC) No. 3030/93 is currently being amended to take into account Russia's accession to the WTO.

<sup>3</sup> Council Regulation (EEC) No. 3030/93 is currently being amended to take into account Russia's accession to the WTO.

specifically, to improve control on the origin of the products concerned. It is intended to monitor import trends and not to restrict the quantity of imports. The systems are based on an automatic licensing.

In some cases a double-checking system is applied (textiles and steel products) with an export document issued by third country authorities and an import license issued by the EU. The aim of the double-checking system is to improve transparency and to avoid possible diversion of trade and custom fraud by rapid provision of information on the trend of trade flows.

See also reply to question 1.

### Legislative basis

5. Licensing is statutorily required for the products listed in the relevant legislative texts. Product coverage is defined in the legislation and is not subject to administrative discretion. The system cannot be abolished without legislative approval (regulations generally contain provisions relating to the duration and expiry of the licensing regime).

#### 5.1. General

Council Regulation (EC) No 625/2009 of 7 July 2009 (OJ L 185, 17.07.2009, p.1) established common rules for imports from certain third countries.

#### 5.2. Textile products

5.2.1. Trade with WTO Member countries and countries with bilateral agreements:

5.2.1.1. Trade in products not subject to normal GATT rules ("products not integrated" in WTO):

5.2.1.1.1. Basic Regulation:

- Council Regulation (EEC) No 3030/93 (OJ L 275, 8.11.93, p. 1) - on common rules for imports of certain textile products from third countries.

*[As amended by:*

- *Council Regulation (EC) No 3289/94 (OJ L 349, 31.12.94, p. 85) – amends Regulation 3030/93;*
- *Commission Regulation (EC) No 1410/96 (OJ L 181, 20.7.96, p. 15) - concerning the partial withdrawal of Regulation 3053/95;*
- *Commission Regulation (EC) No 2231/96 (OJ L 307, 28.11.96, p. 1) - amends Annexes I, II, III, IV, V, VI, VII, VIII, IX and XI to Regulation 3030/93;*
- *Council Regulation (EC) No 2315/96 (OJ L 314, 4.12.96, p.1) - list products to be integrated into GATT 1994 on 1.1.98 - amends Annex X to Regulation 3030/93 and Annex II to Regulation 3285/94;*
- *Commission Regulation (EC) No. 447/97 (OJ L 68, 8.3.97, p. 16) - quantitative limits - OPT – China;*
- *Council Regulation (EC) No 824/97 (OJ L 119, 8.5.97, p. 1) - amends Regulation 3030/93;*
- *Commission Regulation (EC) No 339/98 (OJ L 45, 16.2.98, p. 1) - amends Annexes I, II, III, V, VI, VII, VIII and IX to Regulation 3030/93;*
- *Commission Regulation (EC) No 856/98 (OJ L 122, 24.4.98, p. 11) - amends Annexes I, II, III, V, VII, VIII and IX to Regulation 3030/93;*
- *Commission Regulation (EC) No 1053/98 (OJ L 151, 21.5.98, p. 10) - amends Annexes II, III and IX to Regulation 3030/93;*

- *Commission Regulation (EC) No. 2798/98 (OJ L 353, 29.12.98, p. 1) - amends Annex I to Regulation 3030/93;*
- *Commission Regulation (EC) No 1072/99 (OJ L 134, 28.5.99, p. 1) - amends Annexes I, II, III, V, VII, VIII and IX to Regulation 3030/93;*
- *Commission Regulation (EC) No 1591/2000 (OJ L 186, 25.7.2000, p. 1) - amends Annexes II, III, V, VII, VIII and IX to Regulation 3030/93;*
- *Council Regulation (EC) No 391/2001 (OJ L 58, 28.2.2001, P.3) – amends Regulation 3030/93;*
- *Council Regulation (EC) No 1809/2001 (OJ L 252, 20.8.2001) – amends Regulation 3030/93;*
- *Commission Regulation (EC) No 27/2002 (OJ L9, 11.1.2002) - amends Annexes I, III, V, VII and IX to Regulation 3030/93;*
- *Commission Regulation (EC) No 797/2002 (OJ L128, 15.5.2002) - amends Annexes III and VIII to Regulation 3030/93;*
- *Commission Regulation (EC) No 2344/2002 (OJ L 357, 31.12.2002) - amends Annexes I, III, V and VII to Council Regulation (EEC) No 3030/93;*
- *Council Regulation (EC) No 138/2003 (OJ L 23, 28.1.2003) - amends Regulation 3030/93;*
- *Commission Regulation (EC) No 260/2004 (OJ L 51, 20.2.2004, p.1) – amends Annexes I, II, III, V, VII to Council Regulation (EEC) No 3030/93;*
- *Council Regulation (EC) No 487/2004 (OJ L 79, 17.3.2004, p.1) – amends Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries;*
- *Council Regulation (EC) No 1627/2004 (OJ L 295, 18.9.2004, p. 1) – amending Regulation (EEC) No 3030/93 on common rules for imports of certain textiles products from third countries;*
- *Council Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1) – amending Council Regulations (EEC) No 3030/93 and (EC) No 3285/94 as regards the common rules for imports of certain textile products from third countries;*
- *Commission Regulation (EC) No 930/2005 (OJ L 162, 23.6.2005, p. 1) – amending Annexes I, II, III, V, VII and VIII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries;*
- *Commission Regulation (EC) No 1084/2005 (OJ L 177, 9.7.2005, p. 19) – amending Annexes II, III and V to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries;*
- *Commission Regulation (EC) No 1478/2005 (OJ L 236, 13.9.2005, p. 3) – amending Annexes V, VII, and VIII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries;*
- *Commission Regulation (EC) No 35/2006 (OJ L 7, 12.1.2006, p. 8) – amending Annexes I, V and VII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries].*
- *Council Regulation (EC) No 54/2007 (L 18, 25.01.2007, p. 1 ) - amending Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries;*
- *Commission Regulation (EC) No 1217/2007 (OJ 275, 19.10.2007, P.16) - amending Annex III to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries;*
- *Commission Regulation (EC) No 139/2008 (OJ L 42, 16.2.2008, p. 11) – amending Annexes I, II, III, V and VII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries];*
- *Commission Regulation (EC) No 502/2008 (OJ L 147, 6.6.2008, p. 35) – amending Annexes I, II and IX to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries];*
- *Commission Regulation (EC) No 1328/2008 (OJ L 345, 23.12.2008, p. 28) – amending Annexes I, II , III, V, VII and VIII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries];*

- *Commission Regulation (EU) No 1259/2009 of 18 December 2009 (OJ L 338, 19.12.2009, p. 32) - amending Annexes I, II, III, V and VII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries];*
- *Commission Regulation (EU) No 379/2010 of 4 May 2010 (OJ L 112, 5.5.2010, p.1) – amending Annexes I, II and III to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries];*
- *Commission Regulation (EU) No 1160/2010 of 9 December 2010 (OJ No L 326, 10.12.2010, p. 33) – amending Annex I to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries.*
- *Commission Implementing Regulation (EU) No 1321/2011 of 16 December 2011 (OJ L 335, 17.12.2011, p. 17) – amending Annex I to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries.*

#### 5.2.1.1.2. Derogation from Basic Regulation:

- Council Regulation (EC) No 1087/97 (OJ L 158, 17.6.97, p1) – authorizing imports into Canary Islands and certain quota products originating in China without quantitative restrictions.

#### 5.2.1.2. Trade in products subject to normal GATT rules "products integrated" in WTO:

- Council Regulation (EC) No 3285/94 (OJ L 349, 31.12.94, p. 53) – repeals Regulation 518/94.

#### [As amended by:

- *Council Regulation (EC) No 139/96 (OJ L 21, 27.1.96, p. 7) – amends Regulation 3285/94 and Regulation 519/94 with respect to the uniform EU surveillance document;*
- *Council Regulation (EC) No. 2315/96 (OJ L 314, 4.12.96, p.1) -- list of products to be integrated into GATT 1994 on 1.1.98 and amends Annex X to Regulation 3030/93 and Annex II to Regulation 3285/94;*
- *Council Regulation (EC) No 2474/2000 (OJ L 286, 11.11.2000, p.1) -- list of products to be integrated into GATT 1994 on 1.1.2002 and amends Annex X to Regulation 3030/93 and Annex II to Regulation 3285/94;*
- *Council Regulation (EC) No 428/2003 (OJ L. 65, 8.03..2003, p.12) – establishes the allocation method for the quota increase set forth in Council Regulation (EC) No 427/2003 for certain products originating in China (including footwear);*
- *Commission Regulation (EC) No 1985/2003 (OJ L.295, 13.11.2003, p.3) – establishes the allocation method for the first tranche of the quota increase set forth in Council Regulation (EC) No 427/2003 for certain products originating in China (including footwear);*
- *Commission Regulation (EC) No 2044/2003 (OJ L. 303, 21.11.2003, p.3) – establishes the allocation method for the second tranche of the quota increase set forth in Council Regulation (EC) No 427/2003 for certain products originating in China (including footwear);*
- *Council Regulation (EC) No 1985/2003 (OJ L. 295, 13.11.2003, p.43) – amends Council Regulation (EC) No 427/2003 in view of EU enlargement].*

#### 5.2.2. Imports from other countries ("autonomous regime"):

##### 5.2.2.1. Basic Regulation:

- Council Regulation (EC) No 517/94 (OJ L 67, 10.3.94, p. 1) – on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific EU import rules.

[As amended by:

- *Commission Regulation (EC) No 1470/94 (OJ L 159, 28.6.94, p. 14) - opens quantitative import quotas for products (cat. 160) from China and amends Annexes IV and V to Regulation 517/94;*
- *Commission Regulation (EC) No 1756/94 (OJ L 183, 19.7.94, p. 9) - opens quantitative import quotas (cat. 122, 123, 124, 125 B, 140 and 146 C) from China and amends Annexes IV and V of Regulation 517/94;*
- *Commission Regulation (EC) No 2612/94 (OJ L 279, 28.10.94, p. 7) - opens quantitative import quotas (cat. 127 B and 145) from China and amends Annexes IV and V to Regulation 517/94;*
- *Commission Regulation (EC) No 2980/94 (OJ L 315, 8.12.94, p. 2) - opens quantitative import quotas (cat. 146A and 146B) from China and amends Annexes IV and V to Regulation 517/94;*
- *Commission Regulation (EC) No 3168/94 (OJ L 335, 23.12.94, p. 23) - establishes in the field of application of Regulation 517/94 a Community import licence and amending certain provisions of the Regulation;*
- *Council Regulation (EC) No 1325/95 (OJ L 128, 13.6.95, p. 1) - amends Regulation 517/94;*
- *Commission Regulation (EC) No 1627/95: (OJ L 155, 6.7.95, p. 8) - amends Regulation 3168/94, establishes in the field of 517/94 a Community import licence and amends certain provisions of the Regulation;*
- *Council Regulation (EC) No 538/96 (OJ L 79, 29.3.96, p.1) - amends Regulation 517/94 concerning imports of products - Yugoslavia (Serbia and Montenegro);*
- *Commission Regulation (EC) No 1476/96 (OJ L 188, 27.7.96, p. 4 - opens quotas for imports of products falling within cat. 87 and 109 originating in North Korea and amends Annexes IV and V to Regulation 517/94.(Corrigendum in OJ L 225, 6.9.96, p. 11);*
- *Commission Regulation (EC) No 1937/96 (OJ L 255, 9.10.96, p. 4) - amends Annexes III B and VI to Regulation 517/94;*
- *Commission Regulation (EC) No 1457/97 (OJ L 199, 26.7.97, p. 6) – amends annexes IIIB, IV and VI to Regulation 517/94;*
- *Commission Regulation (EC) No 2542/99 (OJ L 307, 2.12.99, p. 14) – amends Annex I to Regulation 517/94;*
- *Council Regulation (EC) No. 7/2000 (OJ L 2, 5.1.2000, p. 51) - amends Regulation 517/94;*
- *Commission Regulation (EC) No 2878/2000 (OJ L 333, 29.12.2000, p. 60) – amends Annex IV to Regulation 517/94;*
- *Commission Regulation (EC) No 2245/2001 (OJ L 303, 20.11.2001, p. 17) – amends Annexes IIIB and VI to Regulation 517/94;*
- *Commission Regulation (EC) No 888/2002 (OJ L 146, 4.6.2002, p. 1) – amends Annexes I and II to Regulation 517/94;*
- *Council Regulation (EC) No 1309/2002 (OJ No L 192, 20.7.2002, p. 1) – amends Regulation 517/94;*
- *Commission Regulation (EC) No 1437/2003 (OJ L 204, 13.8.2003, p. 3) – amends Annexes I, II, IIIB and VI to Council Regulation (EC) No 517/94;*
- *Commission Regulation (EC) No 1484/2003 (OJ L 212, 22.8.2003, p 46) – amends Annexes IIIB and VI of Regulation (EC) No 517/94 as regards quotas for Serbia and Montenegro;*
- *Commission Regulation (EC) No 2309/2003 (OJ L 342, 30.12.2003, p. 21) – amends annexes IIIB, IV and VI of Regulation (EC) No 517/94 as regards textile quotas for 2004;*
- *Commission Regulation (EC) No 1877/2004 (OJ L 326, 29.10.2004, p. 25) – amends Annex IIIB of Regulation (EC) No 517/94 as regards quotas for Serbia and Montenegro;*
- *Commission Regulation (EC) No 931/2005 (OJ L 162, 23.6.2005, p.371) – amends Annexes I, II, IIIB and VI to Council Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements or by other specific Community import rules.*

- *Commission Regulation (EC) No 1786/2006 (OJ 337, 5.12.2006, p.12) - amends Annexes III B, IV, and VI to Council Regulation (EC) No 517/94 as regards textile quotas for 2007;*
- *Commission Regulation (EC) No 1398/2007 (OJ 311, 29.11.2007, p. 5) – amends Annexes II, IIIB and VI to Council Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements or by other specific Community import rules;*
- *Commission Regulation (EU) No 1260/2009 of 18 December 2009 (OJ L 338, 19.12.2009, p.58) – amends Annexes I, II, IV and VI to Council Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements or by other specific Community import rules.*
- *Commission Implementing Regulation (EU) No 1322/2011 of 16 December 2011 (OJ L 335, 17.12.2011, p. 42) amending Annex I to Council Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements or by other specific Community import rules.*

#### 5.2.2.2. Regulations concerning the import licence:

- *Commission Regulation (EC) No 3168/94 (OJ L 335, 23.12.94, p. 23) – establishes in the field of application of Regulation 517/94 a Community import licence and amending certain provisions of the Regulation.*

[As amended by:

- *Commission Regulation (EC) No 1627/95 (OJ L 155, 6.7.95, p. 8) – amends Regulation 3168/94, establishes in the field of application of Regulation 517/94 a Community import licence and amends certain provisions of the Regulation].*

#### 5.2.2.3. Regulations concerning the distribution of quotas:

- *Commission Regulation (EC) No 2458/97 (OJ L 340, 11.12.97, p. 31) – (end 31.12.98) – distribution of quotas for 1998 pursuant to Regulation 517/94;*
- *Commission Regulation (EC) No 2650/98 (OJ L 335, 10.12.98, p. 43) – distribution of quotas for 1999 pursuant to Regulation 517/94;*
- *Commission Regulation (EC) No 2629/99 (OJ L 321, 14.12.99, p. 8) – distribution of quotas for 2000 pursuant to Regulation 517/94.*

[As amended by:

- *Commission Regulation (EC) No. 394/2000 (OJ L 49, 22.2.2000, p. 33) – amends Regulation 2629/99;*
- *Commission Regulation (EC) No 2833/2000 (OJ L 328, 23.12.2000, p. 20) – distribution of quotas for 2001 pursuant to Regulation 517/94;*
- *Commission Regulation (EC) No 2538/2001 (OJ L 341, 22.12.2001, p.73) – distribution of quotas for 2002 pursuant to Regulation 517/9;*
- *Commission Regulation (EC) No 2357/2002 (OJ L 351, 28.12.2002, p. 45) – distribution of quotas for 2003 pursuant to Regulation 517/9;*
- *Commission Regulation (EC) No 2308(2003 (OJ L 342, 30.12.2003, p. 13) – distribution of quotas for 2004 pursuant to Regulation 517/94;*
- *Commission Regulation (EC) No 2171/2004 (OJ L 371, 18.12.2004, p. 20) – distribution of quotas for 2005 pursuant to Regulation 517/94;*
- *Commission Regulation (EC) No 2038/2005 (OJ L 328, 15.12.2005, p. 27) – distribution of quotas for 2005 pursuant to Regulation 517.*
- *Commission Regulation (EC) No 1785/2006 (OJ L 337, 05.12.2006, p. 5) - distribution of quotas for 2008 pursuant to Regulation (EC) No 517/94;*

- *Commission Regulation (EC) No 1402/2007 (OJ L 311, 29.11.2007, p. 27) – distribution of quotas for 2008 pursuant to Regulation 517/94;*
- *Commission Regulation (EC) No 1164/2008 (OJ L 314, 25.11.2008, p. 24) - laying down rules for the management and distribution of textile quotas established for the year 2009 under Council Regulation (EC) No 517/94;*
- *Commission Regulation (EU) No 1258/2009 (OJ L 338, 19.12.2009, p. 24) - laying down rules for the management and distribution of textile quotas established for the year 2010 under Council Regulation (EC) No 517/94;*
- *Commission Regulation (EU) No 1159/2010 of 9 December 2010 (OJ L 326, 10.12.2010, p.25) laying down rules for the management and distribution of textile quotas established for the year 2011 under Council Regulation (EC) No 517/94.*
- *Commission Implementing Regulation (EU) No 1323/2011 of 16 December 2011 (OJ L 335, 17.12.2011, p. 57) laying down rules for the management and distribution of textile quotas established for the year 2012 under Council Regulation (EC) No 517/94.*

### 5.2.3. Outward processing traffic (OPT):

#### 5.2.3.1. Basic Regulation:

- *Council Regulation (EC) No 3036/94 (OJ L 322, 15.12.94, p. 1) - establishes economic outward processing arrangements to products re-imported into the Community after working in certain third countries (Corrigenda in OJ L 135, 6.6.96, p. 35).*

#### 5.2.3.2. Implementing Regulation:

- *Commission Regulation (EC) No 3017/95 (OJ L 314, 28.12.95, p. 40) – repeals Commission Regulation (EC) No 1816/95 (OJ L 175, 27.7.95, p.21).*

#### 5.2.4. Other communications and information:

- *OJ C 52, 19.2.98, p.3: List of national competent authorities;*
- *OJ C 71, 7.3.98, p.2: List of Members of the World Trade Organization;*
- *OJ C 321, 20.10.98, p. 27: Notice on SIGL Website (information on quota levels for textile products – <http://trade.ec.europa.eu/sigl>);*
- *OJ C 46, 19.2.2000, p. 20: Notification on provisional application of certain textile Agreements;*
- *OJ C 88, 25.3.2000, p. 18: Preparation of decision on third stage of ATC integration – Request for comments;*
- *OJ C 308, 1.11.2001, p.16: electronic licensing, List of countries;*
- *OJ C 356, 14.12.2001, p. 4: China's accession to the WTO;*
- *OJ C 364, 20.12.2001, p.11: Chinese Taipei's accession to the WTO;*
- *OJ C 367, 21.12.2001, p. 27: Pakistan quota increases 2001;*
- *OJ C 374, 29.12.2001, p.58: electronic licensing, List of countries;*
- *OJ C 29, 1.2.2002, p. 5: electronic licensing, List of countries;*
- *OJ C 66, 15.3.2002, p. 11: List of members of the World Trade Organization;*
- *OJ C 77, 28.3.2002, p. 38: electronic licensing, List of countries;*
- *OJ C 99, 24.4.2002, p. 14: List of the National competent authorities.*

### 5.3. Steel products

Prior EU surveillance without quantitative limits:



- *Commission Regulation (EU) No 1241/2009 (OJ L 332, 17.12.2009, p. 54) amending Regulation (EC) No 76/2002 (OJ L 16, 18.01.2002) which was also amended by 1337/2002 (OJ L 195, 24.7.2002), 2385/2002 (OJ L 358, 31.12.2002, p.125), 469/2005 (OJ L 78, 24.3.2005, p.12) and 1915/2006 (OJ L 365, 21.12.2006, p. 76).*

In addition, the EU maintains quantitative restrictions on steel imports from Kazakhstan. Certain restrictions on imports of certain steel products from the Russian Federation were abolished on 22 August 2012 (on the date when the Russian Federation acceded to the WTO).

#### 5.4. Agricultural products

In the agricultural sector, the following legislation includes provisions related to import licensing:

##### 5.4.1. General:

- Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) as amended;
- Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as amended recently by Commission Implementing Regulation (EU) No 1349/2011 of 20 December 2011 (abolishing the licence requirement for imported bananas) and by Commission Implementing Regulation (EU) No 418/2012 of 16 May 2012 (among other things abolishing the import licence obligation for seeds of durum wheat, including products imported under tariff quotas as referred to in Article 1(2)(a)(iii) of Regulation (EC) No 376/2008, for barley and of grain sorghum other than hybrids for sowing, the requirement of import licences for manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets, for sago pith and for sweet potatoes for human consumption).

##### 5.4.2. Cereals and rice:

- Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice as amended.

##### 5.4.3. Beef and veal:

- Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector as amended.

##### 5.4.4. Sheepmeat and goatmeat:

- Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector as amended.

5.4.5. Milk and milk products:

- Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/99 as regards the import arrangements for milk and milk products and opening tariff quotas as amended (this Council Regulation has been repealed and incorporated into Council Regulation (EC) No 1234/2007 of 22 October 2007).

5.4.6. Sugar:

- Commission Regulation (EC) 951/2006 of 30 June 2006 laying down implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector (this Council Regulation has been repealed and incorporated into Council Regulation (EC) No 1234/2007 of 22 October 2007).

5.4.7. Fruit and vegetables, processed:

- Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors.

5.4.8. Olive oil and table olives:

- Commission Regulation (EC) No 1345/2005 of 16 August 2005 laying down detailed rules for the application of the system of import licences for olive oil as amended.

5.4.9. Ethyl alcohol of agricultural origin:

- Commission Regulation (EC) No 2336/2003 of 30 December 2003 introducing certain detailed rules for applying Council Regulation (EC) No 670/2003 laying down specific measures concerning the market in ethyl alcohol of agricultural origin (this Council Regulation has been repealed and incorporated into Council Regulation (EC) No 1234/2007 of 22 October 2007).

Obligation to submit import licences for the release of bananas into free circulation of all origin was abolished as from 1 January 2012, pursuant to the Commission Implementing Regulation (EU) No 1349/2011 of 20 December 2011 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products and pursuant to the Commission Implementing Regulation (EU) No 1287/2011 of 9 December 2011, repealing Commission Regulation (EC) No 2014/2005 of 9 December 2005 on licences under the arrangements for importing bananas into the Community in respect of bananas released into free circulation at the common customs tariff rate of duty.

Import licence obligation was also abolished with the entry into force of Regulation (EU) No 418/2012 of 16 May 2012 for seeds of durum wheat, including products imported under tariff quotas as referred to in Article 1(2)(a)(iii) of Regulation (EC) No 376/2008, for barley and of grain sorghum other than hybrids for sowing, for manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets, for sago pith and for sweet potatoes for human consumption.

## Procedures

6. The answers provided to question 6, I-XI, relate exclusively to textiles:
  - I. Information related to the allocation of the quotas, the formalities for licence applications and the amount of goods allocated to each country is published in the Official Journal of the European Union (see reply 5). There is no derogation from the licensing requirement.
  - II. The size of textile quotas is determined on a yearly basis. There are no cases where the size of the quota is determined on a yearly basis and where import authorisations would be issued for imports on a six-monthly or quarterly basis.
  - III. The issuing of import authorisations is not limited to domestic producers of like goods. The competent licensing authorities notify the Commission immediately after having been informed of any quantity that is not used during the duration of validity of the import authorisation. Such unused quantities are automatically transferred into the remaining quantities of the total of the EU quantitative limit for each category products and each third country concerned. Names of importers to whom import authorisations have been allocated are not made known to governments and exporting countries for privacy protection reasons.
  - IV. The authorised imports are charged against the quantitative limits laid down for the year in which the products are shipped in the supplier country concerned. An import authorisation is issued upon presentation of an export licence issued by the exporting country. This presentation must be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped. In exceptional circumstances, a Member State may put the deadline for presentation of the export licence back to 30 June on a duly motivated request.
  - V. The licensing authorities have to issue an import authorisation within a maximum of five working days of the presentation by the importer of the original of the corresponding export licence.
  - VI. Import authorisations are valid for a period of six months from the date of their issue.
  - VII. Each Member State has only one national competent authority for the issuing of import authorisations.
  - VIII. Import authorisations are issued on a "first-come, first-served" basis. There are no special provisions for new importers. Applications are examined on receipt.
  - IX. Concerning trade with WTO Members and with countries with bilateral agreements, the so-called double-checking system applies. The competent authorities of the supplier countries issue an export licence in respect of all consignments of textile products subject to quantitative limits, up to the level of those limits. The importer shall present the original of the export licences for the purposes of the issue of the import authorisation. An import authorisation is not issued automatically but only after the Commission has confirmed that the amount requested is available within the quantitative limit in question.
  - X. There are no cases where imports are allowed on the basis of export permits only.
  - XI. There are no products for which licences are issued on condition that goods should be exported and not sold in the domestic market.

7. Agricultural tariff quotas subject to import licensing: Some of the EU's agricultural tariff quotas are subject to import licensing. Licences may be issued on a pro-rata or an historical basis, or related to quotas administered by exporting countries. Details are being notified in parallel to this general notification<sup>4</sup>.

7.1. For products subject to EU surveillance (other than textiles):

- (a)-(b) It is up to the applicant to decide when to apply for a licence, knowing that the document will be issued within a maximum of five working days of receipt of the application. Normally an import licence is presented at the moment of the import declaration and agricultural licences are issued immediately (except in certain cases due to the management of certain mechanisms, e.g. management of tariff quotas).
- (c) There are no limitations as to the time of year during which applications may be made.
- (d) Several administrative bodies can deliver import licences. The list of the competent authorities in the Member States delivering import licences is published in the "C" series of the Official Journal. The application must not be passed on to other organs for approval and the importer has to approach only one administrative organ.

7.2. For textile products subject to EU surveillance the following applies:

- (a) The licensing authorities have to issue a surveillance document within a maximum of five working days:
  - of the presentation by the importer of the original of the corresponding export licence (in the case of a double-checking system);
  - of a request being submitted by the importer (in the case of a single-checking system).
- (b) Surveillance documents are issued on the basis of "first-come, first-served".
- (c) There are limitations as to the time of year during which applications may be made.
- (d) A single administrative body effects consideration of licence applications. The Commission services collect statistical information on products subject to simple or double-checking surveillance (SIGL electronic system).

7.3. For agricultural products the rules are as follows:

- (a)-(b) Import licences must be presented to the customs authorities at the moment of acceptance of the import declaration. Import licences are issued immediately, except in certain cases due to the management of certain mechanisms (management of tariff quotas).
- (c) No.

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<sup>4</sup> The notification relating to agricultural tariff rate quotas is contained in the Addendum to this document.

(d) Several administrative bodies can deliver import licences. The list of the competent authorities in the Member States delivering import licences is published in the "C" series of the Official Journal. The application must not be passed on to other bodies for approval and the importer has to approach only one administrative organ.

8. Failure to meet the ordinary criteria is the only circumstance in which licence applications may be refused.

#### **Eligibility of importers to apply for licence**

9. Import licences are issued without discrimination to any importer in the EU wherever the place of his establishment may be in the EU, without prejudice to compliance with the other conditions required under current rules. All persons are eligible to become importers.

#### **Documentational and other requirements for application for licence**

10. For textile products subject to quantitative limits: For information required in application see Annex II. Sample form is contained in Council Regulation (EEC) No 3030/93 (OJ L 275, 8.11.93, p.1) on common rules for imports of certain textile products from third countries, as last amended by Commission Implementing Regulation (EU) No 1321/2011 of 16 December 2011 (OJ L 335, 17.12.2011, p. 17).

For textile products subject to EU surveillance: For information required in application see Annex III. Sample form is contained in Council Regulation (EEC) No 3030/93 (OJ L 275, 8.11.93, p.1) - on common rules for imports of certain textile products from third countries, as last amended by Commission Regulation (EU) No 1321/2011 of 16 December 2011 (OJ L 335, 17.12.2011, p. 17).

Concerning the application for the import authorisation in the case of a double-checking system for textiles, the applicant is required to supply an export license. Concerning the application for the import authorisation in the case of a single-checking system the applicant is required to supply a certified copy of the bill of lading, letter of credit, contract, or any other commercial document indicating a firm intention to carry out the importation.

Applications for surveillance document (other than textile) shall be sent to or lodged with the competent administrative authorities in the Member States. Regarding the information required in applications, see Council Regulation (EC) No 625/2009 of 7 July 2009 (OJ L 185, 17.07.2009, p.1). A surveillance document sample form is contained in Council Regulation No 625/2009.

In the agricultural field the application for an import licence has to be forwarded to or lodged with the competent authorities in the Member States conforming to the specimen set out in Annex I of Commission Regulation (EC) No 376/2008 (OJ L 114, 26 April 2008, p. 3).

11. The licence/surveillance document itself or an extract is required upon importation. For textile products subject to quantitative limits/surveillance there is also, if needed, a requirement for a certificate of origin upon actual importation.

For certain steel products the EU applies prior surveillance. The imports are subject to a surveillance document (import licence) that is released automatically upon request.

12. There is no licensing fee or administrative charge.

13. In general, there is no deposit or advance payment required associated with the issue of import authorisations. However, in the agricultural field 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 amount of the security depending on the products is laid down in the specific EU provisions applicable to the relevant product sector. The security is released when the obligation to import is considered to have been fulfilled and the right to import under the licence is considered to have been exercised namely on the day the import declaration is accepted and the product concerned put into free circulation.

### **Conditions of licensing**

14. For textile products subject to quantitative limits/double checking, import authorisations/surveillance documents are valid for a period of six months from the date of their issue. Upon a duly motivated request by an importer, the competent authorities of a Member State may extend the duration of validity for a two further periods of three months. Such extensions shall be notified to the Commission. In exceptional circumstances, an importer may request a third period of extension. These exceptional requests may only be granted by a decision of the Textile Committee, composed of representatives of the Member States and chaired by the Commission.

For agricultural products the period of validity of the import licences depends on the product subject to licensing. General periods of validity are set in Commission Regulation (EC) No 376/2008. Information concerning periods of validity of import licences allocated in the context of tariff rate quotas is included in replies to question 14 in the Addendum. The validity of a licence can only be extended in case of "*force majeure*".

For steel products subject to prior EU surveillance without quantitative limits, the period of validity of a surveillance document is four months and unused or partly used documents may be renewed for four months.

15. There is no penalty for the non-utilisation of an import authorisation/surveillance document or a portion of it. However, for a licence in the agricultural field, the security is forfeited in whole or in part if import is not carried out, or only partly carried out during the period of validity of the licence.

16. Import authorisations are not transferable between importers. Import licences constitute an authorisation and give rise to an obligation to import under the licence during its period of validity. Obligations deriving from licences are not transferable but the rights deriving are transferable by the titular holder of the licence during its period of validity<sup>5</sup>.

17. No other conditions are attached to the issue of an import authorisation for products subject to or not subject to quantitative restrictions.

### **Other procedural requirements**

18. No other administrative procedures, apart from import licensing and similar administrative procedures are required prior to importation.

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<sup>5</sup> For ease of reference, the following is an indicative résumé of the various durations: Cereals and rice: until the end of the second month following the month of the actual day of issue of the licence; beef and veal: until the end of the third month following the month of the day of issue of the licence; milk and milk products: until the end of the third month following the month of the day of issue of the licence; olive oil: 60 days from the actual date of issue.

19. The banking authorities automatically provide foreign exchange for goods to be imported as well as to cover import licences. A licence is not required as a condition to obtaining foreign exchange.

## ANNEX I

### Agricultural products subject to import licensing

- CEREALS: Grain: common wheat, durum wheat, barley, maize, all these other than seed, other grain.
- PROCESSED PRODUCTS : Flour, wheat groats and meal, malt, starches, glucose, cereal products, brans, wheat gluten, malto-dextrine, caramel, manioc roots, cereal based animal compounds.
- RICE: Husked rice, semi-milled or wholly milled rice, broken rice.
- SUGAR: All products imported under preferential conditions and within tariff quotas.
- OLIVE OIL AND TABLE OLIVES: Commission Regulation (EC) No 1345/2005 laying down detailed rules for the application of the system of import licences for olive oil.
- MILK PRODUCTS: All products imported under preferential conditions and within tariff quotas.
- BEEF AND VEAL: All products imported under preferential conditions and within tariff quotas.
- FRUIT AND VEGETABLES  
and  
PROCESSED  
FRUIT AND  
VEGETABLES : Garlic + mixture of vegetables containing garlic.
- ETHYL ALCOHOL OF AGRICULTURAL ORIGIN



## ANNEX II

### Textiles

#### Information required in application for import authorisation under double-checking system for administering quantitative limits

The declaration or request made by the importer to the competent authorities in order to obtain the import authorisation needs to contain:

- (a) The name of the importer and full address (including if any, telephone and fax number, and identification number registered with the competent national authorities), and VAT registration number, if it is a VAT payer;
- (b) Name and full address of declarant;
- (c) Name and full address of exporter;
- (d) The country of origin of the products and the country of consignment;
- (e) A description of the products including:
  - their commercial designation;
  - description of the products and Combined Nomenclature (CN) code;
- (f) The appropriate category and the quantity in the appropriate unit as indicated in Regulation concerned for the products in question;
- (g) The value of the products, as indicated in box 12 of the export licence;
- (h) Where appropriate, dates of payment and delivery and a copy of the bill of lading and of the purchase contract;
- (i) Date and number of export licence;
- (j) Any internal code used for administrative purposes, such as Taric code;
- (k) Date and signature of importer.

### ANNEX III

#### Textiles

##### Information required in application for import authorisation under double-checking system for products subject to surveillance

The declaration or request made by the importer to the competent authorities in order to obtain the import authorisation needs to contain:

- (a) The name of the importer and full address (including if any, telephone and fax number, and identification number registered with the competent national authorities), and VAT registration number, if it is a VAT payer;
  - (b) Name and full address of declarant;
  - (c) Name and full address of exporter;
  - (d) The country of origin of the products and the country of consignment;
  - (e) A description of the products including:
    - their commercial designation;
    - description of the products and Combined Nomenclature (CN) code;
  - (f) The appropriate category and the quantity in the appropriate unit as indicated in Regulation concerned for the products in question;
  - (g) The value of the products, as indicated in box 12 of the export licence;
  - (h) Where appropriate, dates of payment and delivery and a copy of the bill of lading and of the purchase contract;
  - (i) Date and number of export licence;
  - (j) Any internal code used for administrative purposes, such as Taric code;
  - (k) Date and signature of importer.
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