

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

Notification under Article 7.3 of the
Agreement on Import Licensing Procedures

FJI

The following notification, dated 1 April 1997, has been received from the delegation of Fiji.

I. CHICKEN PRODUCTS

Outline of System

1. Individuals of indigenous Fijian, Rotuman and part European descent write to the Ministry of Commerce, Industry, Trade and Public Enterprises (MCIT and PE) for an import licence. This Ministry assists applicants applying to mainland USA for the importing of chicken products.

Purpose and Coverage of Licensing

2. To encourage indigenous Fijians in business.

3. The licensing system applies only to products from mainland USA which have been approved by the USDA.

4. Only 1,600 tonnes have been decided by Cabinet should be imported per year. This would give about 100 tonnes per province.

No.

This import licensing system only applies to chicken products. There is no importation of turkey products even though interest in diversifying has been expressed.

5. Animals Importation Act (Chapter 159) [Amended] Legal Notice No. 41 - Animals Importation (Amendment) Regulation, 1996 (Section II); and the Customs Ordinances (Cap. 170).

Yes.

Yes.

MCIT and PE can delay the system if an urgent need arises.

Procedures

6. I. Information is published in the Fiji Times and the "Nai Lalakal" - these are the English and Fijian newspapers.

Overall amount is published on request.

Not applicable.

The maximum amount allocated is approximately 100 tonnes per applicant.

No exceptions are made.

- II. Yearly.

No.

No.

- III. Import licences are only for chicken products.

Copy of approved application is made available to Customs and the Quarantine Department of Agriculture; the original is given to the applicant and a copy is kept by MCIT and PE.

Unused allocations are not added to quotas for a succeeding period.

Names of importers to whom licences have been allocated are made known only to Customs and Agriculture.

Confidentiality of business endeavours.

- IV. From the beginning of the year - early January.

- V. One day.

- VI. Depends on the applicant's efficiency in obtaining the approved licence from MCIT and PE, and then applying to mainland USA for imports of chicken products.

- VII. Only MCIT and PE is the administrative body which administers import licensing for chicken products.

No.

Required to be cited for formality purposes.

- VIII. First come, first served.

Maximum amount - 100 tonnes/province; however for allocations by the third quota of the year, if it is not used then it is given to any other interested applicant.

Same allocation is made for new applicants.

Yes.

IX. Only in the case of re-exports.

Yes.

X. This is a case of the Customs Department of both countries working together on this matter.

XI. For chicken products that have exceeded the annual quota, these products cannot be sold but are held at the wharf for transit.

7.(a) Applications must be made prior to importation.

(b) Yes.

(c) Yes - if quotas are available.

Beginning of the year.

Yes - MCIT and PE.

No, just a copy for the records.

8. An application for a licence may be refused: if there is no evidence of availability of funds to finance - unable to raise capital.

The reasons for any refusal are given to the applicant.

Applicants can, provided they get financing.

Eligibility of Importers to Apply for a Licence

9. Individuals that belong to the Fijian, Rotuman and General Voters ethnic constituency can apply for import licences for chicken products.

Not applicable.

Fijians/Rotumans/General Voters.

There is no registration fee.

There is a published list of authorized importers.

Documentational and Other Requirements for Application for Licence

10. Applications are made by the individual letters written to the MCIT and PE by individual applicants. Other procedures/requirements for obtaining an import licence were set by MCIT and PE:

- provision of "Vola ni Kawa Bula" (registration of membership into indigenous Fijian family units) for indigenous applicants to determine allocation of quotas;
- other identification for other races (birth certificates, passports, etc.);

- redistribution of quota at the cut-off date etc.

11. Bank guarantee/local market distribution.

Import licences/Customs clearance.

12. No.

For Customs, application for import still is to be made to Comptroller of Customs by letter, with technical details for the still. A fee of \$F11 is chargeable for each licence. Import of still is subject to import licence at Item 5 to Schedule 5 of the Customs (Prohibited Import/Export) Regulations 1986. A standard fee of \$F5 per entry is chargeable on all import or export entries.

13. No.

Not applicable.

Conditions of Licensing

14. One year until 31 December of that year.

No, applicants have to reapply.

15. No.

16. No.

17. Chicken imports are subject to thorough inspection by the Quarantine Department.

Other Procedural Requirements

18. No, but for Customs, application by letter is to be made to the Comptroller of Customs.

19. Bank credit is given by the banks.

Yes.

II. OIL LUBRICANTS

Outline of System

1. Government licensing control was introduced in 1987, and administered by the MCIT and PE. The power to bring goods under licence control rests with the Minister of Finance.

Purpose and Coverage of Licensing

2. To protect a local company which was approved to operate a lubricating oil refining operation. This company did not establish its operation and the reason why it is still under licensing control is because of an existing dispute between the Government and the company.

3. No discrimination on country of origin.
4. No. Licences are issued to anyone who wants to import lubricating oil, and for the quantity requested.

No.

The removal of licence control is awaiting the Court decision.

5. Government of Fiji Gazette or Legal Notice.

Yes.

No.

Yes, subject to the legal proceeding of the Court decision. Removal of licence control will be effected through a legal notice approved by Cabinet.

Procedures

6. I. Information is published in Legal Notice - Government of Fiji Gazette.
- Not applicable.
- Not restricted.
- Amount applied for.
- Reapply to MCIT and PE.
- II. No quotas. Licences are automatically granted, irrespective of the volume or source.
- III. Lubricating oil - any kind of lubricating oil.
- A copy is sent to Customs as a form of Customs Control.
- Quotas - not applicable.
- No, because it is not restricted to any particular source.
- IV. As and when applications are received, licences are granted.
- V. One day.
- VI. Licences are effective from the date of issue.
- VII. Yes - MCIT and PE.
- No.
- No.

VIII. First come, first served.

IX. No.

Yes.

X. Not available.

XI. No.

7. (a) Yes, generally two weeks before goods arrive.

(b) Yes, importers can apply for licences after goods have arrived. However, this is not encouraged.

(c) No.

(d) Yes - MCIT and PE.

(e) No.

8. Certain circumstances - for example, the business must be registered locally and legitimate.

The reasons for refusal are not given to the applicant.

They can reapply to MCIT and PE. Current procedures allow them to reapply to the Ministry.

Eligibility of Importers to Apply for a Licence

9. Individual persons cannot apply.

Not applicable.

Yes.

No - but firms register with the Registrar of Companies.

No restriction.

No licence fee.

There is no published list of authorized importers.

Documentational and Other Requirements for Application for Licence

10. Particulars of applicant - name of company, amount, value and country of importation.

None - just a simple letter.

Import licence, Customs clearance - Bill of Sale.

12. Not for import licence but for Customs, application for import of still is to be made to Comptroller of Customs by letter, with technical details for the still. A fee of \$F11 is chargeable for

each licence. Import of still is subject to import licence at Item 5 to Schedule 5 of the Customs (Prohibited Import/Export) Regulations 1986. A standard fee of \$F5 per entry is chargeable on all import or export entries.

13. No.

Not applicable.

Conditions of Licensing

14. Three months.

Yes - by reapplying to MCIT and PE.

15. No.

16. No.

17. Not applicable.

No.

Other Procedural Requirements

18. As stated in Reply 12, for Customs, application for import is to be made to the Comptroller of Customs by letter, with technical details for the still.

19. Yes.

No.

Depends on whether the company has funds.

Commercial banks have certain forms that need to be filled in and proof of funds needs to be provided.