

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

Notification under Article 7.3 of the Agreement on Import Licensing Procedures

GUATEMALA

The following communication, dated 2 September 2004, is being circulated at the request of the delegation of Guatemala.

Outline of systems

Automatic licensing:

1. Brief description of each licensing system.
 - (a) The Law on Protected Areas (Decree No. 4-89) stipulates that the approval of the National Council for Protected Areas (CONAP) is required in order to import plants and animals into protected areas.
 - (b) The Law on Arms and Munitions (Decree No. 39-89) prohibits the import of offensive weapons and their ammunition.
 - (c) The Law on the Protection and Improvement of the Environment (Decree No. 68-86) prohibits the import of animal or human waste.
 - (d) Law prohibiting the import and regulating the use of chlorofluorocarbons (CFCs) (Decree No. 110-97).
 - (e) The Law against Drug-Related Activities (Decree No. 48-92) prohibits the import of narcotic drugs.
 - (f) Law regulating the import, processing, storage, transport, sale and use of pesticides (Legislative Decree No. 43-74). Regulations on the import of pesticides are issued by the competent authority (the Ministry of Agriculture, Livestock and Food, and the Ministry of Public Health and Social Welfare).
 - (g) Regulations on fertilizers for use in agriculture, their registration, import, export, formulation, repackaging, storage and marketing (Government Decision No. 746-93).

¹ See document G/LIC/3, Annex, for the questionnaire.

Purposes and coverage of licensing

2. In Guatemala, no licences are required for the import of goods needed for normal economic development, with the exception of products subject to import quotas (see document G/AG/N/GTM/28) which are named in the laws and regulations listed under point 1.
3. Goods can be imported from any country.
4. No, only to fulfil the purposes of the laws and regulations listed under point 1.
5. Laws and regulations under which the licensing is maintained:
 - (a) Pursuant to Article 30 of the Law on Protected Areas (Decree No. 4-89), published on 10 February 1989 in the Official Journal, Volume CCXXXV, No. 64, pages 1577-1583, the approval of the National Council for Protected Areas (CONAP) is required in order to import plants and animals into protected areas.
 - (b) The Law on Arms and Munitions, Decree No. 39-89, published in the Official Journal on 4 August 1989, Volume CCXXXVI, pages 2337-2346, prohibits the import of offensive weapons and their ammunition. This law is enforced by the Ministry of Defence Department for the Control of Arms and Munitions.
 - (c) Pursuant to the Law on the Protection and Improvement of the Environment (Decree No. 68-86) of 1989, imports of animal or human waste, treated or untreated, are prohibited for reasons of public health and environmental protection.
 - (d) The Law prohibiting the import and regulating the use of chlorofluorocarbons (CFCs) in their various forms (Decree No. 110-97), published in the Official Journal of 10 October 1997, Volume CCLVII, No. 94, pages 3029-3030, prohibits the import of products containing CFCs and of products that are not freely and legally marketed in their country of origin.
 - (e) The Law against Drug-Related Activities (Decree No. 48-92), published in the Official Journal on 6 October 1992, Volume CCXLIV, No. 83, prohibits the import of narcotic drugs.
 - (f) Legislative Decree No. 43-74, regulating the import, processing, storage, transport, sale and use of pesticides, published on 5 June 1974 in the *Publicación de Leyes*, Volume XCIII, pages 234-236. This law regulates and protects the population's health and property whilst maintaining and encouraging the development of agricultural and livestock production in general, favouring appropriate and controlled use of pesticides.
 - (g) Government Decision No. 746-93 issuing regulations on fertilizers for use in agriculture, their registration, import, export, formulation, repackaging, storage and marketing, published on 20 December 1993 in the Official Journal, Volume CCXLVII, No. 88, pages 2473-2474. The State encourages maximum freedom in these sectors of industry and trade, without prejudice to any restrictions imposed by laws for social reasons or in the national interest.

Procedures

6. None
7. There are no quantitative limits or limits on imports from a particular country.
8. In Guatemala, import licences are required only in the cases listed under point 5. In those cases, the specific law lays down the requirements for each product and regulates matters relating to import quotas.

Eligibility of importers to apply for licence

9. Yes.

Documentational and other requirements for application for licence

10. The information varies according to the product, and is specified in each of the laws mentioned under point 5.
11. The documents vary according to the product, and are specified in each of the laws mentioned under point 5.
12. No.
13. No. Only for the import of weapons when there are doubts as to the provenance or the type of the firearm in question.

Conditions of licensing

14. The period varies according to the procedures set out in the specific laws and regulations mentioned under point 5.
15. No.
16. No.
17. No.

Other procedural requirements

18. No.
 19. The foreign exchange market operates freely.
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