

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

Notification under Article 7.3 of the Agreement on Import Licensing Procedures

**KUWAIT**

The following communication, dated 22 October 2010, is being circulated at the request of the delegation of Kuwait.

**Outline of systems**

1. The KUWAIT maintains non-automatic licensing system which is administered in accordance with the provisions of the Law on Import Licensing Procedures which was issued by Council of Ministers No. 43 of 1964.

**Purposes and coverage of licensing**

2. List of items subject to non-automatic licensing is attached as Annex "A"<sup>2</sup>.
3. The system applies to goods originating in and coming from all countries.
4. No, the licensing is not intended to restrict the quantity or value of imports. The purpose of licensing is to ensure that goods that do not meet the requirements of different laws, regulations or decisions are not imported. Alternative methods have not been considered.
5. Licensing is maintained under Decision No. 43 of the PRESEDENT OF KUWAIT (1964) the list of items subject to licensing requirements may be amended by the Minister of Commerce and Industry on the basis of comments received from respective government agencies. The system can only be abolished by a decision of the Council of Ministers.

**Procedures**

- 6.I-XI There is no restrictions on the quantity or value of imports.
- 7.(a) Applications for non-automatic licenses may be submitted within 14 days prior to the closing date of applications.
  - (b) Yes, licenses are granted in a short period.

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

<sup>2</sup> Available in the Secretariat (Market Access Division) (unofficial translation, English only).

- (c) No limitations as to the period of the year during which applications or importation may be made.
- (d) Yes, by a single administrative body. However, in some cases the body may coordinate with other bodies, but the applicant does not have to approach more than one administrative body (MINISTRY OF COMMERCE & INDUSTRY).

8. Applications are not refused other than for reasons of failure to meet the ordinary criteria. Reasons for refusal of a license are given upon request of the applicant. Applicants have a right of appeal in the event of refusal of a license. The initial appeal can be made to the Head of the administrative body within 14 days of the decision. An appeal against the decision of the Head of the administrative body lies to the Board of Grievances within 14 days of the decision.

#### **Eligibility of imports to apply for license**

9. Yes they are eligible to apply for licenses, but there are some restrictive activities (restrictive activities attached as annex "B"<sup>3</sup>). Eligibility of parties under restrictive and under non-restrictive licensing systems is the same. Importing commodities, goods and materials right from abroad is limited to:

- (i) Kuwaiti nationals.
- (ii) Kuwaiti companies of which all partners are Kuwaitis.
- (iii) Share holding companies and the companies of limited liability of which the ratio of Kuwaitis capital is not less than 51% of the total capital.

But companies of partnership and limited partnership with there to types, those one allowed to practice importing activity from abroad for a two years term cornicing as this law becomes valid and in force, unless the company obtains an other license according to any other act.

#### **Documentation and other requirements for application for license**

10. There is tow kinds of applications for license:

- General application form.
- Temporary application form.

(Sample of the application forms attached as annex "C"<sup>3</sup> 1,2)

The general application form is granted to the firms and companies, and the requirements for this kind of application is: the import number, the license number, name of the license owner, the commercial name, the chamber certificate number, the owner attendance and signature or the person who represent him.

The temporary application is granted to persons and some companies according to their activities, and the requirements for this kind of application is: description of the item/s, their quantity, the countries which goods coming from, the owner civil ID number, his attendance and signature or the person who represent him.

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<sup>3</sup> Available in the Secretariat (Market Access Division) (unofficial translation, English only).

11. Documents required are: the import license, copy of invoice and certificate of origin. The last two are requirements for customs clearance and not requirements of the licensing system.
12. There are no licensing fees or administrative charges.
13. There are no deposit or advance payment requirements associated with the issue of a license.

**Conditions of licensing**

14. The period of validity of a license is one year from the date of issue. Extension may be granted, after filling up the form of renewal (a sample of renewal form is attached<sup>4</sup>) and paying the fees to the chamber of commerce and industry.
15. There is no penalty for non-utilization of a license or portion of a license.
16. Licenses are not transferable between importers.
17. No other conditions are attached.

**Other procedural requirements**

18. No other administrative procedures.
19. There are no foreign exchange restrictions or controls in Kuwait.

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<sup>4</sup> Available in the Secretariat (Market Access Division) (unofficial translation, English only).