

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

Notification under Article 7.3 of the
Agreement on Import Licensing Procedures

SAINT LUCIA

The following notification, dated 1 July 2008, has been received from the Ministry of Trade, Industry, Commerce, Consumer Affairs and Investment of Saint. Lucia.

Outline of system

1. The import licensing system is regulated by the External Trade Act No. 5 of 1968 and by the Customs (Management and Control) Act No. 23 of 1990. The schedules relating to goods subject to import licensing are contained in SI No. 31 of 1996 and in the restricted items schedule attached to the Customs (Management and Control) Act. The Licensing system is administered by the Ministry of Commerce.

Purposes and coverage of licensing

2. See schedules attached to External Trade (Restricted Imports) Order No. 31 of 1996.
3. The system applies to goods originating outside of the OECS and/or CARICOM (Second Schedule), products originating from the OECS and CARICOM (Third Schedule), goods originating from any country which is not a member of the OECS (Fourth Schedule).
4. The Saint Lucia Import Licensing Regime was adopted to facilitate the regulating and monitoring of imports and for the following:
 - National Security;
 - Public Health;
 - Public Safety;
 - Animal Health;
 - Moral Issues.
5. The External Trade Act and the External Trade (Restricted Imports) Order are the legal authorities for the import licensing regime in Saint Lucia. The various goods and products are classified in the schedules to the Order and therefore administrative discretion is unnecessary. However goods such as controlled substances, firearms and ammunition which require non-automatic licences may become subjected to administrative discretion. A list of all items which require an

¹ See G/LIC/3, Annex, for the Questionnaire.

import licence may be obtained from Her Majesty's Customs, or from the Ministry of Commerce. The legal instruments were published in the Official Gazette as required by law.

Procedures

6. For restricted products:

I. Information is advertised by the Ministry of Commerce in the local Press and in the Official Gazette, from time to time regarding quotas and other related formalities.

II. Quotas (when and where applicable) are determined annually.

III. Licences are allotted on a non-discriminatory basis, first come first served.

IV. Import Licences are usually for one month duration from date of issue and must be utilized in its entirety. No part may be transferred to other shipments.

V. Applications are usually processed within 48 hours.

VI. Applications are usually presented within 24 hours of arrival of goods, but in several instances it has been observed that applications are presented before clearing customs.

VII. All Trade Licences covered under the External Trade Act are processed by the Ministry of Commerce. However, Import Licences for Plants and Animals are processed by the Ministry of Agriculture; Weapons and Ammunition – Ministry of Internal Security (Police Commissioner); Drugs and Public Health – Ministry of Health.

VIII. Licences are allocated on a first come first served basis. Applications are examined on receipt.

IX. There are no bilateral quotas or export restraint arrangements. Export Permits are required from country of origin when importing Plants and Animals into Saint Lucia.

X. Importers are asked to advise Exporters of National requirements.

XI. No licences are issued on condition that goods should be exported and not sold in the domestic market.

7. (a) Importers are asked to submit applications prior to arrival of goods. Licences are on most occasions processed within 48 hours of receipt by the Ministry of Commerce, Investment and Consumer Affairs. Licences can be obtained over a shorter period for goods already on the docks.

(b) In special circumstances a licence can be granted on request.

(c) There are no limitations as to the period of the year during which applications for licence and/or importation may be made.

(d) Licences related to the External Trade Act are processed by the Ministry of Commerce. However, items such as meat and meat products, plant and plant material, permits are processed by the Ministry of Agriculture; Weapons and Ammunition - Ministry of Internal Security (Police Commissioner); Motor Vehicles – Ministry of Transport; Medical Supplies – Ministry of Health. In all of the above an importer would have to interface with at least two Government departments before obtaining clearance.

8. All applications are approved automatically except for those that fail to meet the ordinary criteria. Applicants are informed of the reason for refusal. Applicants may appeal to the Permanent Secretary or directly to the Minister for Commerce, Investment and Consumer Affairs. Applicants may seek representation through one of the following the Saint Lucia Chamber of Commerce, Industry and Agriculture; the Saint Lucia Industrial and Small Businesses' Association or the Saint Lucia Manufacturers' Association. Applicants may also seek redress through the Civil Court .

Eligibility of importers to apply for licence

9. All persons, firms and institutions are eligible to apply for licences

Documentational and other requirements for application for licence

10. A copy of the relative commercial or proforma invoice is required with each application.

11. In the case of goods originating out of the CARICOM, a Certificate of Origin is required.

12. No licensing or administrative fees are charged.

13. There is no deposit or advance payment requirement associated with the issuance of licences.

Conditions of licensing

14. A licence is valid for one month from date of issue. The validity may be extended to facilitate the delivery of goods, if required.

15. There is no penalty for the non-utilization of a licence or a portion of it

16. Licences are non-transferable.

17. There are no conditions attached to the issuance of a licence.

Other procedural requirements

18. There are no other administrative procedures apart from import licensing required prior to importation.

19. Foreign Exchange is automatically provided by the banking authorities to pay for imported goods.
