

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT
ON IMPORT LICENSING PROCEDURES

MOROCCO

The following notification, dated 3 July 1996, has been received from the Permanent Mission of Morocco.

Outline of systems

1. Import regime

Except for certain products subject to import licensing (explosives, retreaded tyres, worn clothing), all products are freely importable.

Imports require an import indenture ("engagement d'importation") (five copies) which is arranged directly with an approved bank selected by the importer. It is valid for six months from the date of signature.

However, goods imported under the special regimes provided for in Chapter 1 of Title VI of the Customs and Excise Code do not require an import indenture. These are goods which may be imported free of import duties and taxes, such as shipments to ambassadors and diplomatic and consular services, exceptional shipments of no commercial value and goods returning to the national territory which are of Moroccan origin or have already been cleared for home use.

An import licence is required for imports subject to quantitative restrictions to be cleared through customs. The licence is issued by the Ministry of Foreign Trade after consultation with the Ministry concerned. The decision to grant or refuse the licence is notified to the applicant by the Ministry of Foreign Trade within 30 days from the date of application. Six copies of the licence are established. Licences are valid for a maximum of six months from the date of issue by the Ministry of Foreign Trade.

The licences must be accompanied by five copies of the pro forma invoices. The invoices must state, as a minimum, the ex-factory unit price, the quantity expressed in appropriate units of and the trade description of the imported goods.

Purposes and coverage of licensing

2. Licensing system: In accordance with the provisions of Article 17 of Law No. 13-89 on foreign trade, the following are subject to import licensing: goods which are the subject of quantitative restrictions with a view to safeguarding public morals, safety, health, law and order. Licences allow customs clearance of the goods and financial settlement of the imports concerned. Import licences are issued by the Ministry of Foreign Trade after consultation with the ministries concerned. They are valid for a maximum of six months from their date of issue.

Products covered: Since the publication of the Order of the Minister for Foreign Trade, Foreign Investment and Handicrafts No. 1308-94 (Bulletin Officiel 4262 of 6 July 1994), as amended and completed in particular by Order No. 971-96 of 15 May 1996 (Bulletin Officiel 4378 of 16 May 1996), only a limited list of products has been subject to quantitative restrictions, including explosives, worn clothing and used and retreaded tyres. These products remain subject to import licensing for safety and health reasons, in accordance with Article 1 of Law No. 13-89 on foreign trade and the provisions of Articles XX and XXI of GATT 1994.

A detailed list of the goods subject to import licensing is annexed (Annex A).

3. Licences are required for imports from all sources and any natural or legal person dealing in imports is free to choose the country of origin.

4. The import licensing regime is applied for safety and health reasons and its objective is not in any way to restrict the quantity or value of imports.

5. Law No. 13-89 (Title III, Article 17) and the Order of the Minister for Foreign Trade, Foreign Investment and Handicrafts No. 1308-94.

Pursuant to the law, the public authorities are empowered to determine the products subject to import licensing (Title I, Article 1, of Decree 2-93-415, implementing Law No. 13-89).

The Government may amend the import regime without having to obtain the agreement of the Legislative but must respect the principles laid down in Law No. 13-89 on foreign trade.

Procedures

6. Import licences for products subject to quantitative restrictions are issued as the applications are lodged, on a non-discriminatory basis and with complete transparency, in accordance with the principles of the WTO Agreement on Import Licensing Procedures and as they are applied for health and safety reasons they do not in any way restrict the value or quantity of imports.

Licences for the import of worn clothing or used or retreaded tyres, however, are not granted for health and safety reasons.

7. The maximum time-limit for issuing import licences is 30 days from the date of lodging the application.

However, no time-limit has been fixed for lodging licence applications and any natural or legal person may apply for a licence at any time.

Licence applications are considered by the Ministry of Foreign Trade after consultation with the ministries concerned.

8. The reasons for refusal of an import licence are communicated to the applicant within a maximum period of 30 days from the date of application. Importers may resubmit licence applications.

Eligibility of importers to apply for licence

9. Any natural or legal person lawfully resident in Morocco may apply for an import licence.

Documentational and other requirements for application for licence

10. See the Annexes to Order No. 1518-94 fixing the procedures for obtaining import licences.

11. The forms for import licences must be accompanied by five copies of the pro forma invoices. The invoices must state, as a minimum, the ex-factory unit price, the quantity expressed in appropriate units and the trade description of the imported goods.

12. No.

13. No.

Conditions of licensing

14. Import licences are issued by the Ministry of Foreign Trade after consultation with the ministries concerned. They are valid for a maximum of six months from their date of issue.

15. No.

16. No.

17. No conditions other than those provided for in Law No. 13-89 on foreign trade and its implementing texts are attached to the issue of a licence.

Other procedural requirements

18. No.

19. Yes.

ANNEX AList of Products Subject to Import Licensing

| Tariff heading | Commodity |
|----------------|---|
| Chapter 36 | Powders and explosives |
| 40.12 | Retreaded pneumatic tyres; used pneumatic tyres |
| 63.09.00 | Worn clothing |

Source: Ministry of Foreign Trade.