

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON
IMPORT LICENSING PROCEDURES

ROMANIA

The following communication, dated 4 September 1996, has been received from the Permanent Mission of Romania.

Outline of System

1. The import licensing system is established by:
 - Government Decision No. 215/1992¹ on Romania's Export and Import Licensing System (published in the Official Gazette of Romania: "Monitorul Oficial al Romaniei" No. 91/1992);
 - Order No. 6/1996¹ of the Minister of Commerce on the Export and Import Licensing System (published in the Official Gazette of Romania: "Monitorul Oficial al Romaniei" No. 25/1996).

According to these regulations, imports into Romania's customs territory are liberalized. They are not subject to import licences.

The legal documents mentioned above foresee the possibility of exceptions for:

- (a) quantitative restrictions;
- (b) goods subject to the import or export control system;
- (c) goods sent from abroad as economic governmental aid (including services);
- (d) goods subject to tariff quotas, established through Romania's Government Decisions; and
- (e) goods subject to the automatic import or export licensing system.

Purposes and Coverage of Licensing

2. The import licensing system is based on the following:
 - (a) Licences for goods subject to quantitative restrictions:

No quantitative restrictions on imports have been established so far.

¹Available for consultation in Secretariat (Market Access Division) (English and Romanian only).

(b) Licences for goods subject to import control:

The following goods are subject to import control:

- weapons and ammunition authorized by law (Government Decision No. 547/1992²);
- military equipment and other special products authorized by law (Government Decision No. 547/1992);
- drugs and narcotics authorized by law (Government Decision No. 340/1992² as amended by Government Decision No. 437/1992²);
- renewable wastes the import of which shall be in conformity with the provisions of Annex No. 1 of Government Decision No. 340/1992, as amended by Government Decision No. 437/1992, as well as goods dangerous for human health and for the environment (paragraphs 15, 17, 21, 22 and 26 of Annex 2 of Government Decision No. 340/1992² as amended by Government Decision No. 437/1992 and Government Decision No. 145/1995²); and
- goods under control of final destination, for reasons related to non-proliferation of mass destruction weapons and of carrying missiles, as well as of radioactive materials, nuclear installations and nuclear-related products (Government Decision No. 594/1992).

(c) Licences for goods sent from abroad as economic governmental aid:

These imports are duty-free and the licences are issued by the Ministry of Commerce. The system is established by Government Decision No. 470/1992² published in "Monitorul Oficial al Romaniei" No. 227/1992. Various goods may be subject to the respective economic governmental aid according to the respective agreements.

(d) Licences for goods subject to tariff quotas:

Tariff quotas existing under temporary exemptions or reductions of customs duties, established by the Government of Romania, according to Article 35 of Government Ordinance No. 26/1993 adopted by Law No. 102/1994, are administered through import licences issued by the Ministry of Commerce.

(e) Licences for goods subject to the automatic import licensing system:

This system is established by Order No. 6/1995 of the Minister of Commerce, for statistical purposes.

A list of products subject to the automatic import licensing system is established by Order No. 47/1995 of the Minister of Commerce.³

3. The system of licences provided in paragraph 2(a)-(e) is applied on a non-discriminatory basis, irrespective of the country of origin.

4. There is no intention to restrict the quantity or the value of imports by means of the licensing system, or procedures. The purposes of the system are:

²Available for consultation in the Secretariat (Market Access Division) (Romanian only).

³See document G/LIC/N/2/ROM/1.

(a) Licences for goods subject to quantitative restrictions:

In conformity with the provisions of Article 5 of Government Decision No. 215/1992, the Ministry of Commerce may establish quantitative restrictions on imports under the following circumstances: when an imminent risk of a deficit of the balance of payments appears or with a view to creating normal foreign exchange reserves, and when certain imports, by their quantity or conditions under which they are performed, cause or threaten to cause a serious injury to domestic producers of like or directly competitive products.

No quantitative restrictions on imports have been established so far.

(b) Licences for goods subject to import control:

The purpose is to protect national security, health and environment, as well as to observe the commitments undertaken by Romania in respect of the non-proliferation of mass destruction weapons and carrying missiles of nuclear, biological and chemical interest, according to international agreements.

(c) Licences for goods sent from abroad as economic governmental aid:

The purpose is to facilitate the duty-free entrance of these goods into the Romanian customs territory.

(d) Licences for goods subject to tariff quotas:

The system is used to administer imports under tariff quotas, where and when established. The imports exceeding tariff quotas are not subject to licensing procedures.

(e) Licences for goods subject to the automatic import licensing system:

Statistical purposes.

5. The import licensing system is established under Government Decision No. 215/1992 and Order No. 6/1996 of the Minister of Commerce.

Products subject to licensing are designated through Government Decisions.

As the system has been put into force by Government Decisions, its abolition can be done by legal acts at least of the same power or higher (Laws).

Procedures

6. I. General rules for products under restriction as to the quantity or value of imports are provided in Government Decision No. 215/1992.

The establishment of quantitative restrictions on imports, the lists of goods subject to such restrictions, as well as the period of application of such measures shall be published when the decision to establish quotas is taken.

II. As no restrictive import quotas have been established so far, there are no provisions with respect to the time basis for issuing licences.

- III. For the time being there are no provisions relating to this matter (see replies 2(a) and 3).
 - IV. For the time being there are no provisions relating to this matter (see replies 2(a) and 3).
 - V. As a general rule, the Ministry of Commerce has to process the licence applications within a period of a maximum of ten days from the date of their registration.
 - VI. For the time being there are no provisions relating to this matter (see reply 2(a)). Each licence has a validity period during which imports can be made.
 - VII. For the time being there are no provisions relating to this matter.
 - VIII-XI. Not applicable.
7. (a) There is no fixed time-limit for submitting an application in advance of importation.
- (b) A licence cannot be granted immediately upon request. Prior review of the application is required.
- (c) There are no limitations as to the period of the year during which licence applications shall be made.
- (d)(i) Licences for goods subject to quantitative restrictions:
- Not applicable as no quantitative restrictions on imports have been established so far (see replies 4(a) and 6).
- (ii) Licences for goods subject to import control:
- For goods subject to control, the issuing of import licences is subject to prior endorsement by a relevant governmental body such as the Ministry of Rivers, Forests and Environment, the Ministry of Food and Agriculture, the Ministry of Health, or the Government Commission for the Endorsement of Importation and Exportation of Special Products, as the case may be.
- (iii) Licences for goods sent from abroad as economic governmental aid:
- Import licences are issued by the Ministry of Commerce without any other prior endorsement.
- (iv) Licences for goods subject to tariff quotas:
- For certain goods the issuing of import licences is subject to prior endorsement by a relevant governmental body such as the Ministry of Industries, the Ministry of Food and Agriculture, or the Ministry of Public Works and Land-Use Planning, as the case may be.
- (v) Licences for goods subject to the automatic import licensing system:
- The licences issued by the Ministry of Commerce for goods listed in the Annex to Order No. 47/1995 of the Minister of Commerce are to be registered in advance with the Ministry of Industries.

8. In general, there are no circumstances, other than failure to meet ordinary criteria, under which a licence application may be rejected. Reasons for rejection are given to the applicant.

The applicants have the right of appeal if an application is rejected, as first judicial step to the Ministry of Commerce, and if they are not satisfied with the decision, they have the possibility to act in court (Tribunal) according to the Law on Administrative Solicitor's Job No. 29/1990.

Eligibility of Importers to Apply for Licence

9. (a) Not applicable.

(b) Yes.

All economic operators registered with foreign trade activities by their statute and/or contract of association and the Legal Decision of Establishment of their companies, before performing the first foreign trade operation have the obligation to obtain the "SICOMEX CODE", for statistical purposes.

The registration fee is lei 40,000 (i.e. about US\$12), to cover registration purposes.

Periodically the Chamber of Commerce and Industry of Romania (22, N. Balcescu Blvd., Bucharest; Phone: 0040 1 615 47 01; Fax: 0040 1 312 38 30) publishes the Catalogue of Romanian Economic Operators. Any person can obtain information about the economic operators entitled to perform foreign trade activities from the Romanian Centre for Foreign Trade (17, Apolodor Street, Bucharest; Phone: 0040 1 410 06 07; Fax: 0040 1 311 14 91).

Documentational and Other Requirements for Application for Licence

10. Usual information on the importer, exporter, designation of product, value, terms and conditions of delivery, etc. are required in the application form.

A sample application is available for consultation in the Secretariat.

For certain products, additional information and/or documentation may be required, as indicated in the specific Orders of the Minister of Commerce.

11. Upon actual importation, only the usual commercial documents are required.

12. There is no fee or administrative charge for the issuing of licences. Only a payment of lei 3,000 (i.e. about US\$1) is required as price of the licence application form.

13. There are no deposit or advance payment requirements associated with the issuance of a licence.

Conditions of Licensing

14. As a rule, the import licence is valid until the end of the calendar year during which it has been granted.

If quantitative restrictions are established, import licences are issued for such a period of time as to avoid blocking up the utilization of respective quotas. The same rule is applied in cases of tariff quotas.

The validity of a licence issued for any other reasons can be extended over the end of the calendar year when the import licence expires, only by Order of the Minister of Commerce, having effect on the non-utilized licences issued during the previous year.

15. There are no material penalties for the non-utilization of a licence or a portion of a licence.
16. Licences are not transferable between importers.
17. There are no other conditions attached to the issue of a licence.

Other Procedural Requirements

18. No.

19. Any economic operator may participate, through the commercial bank with which its account is opened, in the daily currency auctions organized by the National Bank of Romania. The import licence is not required as a condition for obtaining foreign exchange. In general, foreign exchange is available to cover licences issued. For obtaining foreign exchange, proof of the contract concluded with a foreign partner has to be attached to the bidding form.

Notes

1. For the following operations, specific transaction licences are issued by the Ministry of Commerce. These licences do not have any link with import licences; they are specific transaction licences issued by the Ministry of Commerce.

These transaction licences are provided by Order No. 6/1996 of the Minister of Commerce, the general rules being provided by Government Ordinance No. 18/1994⁴ and Government Decision No. 276/1995⁴, and refer to:

- (a) trade operations to be settled through clearing, barter or cooperation accounts, based on Governmental agreements concluded between Romania and other countries;
- (b) operations for recovering Romania's foreign claims through import of goods;
- (c) operations carried out on the basis of credits granted or received at governmental level;
- (d) import-export counter-purchase operations concluded at the level of economic operators; the import-export counter-purchase operation is the operation by which the goods and/or the equivalent of services under import contract with a foreign partner are paid in local goods and/or services, of equal value, without actual transfer of foreign currency;
- (e) import operations for the compensation of certain exports foreseen in the foreign exchange cashing declaration to be cashed in foreign currency; and
- (f) compensation of external debts of the régies autonomes, resulting from international services.

⁴Available for consultation in the Secretariat (Market Access Division) (Romanian only).

2. In order to implement its commitments under the WTO Agreement on Agriculture, Romania introduced the Current-Access Certificates for the import of goods listed in Schedule LXIX - Romania, Section I-B "Tariff Quotas" (for certain agricultural products).

These certificates are issued by the General Directorate for Integration and Multilateral Relations within the Ministry of Commerce, for each shipment.

The allocation principle is "first-come-first-served" and the maximum share per allocation is between 1 per cent and 5 per cent of quota, taking into account the usual commercial shipment for each product. The certificates are issued on a non-discriminatory basis, irrespective of the country of origin which is a WTO Member. The period of validity of a Current-Access Certificate is two months from the date of issuance, but not exceeding the end of the calendar year.

See document G/AG/ROM/4.