

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

Notification under Article 7.3 of the Agreement on
Import Licensing Procedures

SLOVENIA

The following notification, dated 6 June 1997, has been received from the Permanent Mission of Slovenia.

Outline of system

1. As a rule, imports to Slovenia are free with the exception of those specified in the national legislation. Products that are subject to import licensing are defined by certain regulations that determine what conditions must be fulfilled in order to obtain import licences.

Products that are subject to import licensing are:

- products affecting public security and order, health, environment and the cultural heritage;
- certain textile products and clothing that are subject to unilateral quantitative restrictions; and
- certain agricultural products when these products are imported within the range of tariff quotas.

Products subject to import licensing are specified by the tariff numbers and are imported under cover of a prior authorization issued by the responsible ministry or authorized body.

Purposes and coverage of licensing

2-5. The import licensing system is based on the following:

(a) Licences for goods subject to special control such as:

- weapons, ammunition and explosives;
- poisons, drugs, psychotropic substances and precursors; substances affecting the ozone layer;
- radioactive chemical elements and radioactive isotopes, their compounds, nuclear materials and equipment;
- special waste and scrap materials;
- seeds and semen;

¹The Questionnaire is contained in the Annex to document G/LIC/3.

- special objects of art; and
- gold and coins.

Import licences for these goods are required on importation from all countries.

The licensing for the mentioned goods is not intended to restrict the quantity or value of imports but to protect national security, health, environment, cultural heritage, to prevent money laundering as well as to fulfil the commitments undertaken by Slovenia regarding the international agreements.

The legal framework for these licences is the Law on Foreign Trade - Article 8 (Official Gazette No. 13/93, 66/93, 7/94 and 58/95), the Decree on the Determination of the Import and Export Regimes for Specified Goods (Official Gazette No. 75/95 and 73/96) and other laws and regulations that govern certain areas, such as the Law on Defence, the Law on Drugs, the Law on Trafficking of Poisons, the Act on Radiation Protection and the Safe Use of Nuclear Energy, the Act on Environmental Protection and other regulations.

It is not possible for the executive branch to abolish the current system of this kind of import licensing without legislative approval.

(b) Licences for goods subject to import quotas:

- for certain categories of textiles and clothing products, which are subject to unilateral quantitative restrictions in accordance with the Agreement on Textiles and Clothing. Licences are based on annual quotas determined by the Government at the beginning of each calendar year and allocated through the appropriate associations of economic entities within the Chamber of Commerce. This allocation is done on a simultaneous examination basis at the joint meeting of all interested applicants.

These licences are issued for importation from all countries with the exception of those with which Slovenia concluded free trade agreements or other preferential agreements (EU member states, CEFTA, EFTA countries, Lithuania, Latvia, Estonia, Bulgaria, Macedonia).

The licensing is intended to restrict the quantity of imports. Alternative methods of accomplishing these purposes have not been considered.

The issuing of these licences is based on the provisions of the Law on Foreign Trade, Article 8 (Official Gazette of the Republic of Slovenia No. 13/93, 66/93, 7/94 and 58/95), the Decree on Determination of the Import and Export Regimes for Specified Goods (Official Gazette No. 75/95 and 73/96) and the Decree on the Manner, Time Periods and Conditions for the Allocation of Import Quotas (Official Gazette No. 15/93 and 69/95).

This system of licensing can be abolished by the Government without changing the Law on Foreign Trade.

Slovenia has already notified the programme for the progressive elimination of the quantitative restrictions maintained on the imports of textile and clothing products, which were notified under Article 3.1 of the Agreement on Textiles and Clothing (document G/TMB/N/90/Add.1).

(c) Licences for goods subject to tariff quotas:

- for certain agricultural products.

The licensing for these products is used to administer imports under tariff quotas. The purpose of the licensing is to fulfil the commitments undertaken by Slovenia regarding the obligations within WTO and preferential or free trade agreements.

The governmental body which is responsible for issuing licences for determined agricultural products is the Ministry of Economic Relations and Development.

There are two forms of tariff quotas subject to this kind of licensing:

- tariff quotas regarding the obligations within WTO.
The system applies for specified agricultural products coming from all countries.
- tariff quotas regarding the preferential or free trade agreements.
The system applies for specified agricultural products coming from those countries, with which Slovenia concluded preferential or free trade agreements.

As already mentioned only those agricultural products that are intended to be imported within tariff quotas are subject to import licensing.

The imports out of tariff quotas and exceeding tariff quotas are not subject to licensing procedures.

The licensing regarding the obligations within WTO for the year 1997 is governed by the Decree on determining tariff quotas for 1997 (Official Gazette No. 73/96) in accordance with the General Agreement on Tariffs and Trade.

The issuing of licences regarding tariff quotas for goods originating in the countries with which Slovenia concluded preferential or free trade agreements is governed by the relevant decrees regulating the implementation of these agreements.

It is not possible for the executive branch to abolish this system without legislative approval.

Procedures

6. For products under quantity restriction:

- I. Information on annual global quotas is published in the form of governmental decrees in the Official Gazette. The overall amounts of quotas are published and are not allocated to goods from any particular country, neither is a maximum amount determined which can be allocated to a single importer.
- II. The volume of quotas is determined on a yearly basis. Licences are issued for a certain period; in principle their validity is limited to 90 days and may be extended.
- III. Licences are issued to all importers on the same basis regarding criteria for allocation of certain shares of the amount of quota for determined goods to certain importers (see VIII below).

Importers who are domestic producers of like goods are in principle excluded from allocation of the quotas of such products.

- IV. The associations of the users of products under quota regime within the Chamber of Commerce should allocate quotas to the importers within 30 days of the enactment of the governmental decree on the volume of quotas.

Relevant associations are obliged to announce the time-limits for the submission of applications. This public announcement should be made at least 21 days before the allocation of quotas.

Applicants who did not receive the licence in the amounts desired and other applicants who may make applications at any time during the year, will be considered in the reallocation of the unused quotas at the beginning of the third and fourth quarters of the calendar year.

- V. The maximum time allowed for processing the applications is 15 days. Licences are issued within the maximum of three working days.
- VI. The importation may take place immediately after the licence has been issued.
- VII. As a rule, licence applications are considered only by one administrative authority. The Chamber of Commerce is the only authority responsible for the administration of quotas and issuing of import licences.
- VIII. If the demand for licences cannot be fully satisfied the allocation of quotas is carried out on the basis of evaluation of needs and technical capacity of the applicant (production, restructuring of production in case of producers; sales network, amount of turnover in case of traders) as well as past performance. A reserve of ten per cent of each quota is designated for new importers (newly founded companies). As a special reservation of a part of the global quota determined by the Government, five per cent of the global quota (which is equal to the GDP share of small business in Slovenia) is allocated to the Small Business Association. This share of the global quota is administered by the Chamber of Small Business. In principle all applications are examined simultaneously, three times a year. In cases of new importers and newly founded companies, applications are examined on a case-by-case basis.
- IX-X. Slovenia is not a member of any such export restraint arrangements.
- XI. In some cases licences are issued in excess of the quota provided that the goods will be processed for export.

7. When there is no quantitative limit on importation or no limit on importation from a particular country:

- (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 licence is required;
- (c) there are no limitations as to the period of the year during which applications can be made.
- (d)(i) Licensing regarding tariff quotas

A licence regarding tariff quotas is issued by the Ministry of Economic Relations and Development. The decision is made upon prior consultations with other governmental institutions

or authorized bodies, such as: the Ministry for Agriculture, Forestry and Food, the Ministry of Finance and the Chamber of Commerce. In all cases applicants need to approach only one administrative body, that is the Ministry of Economic Relations and Development.

(ii) Licensing regarding special control

A licence regarding special control is issued by a single administrative body (sometimes upon prior consultation with other governmental bodies), as defined in the Decree on Determination of the Import and Export Regimes for Specified Goods.

Therefore the applicant does not need to approach other institutions except upon importation of prepared explosives and non-electric joined ignition sets, composed from an incendiary tube and a detonator - for these an applicant must first obtain the approval of the Ministry of Economic Affairs before applying for a licence at the Ministry of Internal Affairs.

In any other case an importer does not need to approach more than one (defined) institution.

8. Application for a licence can be refused for security reasons. Reasons for refusal are always stated in the rejection letter. However, the applicant has the right to appeal to higher authorities.

Eligibility of importers to apply for licence

9. All persons, firms and institutions are eligible to apply for a licence if they meet ordinary criteria and in some cases special criteria.

Documentational and other requirements for application for a licence

10. The application for import of certain goods has to provide the following information:

- company name, company code and full address of user or proprietor of the goods that are subject to import;
- nine-digit customs code;
- description of goods according to the customs nomenclature;
- commercial name of goods;
- quantity of goods;
- company and full addresses of foreign supplier or buyer;
- date of delivery;
- statement on the purpose of import; and
- other necessary information.

The importer is required to supply certain documents, such as: registration certificate and documents necessary to certify the data in the import licensing application form; such as pro forma invoice, in some cases quality certificate, commercial contract, etc.

11. Upon actual importation the importer has to present to the customs authorities the following documents: pro forma invoice, transport documents, specifications, customs declaration, certification of origin, import licence and any other documents deemed necessary.

12. There is a licensing fee up to the amount of US\$3.

13. No deposit or advance payment associated with the issuance of licences is required.

14. In most cases the import licence is valid until the end of the calendar year during which it has been granted. However it depends on the importer how soon the importation is going to be accomplished.

As a rule, at the end of the calendar year a new application for a licence must be made.

15. There are no 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 related to the issuance of a licence.

Other procedural requirements

18. No other administrative procedures are required.

19. The foreign exchange necessary to pay for licensed imports is made available to licence holders on the same basis as to importers of goods not requiring import licences.