

Committee on Import Licensing

**FOURTH BIENNIAL REVIEW OF THE IMPLEMENTATION AND OPERATION
OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES**

Background Document by the Secretariat

This document has been prepared under the Secretariat's own responsibility and without prejudice to the positions of Members and to their rights and obligations under the WTO

This working document is circulated by the Secretariat in preparation for the fourth biennial review of the implementation and operation of the Agreement on Import Licensing Procedures, to be conducted at the meeting on 24 September 2002. This document will have to be updated in light of the discussion at that meeting in order to give a full picture of the developments in the Committee during the period covered. Members are invited to communicate to the Secretariat any additional data they wish to have included in this document.

Article 7.1 of the Agreement on Import Licensing Procedures provides that "the Committee shall review as necessary, but at least once every two years, the implementation and operation of this Agreement, taking into account the objectives thereof, and the rights and obligations contained therein".

The main objectives of the Agreement are those listed in the preamble of the Agreement.

The information contained in this document covers the period from 12 October 2000 to 3 September 2002.

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I. COMMITTEE ON IMPORT LICENSING

A. OFFICERS, MEMBERS AND OBSERVERS

1. Officers:

<u>Chairperson</u> (2001):	Ms. Simone Rudder (Barbados)
<u>Vice-Chairperson</u> (2001):	Ms. Nancy Johnston (United States)
<u>Chairperson</u> (2002):	Mr. Hiromichi Matsushima (Japan)
<u>Vice-Chairperson</u> (2002):	Ms. Philippa Davies (Jamaica)

2. Members (144)¹:

Albania	Dominica	Kyrgyz Rep.	Qatar
Angola	Dominican Rep.	Latvia	Romania
Antigua & Barbuda	EC	Lesotho	Rwanda
Argentina	Ecuador	Liechtenstein	St. Kitts & Nevis
Australia	Egypt	Lithuania	St. Lucia
Austria	El Salvador	Luxembourg	St. Vincent & Grenadines
Bahrain	Estonia	Macau, China	Senegal
Bangladesh	Fiji	Madagascar	Sierra Leone
Barbados	Finland	Malawi	Singapore
Belgium	France	Malaysia	Slovak Republic
Belize	Gabon	Maldives	Slovenia
Benin	Georgia	Mali	Solomon Islands
Bolivia	Gambia	Malta	South Africa
Botswana	Germany	Mauritania	Spain
Brazil	Ghana	Mauritius	Sri Lanka
Brunei Darussalam	Greece	Mexico	Suriname
Bulgaria	Grenada	Moldova	Swaziland
Burkina Faso	Guatemala	Mongolia	Sweden
Burundi	Guinea Bissau	Morocco	Switzerland
Cameroon	Guinea, Rep. of	Mozambique	Tanzania
Canada	Guyana	Myanmar	Thailand
Central African Rep.	Haiti	Namibia	Togo
Chad	Honduras	Netherlands	Trinidad & Tobago
Chile	Hong Kong, China	New Zealand	Tunisia
China	Hungary	Nicaragua	Turkey
Chinese Taipei	Iceland	Niger	Uganda
Colombia	India	Nigeria	United Arab Emirates
Congo	Indonesia	Norway	United Kingdom
Costa Rica	Ireland	Oman	United States
Côte d'Ivoire	Israel	Pakistan	Uruguay
Croatia	Italy	Panama	Venezuela
Cuba	Jamaica	Papua New Guinea	Zambia
Cyprus	Japan	Paraguay	Zimbabwe
Czech Rep.	Jordan	Peru	
Dem. Rep. of Congo	Kenya	Philippines	
Denmark	Korea	Poland	
Djibouti	Kuwait	Portugal	

¹ Members on 3 September 2002.

3. Observers

Observer Governments (31)²

Algeria	Lebanon
Andorra	Nepal
Armenia	Russian Federation
Azerbaijan	Samoa
Bahamas	Sao Tome & Principe
Belarus	Saudi Arabia
Bhutan	Seychelles
Bosnia & Herzegovina	Sudan
Cambodia	Tajikistan
Cape Verde	Tonga
Ethiopia	Ukraine
Former Yugoslav	Uzbekistan
Rep. of Macedonia	Vanuatu
Holy See	Vietnam
Kazakhstan	Yemen
Lao Dem. Rep.	Yugoslavia, Fed. Rep. of

Observer organizations

IMF
UNCTAD
World Bank

B. MAIN DEVELOPMENTS IN THE WORK OF THE COMMITTEE DURING THE PERIOD COVERED

4. During the reporting period, the Committee held its thirteenth, fourteenth, fifteenth and sixteenth meetings on 4 April and 9 October 2001, and 14 May and [24 September 2002]. The minutes of these meetings are contained in documents G/LIC/M/13-[16], respectively.

5. During the period covered, the Committee received notifications of legislation and/or publications submitted by 23 Members, replies to the Questionnaire on Import Licensing Procedures submitted by 50 Members³ and notifications relating to the institution of import licensing procedures or changes in these procedures submitted by 12 Members; [carried out the fourth biennial review of the implementation and operation of the Agreement under Article 7.1 on the basis of a factual report prepared by the Secretariat (G/LIC/W/17 & G/LIC/--);] adopted its annual reports for 2001 [and 2002] to the Council for Trade in Goods in accordance with Article 7.4 of the Agreement (G/L/493 and G/L/---); discussed the matter of the lack of compliance with notification obligations and how this situation could be improved; and agreed that the transitional review of the implementation of China's commitments in the import licensing area pursuant to Paragraph 18 of its Protocol of Accession³ would be conducted at the 24 September 2002 meeting (G/LIC/M/15, paragraph 3). [To be completed after the September meeting]

6. The Chair expressed continuing concern over the failure of many Members to submit the required notifications. The Committee was informed of the steps taken by the Chair and the Secretariat with a view to improving the situation. It was noted that, in spite of numerous reminders and urging from the Committee, the situation had not improved. As at 3 September 2002,

² Observers on 3 September 2002.

³ WT/L/432.

33 Members had not submitted any notifications under the Agreement; only [80] Members⁴ had submitted notifications of laws, regulations and administrative procedures relevant to import licensing under Articles 1.4(a) and 8.2(b), only [25] Members⁴ had notified the institution of new licensing procedures or changes in existing procedures under paragraphs 1-4 of Article 5; and a cumulative total of [82] Members⁴ had submitted replies to the Questionnaire under Article 7.3 since the entry into force of the WTO Agreement. Though the Agreement required all Members to provide replies to the Questionnaire on an annual basis, the total notified each year was much less than the Membership of the WTO, accounting for only 11 Members in 1995, 22 in 1996, 25 in 1997, 26 in 1998, 20⁴ in 1999, 32⁴ in 2000, 23⁴ in 2001 and 24⁴ up to now in 2002. Members who had not yet submitted the required notifications were urged to do so without any further delay. Written questions and replies concerning the notifications submitted to the Committee may be found in documents in the G/LIC/Q series.⁵

II. NOTIFICATIONS

C. INVOCATION OF DELAYED APPLICATION PROVISIONS BY DEVELOPING COUNTRY MEMBERS (FOOTNOTE 5 TO ARTICLE 2.2)

7. Pursuant to footnote 5 to Article 2.2 of the Agreement, a developing country Member, other than a developing country Member which was a party to the Agreement on Import Licensing Procedures done on 12 April 1979, which has specific difficulties complying with the requirements of subparagraph (a)(ii) (which requires applications for automatic import licences to be accepted on any working day prior to the customs clearance of the goods) and subparagraph (a)(iii) (which requires applications for automatic import licences when submitted in appropriate and complete form to be approved within a maximum of ten working days) may, upon notification to the Committee, delay the application of these provisions by not more than two years from the date of entry into force of the WTO Agreement for such Member.

8. The Committee did not receive any notifications under the above provision during the reporting period. Listed below are the 24 developing country Members which had invoked the delayed application provisions since the entry into force of the WTO Agreement and (in brackets) the date of entry into force of the WTO Agreement for the Member concerned (G/LIC/1 and Add.1-3).

9. The two-year period of delay allowed under the Agreement has expired for all these Members, and accordingly the obligations of Article 2.2(a)(ii) and (a)(iii) apply to all current WTO Members. It is recalled that the invocation of the above provisions does not exempt Members from the obligation to notify under Articles 1.4(a), 8.2(b), 5 and 7.3 of the Agreement.

Developing country Member	Footnote 5 to Article 2.2 Two-year delayed application (date of WTO Membership)	Developing country Member	Footnote 5 to Article 2.2 Two-year delayed application (date of WTO Membership)
Bangladesh	G/LIC/1 (1.1.95)	Honduras	G/LIC/1 (1.1.95)
Bolivia	G/LIC/1/Add.2 (13.9.95)	Indonesia	G/LIC/1 (1.1.95)
Brazil	G/LIC/1/ (1.1.95)	Kenya	G/LIC/1 (1.1.95)
Burkina Faso	G/LIC/1/Add.1 (3.6.95)	Malaysia	G/LIC/1 (1.1.95)
Cameroon	G/LIC/1/Add.3 (13.12.95)	Myanmar	G/LIC/1 (1.1.95)
Colombia	G/LIC/1 (30.4.95)	Sri Lanka	G/LIC/1 (1.1.95)
Costa Rica	G/LIC/1 (1.1.95)	Thailand	G/LIC/1 (1.1.95)
Côte d'Ivoire	G/LIC/1 (1.1.95)	Tunisia	G/LIC/1 (29.3.95)
Dominican Rep.	G/LIC/1/Add.2 (9.3.95)	Turkey	G/LIC/1 (26.3.95)
El Salvador	G/LIC/1 (7.5.95)	United Arab Emirates	G/LIC/1/Add.3 (10.4.96)

⁴ The European Communities and its member States counted as one Member.

⁵ See Annex IV.

Developing country Member	Footnote 5 to Article 2.2 Two-year delayed application (date of WTO Membership)	Developing country Member	Footnote 5 to Article 2.2 Two-year delayed application (date of WTO Membership)
Gabon	G/LIC/1 (1.1.95)	Uruguay	G/LIC/1 (1.1.95)
Guatemala	G/LIC/1/Add.1 (21.7.95)	Venezuela	G/LIC/1 (1.1.95)

D. NOTIFICATIONS OF PUBLICATIONS AND/OR LEGISLATION (ARTICLES 1.4(A) AND/OR 8.2(B))

10. Paragraph 4(a) of Article 1 and paragraphs 3, 4, 5(b), 5(c) and 5(d) of Article 3 require Members to publish certain information "for other Members and traders to know the basis for granting and/or allocating licences", or "in such a manner as to enable governments and traders to become acquainted with them". Article 1.4(a) requires Members to notify to the Committee the sources in which the information concerning import licensing procedures are published, and to make copies of these publications available to the Secretariat.

11. Paragraph 2(a) of Article 8 provides that "each Member shall ensure, not later than the date of entry into force of the WTO Agreement for it, the conformity of its laws, regulations and administrative procedures with the provisions of this Agreement"; paragraph 2(b) states that "each Member shall inform the Committee of any changes in its laws and regulations relevant to this Agreement and in the administration of such laws and regulations".

12. The Committee agreed that in cases where the publications or legislation were not in a WTO official language, Members shall provide, together with such publications or legislation, a summary of the notification in one of the WTO languages. Other Members may ask for a full translation if they so wish, or seek any additional information on a bilateral basis. Any issues that cannot be solved on a bilateral basis may be brought to the attention of the Committee. It was also agreed that the first notification under Article 8.2(b) shall contain the full text of relevant laws and regulations in effect on the entry into force of the WTO Agreement for the Member concerned (G/LIC/M/2 and G/LIC/3).

13. Since the entry into force of the WTO Agreement, notifications pursuant to Articles 1.4(a) and/or 8.2(b) have been received from 80⁶ Members and have been circulated in the G/LIC/N/1/-series. Copies of publications and legislation submitted with these notifications are available for consultation in the Secretariat. The current status of notifications is contained in the table below. Written questions and replies concerning these notifications may be found in documents in the G/LIC/Q series.⁷

Member	Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication)	Member	Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication)
Albania	Not notified	Kyrgyz Rep.	G/LIC/N/1/KGZ/1 (6.1.00)
Angola	Not notified	Latvia	G/LIC/N/1/LVA/1 (18.5.99)
Antigua & Barbuda	G/LIC/N/1/ATG/1 (8.12.01)	Lesotho	Not notified
Argentina	G/LIC/N/1/ARG/1/Rev.1-ARG/2 (19.12.97)	Liechtenstein	G/LIC/N/1/LIE/1-2 (17.10.00)
Australia	G/LIC/N/1/AUS/1 & Add.1 (28.4.97)	Macau, China	G/LIC/N/1/MAC/1 & Add.1 (7.2.02)
Bahrain	G/LIC/N/1/BHR/1 (27.5.97)	Madagascar	G/LIC/N/1/MDG/1-2 (31.3.00)
Bangladesh	G/LIC/N/1/BGD/1 (31.3.00)	Malawi	G/LIC/N/1/MWI/1 (10.5.99)
Barbados	G/LIC/N/1/BRB/1 (4.10.96)	Malaysia	Not notified
Belize	Not notified	Maldives	Not notified
Benin	G/LIC/N/1/BEN/1 (18.12.96)	Mali	G/LIC/N/1/MLI/1 (23.7.01)
Bolivia	G/LIC/N/1/BOL/1 (29.5.97)	Malta	G/LIC/N/1/MLT/1 (29.5.96)
Botswana	Not notified	Kuwait	Not notified

⁶ The European Communities and its member States counted as one Member.

⁷ See Annex IV.

Member	Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication)	Member	Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication)
Brazil	G/LIC/N/1/BRA/1 (24.4.98)	Mauritania	Not notified
Brunei Darussalam	Not notified	Mauritius	G/LIC/N/1/MUS/1 & Add.1-3 (4.5.98)
		Mexico	Not notified
Bulgaria	G/LIC/N/1/BGR/1 (20.3.97)	Moldova	G/LIC/N/1/MDA/1 (9.1.02)
Burkina Faso	G/LIC/N/1/BFA/1 (8.1.97)	Mongolia	Not notified
Burundi	G/LIC/N/1/BUR/1 (3.4.01)	Morocco	G/LIC/N/1/MAR/1 (3.7.96)
Cameroon	G/LIC/N/1/CMR/1 (13.7.01)	Mozambique	Not notified
Canada	G/LIC/N/1/CAN/1 (29.1.96)	Myanmar	Not notified
Central African Rep.	Not notified	Namibia	Not notified
Chad	G/LIC/N/1/TCD/1-2 (18.7.00)	New Zealand	G/LIC/N/1/NZL/1 (2.8.96)
Chile	G/LIC/N/1/CHL/1 (16.7.96)	Nicaragua	G/LIC/N/1/NIC/1 (18.7.96)
China	Not notified	Niger	G/LIC/N/1/NER/1 (10.12.97)
Chinese Taipei	G/LIC/N/1/TPKM/1-2 (5.6.02)	Nigeria	G/LIC/N/1/NGA/1 (16.2.98)
Colombia	G/LIC/N/1/COL/1 & Add.1 (4.12.00)	Norway	G/LIC/N/1/NOR/1-2 (3.11.97)
Congo	Not notified	Pakistan	G/LIC/N/1/PAK/1 (6.5.96)
Congo, Dem. Rep. of	Not notified	Panama	G/LIC/N/1/PAN/1-2 (19.10.98)
Costa Rica	G/LIC/N/1/CRI/1 (21.11.95)	Papua New Guinea	Not notified
Côte d'Ivoire	G/LIC/N/1/CIV/1 (10.1.02)		
Croatia	G/LIC/N/1/HRV/1 (7.1.02)	Paraguay	Not notified
Cuba	G/LIC/N/1/CUB/1 (11.1.96)	Peru	G/LIC/N/1/PER/1 (13.2.96)
Cyprus	G/LIC/N/1/CYP/1 (30.5.96)	Philippines	G/LIC/N/1/PHL/1 (6.4.98)
Czech Republic	G/LIC/N/1/CZE/1+Add.1-CZE/2 (14.3.01))	Poland	Not notified
Djibouti	Not notified	Qatar	G/LIC/N/1/QAT/1 (24.3.98)
Dominica	G/LIC/N/1/DMA/1 (8.2.01)	Romania	G/LIC/N/1/ROM/1-2 (1.3.99)
Dominican Republic	Not notified	Rwanda	Not notified
Ecuador	Not notified	St. Kitts & Nevis	G/LIC/N/1/KNA/1 (17.7.98)
Egypt	Not notified	St. Lucia	Not notified
El Salvador	Not notified	St. Vincent & Grenadines	Not notified
Estonia	G/LIC/N/1/EST/1+Add.1-2 (14.12.01)	Senegal	Not notified
European Communities	G/LIC/N/1/EEC/1/Rev.2 + Add.1-2 & EEC/2 + Add.1-3 (18.3.02)	Sierra Leone	Not notified
Fiji	G/LIC/N/1/FJI/1 (30.7.97)	Singapore	G/LIC/N/1/SGP/1-3 (23.2.00)
Gabon	G/LIC/N/1/GAB/1-2 (5.3.02)	Slovak Republic	Not notified
Gambia	Not notified	Slovenia	G/LIC/N/1/SVN/1 (27.11.96)
Georgia	Not notified	Solomon Islands	Not notified
Ghana	Not notified	South Africa	Not notified
Grenada	G/LIC/N/1/GRD/1 (13.3.02)	Sri Lanka	Not notified
Guatemala	G/LIC/N/1/GTM/1-2 (20.1.00)	Suriname	Not notified
Guinea, Republic of	Not notified	Swaziland	G/LIC/N/1/SWZ/1 (19.8.96)
Guinea Bissau	Not notified	Switzerland	G/LIC/N/1/CHE/1-2 (21.9.00)
Guyana	G/LIC/N/1/GUY/1 (5.4.02)	Tanzania	Not notified
Haiti	G/LIC/N/1/HTI/1 (8.10.99)	Thailand	Not notified
Honduras	G/LIC/N/1/HND/1 (31.10.96)	Togo	Not notified
Hong Kong, China	G/LIC/N/1/HKG/1-4 (20.4.98)	Trinidad & Tobago	G/LIC/N/1/TTO/1 (28.10.98)
Hungary	G/LIC/N/1/HUN/1-5 (23.4.02)	Tunisia	G/LIC/N/1/TUN/1+Add.1 (21.1.99)
Iceland	G/LIC/N/1/ISL/1 (8.1.99)	Turkey	G/LIC/N/1/TUR/1-TUR/2/Rev.1, TUR/3 + Add.1 (3.7.01))
India	G/LIC/N/1/IND/1/Rev.1 + IND/2-5 (3.6.02)	Uganda	G/LIC/N/1/UGA/1 (16.8.96)
Indonesia	G/LIC/N/1/IDN/1 (27.10.98)	United Arab Emirates	G/LIC/N/1/ARE/1 (19.3.97)

Member	Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication)	Member	Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication)
Israel	Not notified	United States	G/LIC/N/1/USA/1 & Rev.1 (1.10.96)
Jamaica	G/LIC/N/1/JAM/1 (1.7.96)	Uruguay	G/LIC/N/1/URY/1-3 (17.9.01)
Japan	G/LIC/N/1/JPN/1-2/Rev.1 (7.1.97)	Venezuela	Not notified
Jordan	G/LIC/N/1/JOR/1-2 (3.9.01)	Zambia	Not notified
Kenya	Not notified	Zimbabwe	G/LIC/N/1/ZWE/1-2 (21.9.98)
Korea	G/LIC/N/1/KOR/1-3 (3.4.98)		
TOTAL NOTIFIED	80 Members ⁸		

E. NOTIFICATIONS OF IMPORT LICENSING PROCEDURES (ARTICLES 7.3 AND 5)

14. Article 2.1 of the Agreement defines automatic import licensing as "import licensing where approval of the application is granted in all cases, and in accordance with the requirements of paragraph 2(a)". Paragraph 2(a) of Article 2 states that "automatic import licensing procedures shall not be administered in such a manner as to have restricting effects on imports subject to automatic licensing ...".⁹ Article 3 defines non-automatic import licensing as "import licensing not falling within the definition contained in paragraph 1 of Article 2".¹⁰

15. Pursuant to Article 7.3 of the Agreement, Members undertake to complete the annual Questionnaire on Import Licensing Procedures¹¹ promptly and in full. At its meeting in October 1995, the Committee established a time-limit of 30 September each year to submit these notifications (G/LIC/M/2 and G/LIC/3).

16. Article 5.1 of the Agreement requires Members which institute licensing procedures or changes in these procedures to notify the Committee of such within 60 days of publication. Pursuant to Article 5.2, the notifications shall include: the list of products subject to licensing procedures; contact point for information on eligibility; administrative body(ies) for submission of applications; date and name of publication where licensing procedures are published; indication of whether the licensing procedure is automatic or non-automatic according to definitions contained in Articles 2 and 3; in the case of automatic licensing procedures, their administrative purpose; in the case of non-automatic licensing procedures, indication of the measure being implemented through the licensing procedure; and expected duration of the licensing procedure if this can be estimated with some probability, and if not, reason why this information cannot be provided. Article 5.4 requires Members to notify the Committee of the publications in which the information required in Article 1.4 will be published.

17. In addition, pursuant to Article 5.5 any interested Member which considers that another Member has not notified the institution of a licensing procedure or changes therein in accordance with the provisions of Articles 5.1-5.3 may bring the matter to the attention of such other Member. If notification is not made promptly thereafter, such Member may itself notify the licensing procedure or changes therein, including all relevant and available information.

18. During the period covered, 50 Members⁸ have submitted replies to the Questionnaire pursuant to Article 7.3 of the Agreement and 12 Members have notified the institution of import licensing

⁸ The European Communities and its member States counted as one Member.

⁹ A concordance between the provisions of the Agreement relating to automatic licensing procedures and the Questionnaire on Import Licensing Procedures is contained in Annex II.

¹⁰ A concordance between the provisions of the Agreement relating to non-automatic licensing procedures and the Questionnaire on Import Licensing Procedures is contained in Annex III.

¹¹ The Questionnaire is annexed to document G/LIC/3 and is reproduced in Annex I.

procedures or changes in these procedures pursuant to paragraphs 1-4 of Article 5 (circulated in the G/LIC/N/3/- and G/LIC/N/2/- series, respectively). So far, the Committee has not received any notifications under Article 5.5. The status of notifications under Articles 7.3 and 5.1-5.4 since the entry into force of the Agreement is as follows. Written questions and replies concerning these notifications may be found in documents in the G/LIC/Q series¹².

Member	Article 7.3 Replies to Questionnaire – Annual (date of latest communication)	Article 5.1-5.4 – Ad hoc (date of latest communication)
Albania	G/LIC/N/3/ALB/1 (28.1.02)	G/LIC/N/2/ALB/1 (20.2.02)
Angola	Not notified	
Antigua & Barbuda	G/LIC/N/3/ATG/1-2 (18.12.01)	
Argentina	G/LIC/N/3/ARG/1-ARG/2 + Add.1 (8.2.02)	G/LIC/N/2/ARG/1-6 (26.11.99)
Australia	G/LIC/N/3/AUS/1 + Rev.1-AUS/2 (24.5.02)	
Bahrain	G/LIC/N/3/BHR/1 (5.9.00)	
Bangladesh	G/LIC/N/3/BGD/1 (31.3.00)	
Barbados	G/LIC/N/3/BRB/1-2 (8.5.02)	
Belize	Not notified	
Benin	Not notified	
Bolivia	G/LIC/N/3/BOL/1-3 (20.6.00)	
Botswana	Not notified	
Brazil	G/LIC/N/3/BRA/1-2 (29.1.02)	G/LIC/N/2/BRA/1 (24.4.98)
Brunei Darussalam	G/LIC/N/3/BRN/1 (4.3.97)	
Bulgaria	G/LIC/N/3/BGR/1-2 (8.5.02)	
Burkina Faso	G/LIC/N/3/BFA/1 + Add.1 (24.11.00)	
Burundi	G/LIC/N/3/BUR/1-2 (12.10.01)	
Cameroon	Not notified	
Canada	G/LIC/N/3/CAN/1-4 + Corr.1 (2.1.02)	
Central African Rep.	Not notified	
Chad	G/LIC/N/3/TCD/1-2 (13.6.01)	
Chile	G/LIC/N/3/CHL/1 & Add.1-2 (3.2.99)	
China	Not notified	
Chinese Taipei	Not notified	G/LIC/N/2/TPKM/1 (7.6.02)
Colombia	G/LIC/N/3/COL/1 & Add.1-2 (4.12.00)	
Congo	Not notified	
Congo, Dem. Rep.	Not notified	
Costa Rica	G/LIC/N/3/CRI/1-3 (15.12.00)	
Côte d'Ivoire	G/LIC/N/3/CIV/1 (10.1.02)	
Croatia	G/LIC/N/3/HRV/1 (7.1.02)	
Cuba	G/LIC/N/3/CUB/1 (20.12.01)	
Cyprus	G/LIC/N/3/CYP/1+ Rev.1-CYP/3 (28.3.02)	
Czech Republic	G/LIC/N/3/CZE/1 (27.3.01)	G/LIC/N/2/CZE/1 (27.6.02)
Djibouti	Not notified	
Dominica	G/LIC/N/3/DMA/1 (8.2.01)	
Dominican Rep.	Not notified	
Ecuador	G/LIC/N/3/ECU/1 (1.8.95)	
Egypt	Not notified	
El Salvador	Not notified	
Estonia	G/LIC/N/1/EST/1-2 (19.12.01)	
European Communities	G/LIC/N/3/EEC/1 + Add.1-EEC/2 + Add.1-27-EEC/3 + Add.1-26-EEC/4 (7.10.01)	G/LIC/N/2/EEC/1-2 (4.7.97)
Fiji	G/LIC/N/3/FJI/1 (1.4.97)	
Gabon	Not notified	
Gambia	G/LIC/N/3/GMB/1 (31.10.97)	

¹² See Annex IV.

Member	Article 7.3 Replies to Questionnaire – Annual (date of latest communication)	Article 5.1-5.4 – Ad hoc (date of latest communication)
Georgia	G/LIC/N/3/GEO/1 (3.7.01)	
Ghana	G/LIC/N/3/GHA/1-2 (17.8.01)	
Grenada	Not notified	
Guatemala	G/LIC/N/3/GTM/1 (20.1.00)	
Guinea, Rep. of	Not notified	
Guinea Bissau	Not notified	
Guyana	G/LIC/N/3/GUY/1 (2.4.02)	
Haiti	G/LIC/N/3/HTI/1-2 (27.4.00)	
Honduras	Not notified	
Hong Kong, China	G/LIC/N/3/HKG/1 + Rev.1-2-HKG/2-3 + Corr.1-HKG/4-5 (27.9.01)	G/LIC/N/2/HKG/1-2 (27.1.98)
Hungary	G/LIC/N/3/HUN/1-3 + Add.1-2 (23.4.02)	G/LIC/N/2/HUN/1-2 (23.4.02)
Iceland	G/LIC/N/3/ISL/1-2 (5.6.00)	
India	G/LIC/N/3/IND/1-5 (15.3.02)	G/LIC/N/2/IND/1-5 (3.6.02)
Indonesia	G/LIC/N/3/IDN/1 (27.10.98)	
Israel	Not notified	
Jamaica	G/LIC/N/3/JAM/1+Add.1 (14.3.00)	
Japan	G/LIC/N/3/JPN/1 + Corr.1-JPN/2 (31.1.02)	G/LIC/N/2/JPN/1-3 (12.4.01)
Jordan	G/LIC/N/3/JOR/1 (2.10.00)	G/LIC/N/2/JOR/1 (1.12.00)
Kenya	G/LIC/N/3/KEN/1 (10.11.97)	
Korea	G/LIC/N/3/KOR/1-3 (16.5.02)	
Kuwait	Not notified	
Kyrgyz Rep.	G/LIC/N/3/KGZ/1 (11.4.00)	
Latvia	G/LIC/N/3/LVA/1-2 (7.1.02)	
Lesotho	Not notified	
Liechtenstein	G/LIC/N/3/LIE/1+Add.1-LIE/4 (15.8.02)	G/LIC/N/2/LIE/1-2 (17.10.00)
Lithuania	Not notified	
Macau, China	G/LIC/N/3/MAC/1-4 (29.10.01)	
Madagascar	G/LIC/N/3/MDG/1 (23.8.02)	
Malawi	G/LIC/N/3/MWI/1 (10.5.99)	
Malaysia	G/LIC/N/3/MYS/1 (4.12.97)	G/LIC/N/2/MYS/1-2 (21.7.99)
Maldives	G/LIC/N/3/MDV/1 (21.3.02)	
Mali	G/LIC/N/3/MLI/1-2 (27.3.01)	
Malta	G/LIC/N/3/MLT/1-3 (6.11.01)	
Mauritania	Not notified	
Mauritius	G/LIC/N/3/MUS/1-2 + Corr.1 (24.5.02)	
Mexico	Not notified	G/LIC/N/2/MEX/1 (16.10.98)
Moldova	G/LIC/N/3/MDA/1 (30.1.02)	
Mongolia	Not notified	
Morocco	G/LIC/N/3/MAR/1-2 +Add.1 (18.2.99)	
Mozambique	Not notified	
Myanmar	Not notified	
Namibia	G/LIC/N/3/NAM/1-3 (30.3.00)	
New Zealand	G/LIC/N/3/NZL/1 + Add.1 (24.3.98)	
Nicaragua	Not notified	
Niger	Not notified	
Nigeria	G/LIC/N/3/NGA/1-2 (16.2.98)	G/LIC/N/2/NGA/1-2 (16.2.98)
Norway	G/LIC/N/3/NOR/1 + Corr.1 & NOR/2 + Add.1-2 (7.4.00)	
Oman	G/LIC/N/3/OMN/1 (1.4.01)	
Pakistan	Not notified	G/LIC/N/2/PAK/1 (6.5.96)
Panama	G/LIC/N/3/PAN/1 (22.1.99)	G/LIC/N/2/PAN/1 (21.7.98)
Papua New Guinea	Not notified	G/LIC/N/2/PNG/1 (6.2.98)
Paraguay	Not notified	
Peru	G/LIC/N/3/PER/1-2 + Add.1 (4.10.99)	
Philippines	G/LIC/N/3/PHL/1-4 (10.10.01)	
Poland	G/LIC/N/3/POL/1 (7.10.97)	G/LIC/N/2/POL/1-9 (9.8.02)

Member	Article 7.3 Replies to Questionnaire – Annual (date of latest communication)	Article 5.1-5.4 – Ad hoc (date of latest communication)
Qatar	G/LIC/N/3/QAT/1 (24.3.98)	
Romania	G/LIC/N/3/ROM/1-2 + Add.1 (12.12.00)	G/LIC/N/2/ROM/1-3 (4.2.02)
Rwanda	Not notified	
St. Kitts & Nevis	Not notified	
St. Lucia	Not notified	G/LIC/N/2/LCA/1 (17.1.02)
St. Vincent & Grenadines	Not notified	
Senegal	G/LIC/N/3/SEN/1 (20.1.97)	
Sierra Leone	Not notified	
Singapore	G/LIC/N/3/SGP/1-3 (13.10.00)	G/LIC/N/2/SGP/1-2 (23.2.00)
Slovak Republic	Not notified	
Slovenia	G/LIC/N/3/SVN/1 (6.6.97)	
Solomon Islands	Not notified	
South Africa	G/LIC/N/3/ZAF/1-3/Rev.1 (14.8.01)	G/LIC/N/2/ZAF/1 (9.7.97)
Sri Lanka	Not notified	
Suriname	Not notified	
Swaziland	Not notified	
Switzerland	G/LIC/N/3/CHE/1-4 (18.7.02)	G/LIC/N/2/CHE/1-2 (21.9.00)
Tanzania	Not notified	
Thailand	Not notified	
Togo	Not notified	
Trinidad & Tobago	G/LIC/N/3/TTO/1-3 (27.2.01)	
Tunisia	G/LIC/N/3/TUN/1-3 + Add.1-2 (4.1.02)	
Turkey	G/LIC/N/3/TUR/1-2 + Corr.1-TUR/4 + Corr.1 (3.7.01)	
Uganda	G/LIC/N/3/UGA/1 + Add.1 (8.11.00)	
United Arab Emirates	G/LIC/N/3/ARE/1 (11.4.00)	
United States	G/LIC/N/3/USA/1-3 (6.11.00)	
Uruguay	G/LIC/N/3/URY/1+Add.1 (27.1.99)	
Venezuela	G/LIC/N/3/VEN/1 (16.5.02)	G/LIC/N/2/VEN/1-4 (5.4.02)
Zambia	Not notified	
Zimbabwe	G/LIC/N/3/ZWE/1/Add.1-2 (15.2.01)	
TOTAL NOTIFIED ¹³	82 Members ¹³	25 Members ¹³ (58 notifications)

III. CONSULTATION AND DISPUTE SETTLEMENT

19. During the reporting period, Chile requested consultations with Mexico pursuant to Articles 1, 2 and 5 of the TBT Agreement, Articles 1, 3 and 5 of the Agreement on Import Licensing Procedures, and Article III:4 of the GATT 1994, on a series of Mexican laws and regulations which are alleged to constitute unnecessary barriers to the import of Chilean matches (WT/DS/232, G/LIC/D/32).

20. Ecuador requested consultations with Turkey pursuant to Articles II, III, VIII, X and XI of the GATT 1994; Articles 2.3 and 8 and Annexes B and C of the Agreement on the Application of Sanitary and Phytosanitary Measure, Paragraphs 2, 3, 5 and 6 of Article 1 of the Agreement on Import Licensing Procedures, Article 4 of the Agreement on Agriculture, and Articles VI and XVII of the GATS, concerning certain import procedures applicable to fresh fruits and, in particular, bananas (WT/DS237, G/LIC/D/33).

¹³ The European Communities and its member States counted as one Member.

ANNEX I

QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

The present questionnaire is designed to elicit information on import licensing and similar administrative procedures¹ maintained in and applied to the customs territories to which GATT 1994 applies. If different procedures or methods of licensing or similar administrative procedures are applied to different categories of products, to different countries of supply or to different modes of importation, they should be separately described in respect of each question as relevant.

Outline of systems

1. Give a brief description of each licensing system as a whole and, with respect to each, reply to the following questions as relevant, placing all of the material with respect to a given system in sequence together, and using cross references as appropriate when elements which have already been described are also present in another system.

Purposes and coverage of licensing

2. Identify each licensing system maintained and state what products, appropriately grouped, are covered.

3. The system applies to goods originating in and coming from which countries?

4. Is the licensing intended to restrict the quantity or value of imports, and if not, what are its purposes? Have alternative methods of accomplishing the purposes been considered and if so which? Why have they not been adopted?

5. Cite the law, regulation and/or administrative order under which the licensing is maintained. Is the licensing statutorily required? Does the legislation leave designation of products to be subjected to licensing to administrative discretion? Is it possible for the government (or the executive branch) to abolish the system without legislative approval?

Procedures

6. For products under restriction as to the quantity or value of imports (whether applicable globally or to a limited number of countries or whether established bilaterally or unilaterally):

I. Is information published, and where, concerning allocation of quotas and formalities of filing applications for licences? If not, how is it brought to the attention of possible importers? Of governments and export promotion bodies of exporting countries and their trade representatives? Is the overall amount published? The amount allocated to goods from each country? The maximum amount allocated to each importer? How to request any exceptions or derogations from the licensing requirement?

II. How is the size of the quotas determined: on a yearly, six-monthly or quarterly basis? Are there cases where the size of quota is determined on a yearly basis but licences are issued for

¹ Similar procedures are understood to include technical visas, surveillance systems, minimum price arrangements, and other administrative reviews effected as a prior condition for entry of imports.

imports on a six-monthly or quarterly basis? In the latter case, is it necessary for importers to apply for fresh licence on a six-monthly or quarterly basis?

- III. Are licences allotted for certain goods partly or only to domestic producers of like goods? What steps are taken to ensure that licences allocated are actually used for imports? Are unused allocations added to quotas for a succeeding period? Are the names of importers to whom licences have been allocated made known to governments and export promotion bodies of exporting countries upon request? If not, for what reason? (Indicate products to which replies relate.)
 - IV. From the time of announcing the opening of quotas, as indicated in I above, what is the period of time allowed for the submission of applications for licences?
 - V. What are the minimum and maximum lengths of time for processing applications?
 - VI. How much time remains, at a minimum, between the granting of licences and the date of opening of the period of importation?
 - VII. Is consideration of licence applications effected by a single administrative organ? Or must the application be passed on to other organs for visa, note or approval? If so, which? Does the importer have to approach more than one administrative organ?
 - VIII. If the demand for licences cannot be fully satisfied, on what basis is the allocation to applicants made? First come, first served? Past performance? Is there a maximum amount to be allocated per applicant and, if so, on what basis is it determined? What provision is made for new importers? Are applications examined simultaneously or on receipt?
 - IX. In the case of bilateral quotas or export restraint arrangements where export permits are issued by exporting countries, are import licences also required? If so, are licences issued automatically?
 - X. In cases where imports are allowed on the basis of export permits only, how is the importing country informed of the effect given by the exporting countries to the understanding between the two countries?
 - XI. Are there products for which licences are issued on condition that goods should be exported and not sold in the domestic market?
7. Where there is no quantitative limit on importation of a product or on imports from a particular country:
- (a) How far in advance of importation must application for a licence be made? Can licences be obtained within a shorter time-limit or for goods arriving at the port without a licence (for example, owing to inadvertency)?
 - (b) Can a licence be granted immediately on request?
 - (c) Are there any limitations as to the period of the year during which application for licence and/or importation may be made? If so, explain.
 - (d) Is consideration of licence applications effected by a single administrative organ? Or must the application be passed on to other organs for visa, note or approval? If so, which? Does the importer have to approach more than one administrative organ?

8. Under what circumstances may an application for a licence be refused other than failure to meet the ordinary criteria? Are the reasons for any refusal given to the applicant? Have applicants a right of appeal in the event of refusal to issue a licence and, if so, to what bodies and under what procedures?

Eligibility of importers to apply for licence

9. Are all persons, firms and institutions eligible to apply for licences:
- (a) under restrictive licensing systems?
 - (b) under non-restrictive systems?

If not, is there a system of registration of persons or firms permitted to engage in importation? What persons or firms are eligible? Is there a registration fee? Is there a published list of authorized importers?

Documentational and other requirements for application for licence

10. What information is required in applications? Submit a sample form. What documents is the importer required to supply with the application?
11. What documents are required upon actual importation?
12. Is there any licensing fee or administrative charge? If so, what is the amount of the fee or charge?
13. Is there any deposit or advance payment requirement associated with the issue of licences? If so, state the amount or rate, whether it is refundable, the period of retention and the purpose of the requirement.

Conditions of licensing

14. What is the period of validity of a licence? Can the validity of a licence be extended? How?
15. Is there any penalty for the non-utilization of a licence or a portion of a licence?
16. Are licences transferable between importers? If so, are any limitations or conditions attached to such transfer?
17. Are any other conditions attached to the issue of a licence: (a) for products subject to quantitative restriction? (b) for products not subject to quantitative restriction?

Other procedural requirements

18. Are there any other administrative procedures, apart from import licensing and similar administrative procedures, required prior to importation?
19. Is foreign exchange automatically provided by the banking authorities for goods to be imported? Is a licence required as a condition to obtaining foreign exchange? Is foreign exchange always available to cover licences issued? What formalities must be fulfilled for obtaining the foreign exchange?

ANNEX II

Generally, information concerning the administration of automatic import licensing procedures can be found under the following headings of the replies to the Questionnaire on Import Licensing Procedures:

	<u>Relevant Article in Agreement</u>	<u>Relevant Question in Questionnaire</u>
1. Purposes of maintaining automatic import licensing procedures	Article 2.2(b)	No. 4
2. Product coverage	Article 1.4(a)	No. 2
3. Eligibility of importers to apply for automatic licences	Articles 2.2(a)(i) and 1.4(a)	No. 9(b)
4. Period of submission and processing of applications	Articles 2.2(a)(ii) and 2.2(a)(iii)	Nos. 7(a), 7(b) and 7(c)
5. Administrative body to be approached	Article 1.6	No. 7(d)
6. Refusal of applications	Article 1.7	No. 8
7. Application forms and other documents required on application	Article 1.5	No. 10
8. Availability of foreign exchange for imports	Article 1.9	No. 19

ANNEX III

Generally, information concerning the administration of non-automatic import licensing procedures can be found under the following headings of the replies to the Questionnaire on Import Licensing Procedures:

	<u>Relevant Article in Agreement</u>	<u>Relevant Question in Questionnaire</u>
1. Purpose	Articles 3.1 and 3.3	No. 4
2. Product coverage under each non-automatic licensing system	Article 1.4(a)	No. 2
3. Distribution of licences among supplying countries	Articles 3.5(a)(iii) and 3.5©	No.3
4. Size of quotas	Articles 3.5(h), 3.5(i) and 3.5(l)	Nos. 6(I), 6(II) and 6(III)
5. Eligibility of importers to apply for non-automatic licences	Article 3.5(e)	No. 9(a)
6. Allocation of licences to applicants	Article 3.5(j)	Nos. 6(III) and 6(VIII)
7. Period of processing of applications	Article 3.5(f)	Nos. 6(V) and 6(VIII)
8. Period of licence validity	Article 3.5(g)	Nos. 6(VI) and 14
9. Application forms and other documents required on application	Article 1.5	No. 10
10. Administrative body to be approached	Article 1.6	No. 6(VII)
11. Refusal of applications	Article 1.7	No. 8
12. Availability of foreign exchange for imports	Article 1.9	No. 19

ANNEX IV

Questions and replies received under the review procedures agreed by the Committee¹⁴

G/LIC/Q/ATG/1(26.10.01)	Questions from US to Antigua and Barbuda	G/LIC/Q/IND/7 (30.6.02)	Replies from India to US
G/LIC/Q/ARE/1 (1.11.00)	Questions from US to the United Arab Emirates	G/LIC/Q/ISL/1 (1.11.00)	Questions from US to Iceland
G/LIC/Q/BGD/1 (1.11.00)	Questions from US to Bangladesh	G/LIC/Q/ISL/2 (26.6.01)	Replies from Iceland to US
G/LIC/Q/BHR/1 (1.11.00)	Questions from US to Bahrain	G/LIC/Q/JPN/1 (2.5.97)	Questions from New Zealand to Japan
G/LIC/Q/BOL/1 (1.11.00)	Question from US to Bolivia	G/LIC/Q/JOR/1(20.6.01)	Questions from US to Jordan
G/LIC/Q/BOL/2 (13.3.02)	Replies from Bolivia to US	G/LIC/Q/JOR/2 (14.5.02)	Replies from Jordan to US
G/LIC/Q/BRB/1 (28.1.97)	Questions from Australia to Barbados	G/LIC/Q/KOR/1 (8.4.97)	Questions from Japan to Korea
G/LIC/Q/BRB/2 (3.2.97)	Questions from US to Barbados	G/LIC/Q/KOR/2 (2.5.97)	Questions from New Zealand to Korea
G/LIC/Q/BGR/1 (2.5.97)	Questions from New Zealand to Bulgaria	G/LIC/Q/KOR/3 (13.10.97)	Replies from Korea to Japan
G/LIC/Q/CAN/1 (29.1.97)	Questions from Australia to Canada	G/LIC/Q/KOR/4 (10.10.97)	Replies from Korea to New Zealand
G/LIC/Q/CAN/2 (31.1.97)	Questions from EC to Canada	G/LIC/Q/MDG/1 (1.11.00)	Questions from US to Madagascar
G/LIC/Q/CAN/3 (3.2.97)	Questions from US to Canada	G/LIC/Q/MLT/1 (28.1.97)	Replies from Malta to Australia
G/LIC/Q/CHN/1 (6.8.02)	Comments & questions from EC to China	G/LIC/Q/MLT/2 (1.11.00)	Questions from US to Malta
G/LIC/Q/CHN/2 (26.8.02)	Questions from US to China	G/LIC/Q/MLT/3 (9.11.00)	Reply from Malta to US
G/LIC/Q/CHN/3 (27.8.02)	Questions from Japan to China	G/LIC/Q/MUS/1 (21.1.97)	Replies from Mauritius to Australia
G/LIC/Q/CRI/1 (29.1.97)	Question from EC to Costa Rica	G/LIC/Q/MUS/2 (20.1.97)	Replies from Mauritius to US
G/LIC/Q/CRI/2 (28.1.97)	Question from Australia to Costa Rica	G/LIC/Q/MYS/1(23.10.98)	Questions from US to Malaysia
G/LIC/Q/CRI/3 (29.1.97)	Comments and questions from US to Costa Rica	G/LIC/Q/MYS/2(5.1.00)	Replies from Malaysia to US
G/LIC/Q/CRI/4 (15.5.02)	Comments and questions from US to Costa Rica	G/LIC/Q/NOR/1 (20.1.97)	Reply from Norway to EC
G/LIC/Q/DMA/1(20.6.01)	Questions from US to Dominica	G/LIC/Q/NOR/2 (20.1.97)	Replies from Norway to US
G/LIC/Q/DMA/2 (3.6.02)	Replies from Dominica to US	G/LIC/Q/OMN/1 (20.6.01)	Questions from US to Oman
G/LIC/Q/ECU/1 (3.2.97)	Questions from US to Ecuador	G/LIC/Q/PHL/1 (25.4.00)	Questions from Canada to Philippines
G/LIC/Q/EEC/1 (15.5.02)	Question from US to EC	G/LIC/Q/POL/1 (20.6.01)	Questions from US to Poland
G/LIC/Q/GHA/1(26.10.01)	Questions from US to Ghana	G/LIC/Q/ROM/1(15.5.02)	Questions from US to Romania
G/LIC/Q/HTI/1 (1.11.00)	Questions from US to Haiti	G/LIC/Q/ROM/2 (29.5.02)	Replies from Romania to US
G/LIC/Q/IND/1 (20.1.97)	Replies from India to Australia	G/LIC/Q/TCD/1 (1.11.00)	Questions from US to Chad
G/LIC/Q/IND/2 (21.1.97)	Replies from India to EC	G/LIC/Q/TUR/1(15.5.02)	Comments and requests from US to Turkey
G/LIC/Q/IND/3 (20.1.97)	Replies from India to US	G/LIC/Q/URY/1(26.10.01)	Questions from US to Uruguay
G/LIC/Q/IND/4 (8.5.98)	Questions from Japan to India	G/LIC/Q/VEN/1 (10.11.00)	Replies from Venezuela to Uruguay
G/LIC/Q/IND/5 (11.4.01)	Replies from India to Canada	G/LIC/Q/VEN/2 (19.6.01)	Questions from US to Venezuela
G/LIC/Q/IND/6 (19.6.01)	Questions from US to India	G/LIC/Q/VEN/3(15.5.02)	Comments and requests from US to Venezuela

¹⁴ See G/LIC/4 for the Understanding reached by the Committee on Procedures for the Review of Notifications.