

**NOTIFICATION OF REPLIES TO THE QUESTIONNAIRE ON IMPORT
LICENSING PROCEDURES FROM ICELAND¹**

Reply of ICELAND to the Question from the UNITED STATES²

The following communication, dated 26 June 2001, has been received from the Permanent Mission of Iceland.

Question: Iceland states, in document G/LIC/N/3/ISL/2, in section I:8, that "Beyond the failure of an applicant to meet standard criteria, a request for permit to import can be refused at the discretion of the relevant Minister. Reasons for refusal will normally be given. While no formal procedures exist through which an appeal may be lodged, an applicant may choose to contact the Ministry to question the decision." In section VII, concerning permits for importation of communication equipment, there is no information given on whether reason would be given for why the permit is not approved or if a right of appeal exists.

Please confirm that, notwithstanding this information, Iceland provides the benefits of Article 3:5(e) to traders requesting an import permit, i.e., that "if the licence application is not approved, the applicant shall, on request, be given the reason therefor and shall have a right of appeal or review in accordance with the domestic legislation or procedures of the importing Member." (Note: The requirements of GATT 1994 Article X:3(b) concerning the right of appeal to any independent tribunal may also be relevant.)

Reply: If and when a licence application is not approved by Icelandic authorities, an applicant has the right to receive a written argumentation from the authorities in question concerning that decision, according to Article 21 of the Administration Act (No. 37/1993).

Any decision by the authorities can be challenged in a lower court with eventual right of appeal to the Supreme Court of Iceland as stipulated in Article 60 of the Constitution: "Judge shall settle all disputes regarding the competence of the authorities ...".

Additionally, anyone who maintains that his rights have not been fully observed in his dealings with the authorities has recourse to the Office of the Althing Ombudsman³.

¹ G/LIC/N/3/ISL/2

² G/LIC/Q/ISL/1

³ See Act No. 85/1997 on the Althing Ombudsman on the web page:
http://www.umbodsmaduralthingis.is/english_log.asp