
Committee on Import Licensing

Original: English

**NOTIFICATION OF REPLIES TO THE QUESTIONNAIRE ON IMPORT
LICENSING PROCEDURES FROM MALTA¹**

Reply of MALTA to the Question from the UNITED STATES²

The following communication, dated 6 November 2000, has been received from the Permanent Mission of Malta.

Question: In G/LIC/N/3/MLT/2/Add.1, Malta states that there are no changes from its submission in G/LIC/N/3/MLT/2 and MLT/2/Corr.1. The response to question 8 in G/LIC/N/3/MLT/2 states "Except in cases where the importation of certain goods is prohibited, licences are not normally refused. Reasons for refusal are generally given and applicants may, if they wish, appeal to the Minister responsible for trade."

The list of imports subject to import licensing in Malta is extensive. We seek confirmation from Malta that it provides the benefits of Article 3:5(e) of the Agreement to traders whose request for an import licence is refused, i.e., that "if a 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." In this regard, we note that GATT 1994 Article X:3(b) provides for the right of appeal to any independent tribunal, something not mentioned in Malta's submission.

Reply: The list of imports subject to import licensing in Malta has been contained to commodities that require control for security, environmental, health and safety, and other similar important public policy reasons and not for protective trade policy purposes. Such legitimate objectives, being internationally accepted, have never been contested. Thus the import licensing system is not in any manner used as a non-tariff barrier to trade.

It is for non-compliance with such requirements that licences may be refused and therefore the question of appeal does not arise. If and when licences are refused on such grounds, a trader is informed of the reasons for refusal and, if necessary rectification is made, licences will be issued.

Furthermore, the Maltese Government is currently planning to remove most import licensing procedures by 31 December 2002 in line with the European Union *Acquis* relating to horizontal issues of free movement of goods and external relations.

¹ G/LIC/N/3/MLT/2/Add.1

² G/LIC/Q/MLT/2