

ORGANIZACIÓN MUNDIAL DEL COMERCIO

RESTRICTED

G/LIC/N/3/BRB/1

23 de enero de 1996

(96-0238)

Comité de Licencias de Importación

Original: inglés

RESPUESTAS AL CUESTIONARIO RELATIVO A LOS PROCEDIMIENTOS PARA EL TRÁMITE DE LICENCIAS DE IMPORTACIÓN

NOTIFICACIÓN EN VIRTUD DEL PÁRRAFO 3 DEL ARTÍCULO 7 DEL ACUERDO SOBRE PROCEDIMIENTOS PARA EL TRÁMITE DE LICENCIAS DE IMPORTACIÓN

BARBADOS

Se ha recibido de la Misión Permanente de Barbados la siguiente notificación, de fecha 15 de septiembre de 1995.

Descripción sucinta de los regímenes

1. El Gobierno de Barbados aplica la Ley de Controles Varios, capítulo 329¹, para regular la importación de bienes sujetos al régimen de licencias.

Finalidades y ámbito de aplicación del trámite de licencias

2. Reglamento de Controles Varios (licencia de importación general y abierta) - los productos enumerados en el Anexo I.

3. El régimen se aplica a los productos no originarios del CARICOM (Primera Lista del Anexo I) y a los productos originarios del CARICOM (Tercera Lista del Anexo I).

4. El trámite de licencias está destinado a limitar la cantidad de importaciones de los productos considerados sensibles.

5. La Ley de Controles Diversos, capítulo 329, constituye el fundamento jurídico del régimen de licencias, y, por lo tanto, este régimen tiene carácter legal. La legislación no determina que los productos queden sujetos al arbitrio de la administración; sin embargo, de vez en cuando se ha aplicado este arbitrio. Para abolir el sistema se necesita el acuerdo del poder legislativo.

Procedimiento

6. I. No se publica información sobre la asignación de los contingentes, ni tampoco sobre la presentación de solicitudes de licencias.

¹En inglés solamente.

Es el importador quien se dirige al Gobierno para solicitar el permiso de importar los productos. Posteriormente el importador nacional se pone en contacto con el país de origen de los productos o con sus representantes comerciales.

No se publica el monto global, ni las cantidades asignadas a las mercancías procedentes de cada país. Los importadores reciben individualmente la notificación de los contingentes asignados.

II. Según el producto de que se trate, los contingentes pueden determinarse sobre una base trimestral, semestral o anual. Los importadores pueden presentar sus solicitudes en cualquier momento mientras no se agoten los contingentes.

III. El sistema es abierto y no se da preferencia a los productores nacionales de bienes similares. El importador no está obligado a importar los productos para los cuales se ha concedido una licencia.

IV. Una vez que se ha asignado un contingente a un importador, las solicitudes pueden presentarse en cualquier momento dentro del plazo asignado para la importación.

V. Las solicitudes se tramitan en un plazo de tres días hábiles, siempre que se haya presentado toda la información necesaria.

VI. La licencia se expide presumiendo que la importación comenzará inmediatamente.

VII. Para la importación de determinadas mercancías, por ejemplo, carne o productos de la carne, puede que el importador deba dirigirse a más de un organismo gubernamental.

VIII. La asignación de licencias dentro del régimen de contingentes varía. En el caso de la importación de determinadas clases de pescado, por ejemplo los peces voladores y peces pelágicos asociados, sólo los "importadores varios" reciben licencias por orden cronológico de presentación y pueden tomarse en cuenta las importaciones realizadas en períodos anteriores. Los elaboradores de pescado reciben licencias según su participación en la industria pesquera local. En caso de importaciones distintas del pescado, los contingentes generalmente se asignan según las importaciones realizadas en períodos anteriores. Pueden tomarse en consideración los nuevos importadores en función del volumen total del contingente. Todas las solicitudes se examinan a medida que se reciben.

IX. No existen acuerdos bilaterales de apertura de contingentes.

X. No se aplica.

XI. Sí.

7. a) Se aconseja a los importadores que obtengan las licencias de importación antes de proceder a importar los productos. Las licencias pueden otorgarse en plazo muy breve, y en determinadas circunstancias es posible facilitar las solicitudes correspondientes a productos que han llegado a la frontera por inadvertencia.

b) Se puede conceder una licencia inmediatamente, previa petición.

c) Los interesados tienen la libertad de solicitar licencias de importación en cualquier época del año. Sin embargo, en el caso de determinadas especies de pescado, las licencias sólo se expiden para importar pescado durante el período del año conocido como "período de venta", de agosto a noviembre.

c) Véase la respuesta 6.VII.

8. Todo interesado que haya reunido las condiciones requeridas recibirá automáticamente la licencia. Cuando se deniega a un solicitante la licencia, se le hacen saber las causas del rechazo. Todo solicitante tiene derecho a interponer un recurso de apelación cuando se le deniega una licencia. Toda persona a quien se ha denegado una licencia puede apelar ante el mismo órgano o presentar el recurso directamente ante el Oficial Jefe de Control de Precios, el Secretario Permanente o el Ministro.

Condiciones que deben reunir los importadores para poder solicitar una licencia

9. Todas las empresas, personas e instituciones tienen derecho a solicitar licencias en el marco de los sistemas restrictivo y no restrictivo.

Documentos y otros requisitos necesarios para solicitar una licencia

10. Los interesados deben facilitar su nombre o el nombre de la empresa; la dirección; el país de origen del producto y el país de procedencia; la presunta fecha y hora de llegada; la correspondiente partida arancelaria; la descripción del producto y la cantidad, y el valor c.i.f. expresado en dólares de Barbados. No se exige ningún otro documento.

11. Con respecto a los productos procedentes de los países del CARICOM, se exige un certificado de origen, así como la factura comercial. Para los productos procedentes de un país no perteneciente al CARICOM sólo se exige la factura comercial.

12. No existen derecho de licencia ni cargas administrativas.

13. No se exige el pago de un depósito ni de un adelanto.

Condiciones de la expedición de licencias

14. La licencia tiene un período de validez de tres meses. Su validez puede prorrogarse mediante renovación.

15. No se impone ninguna sanción por la no utilización total o parcial de una licencia.

16. Las licencias no son transferibles.

17. En ocasiones pueden establecerse condiciones especiales a las que se supedita la expedición de una licencia tanto si se trata de productos sujetos a restricciones cuantitativas, como si se trata de productos que no están sujetos a restricciones cuantitativas.

Otros requisitos en materia de procedimientos

18. Con anterioridad a la importación no se exigen otros trámites administrativos distintos del trámite de licencias de importación y prácticas administrativas semejantes.

19. No hay problemas para obtener las divisas que facilitan de los bancos para importar productos. No se exige licencia para obtener las divisas, y es fácil obtener divisas tanto para cubrir las licencias otorgadas como para los productos no sujetos al régimen de licencias de importación.

APPENDIX I

Statutory Instruments Supplement No. 6
Supplement to Official Gazette No. 12 dated 10th February, 1994

S.I. 1994 No. 13

Miscellaneous Controls Act
Cap. 329

MISCELLANEOUS CONTROLS (GENERAL OPEN
IMPORT LICENCE) REGULATIONS,
1994

The Minister in exercise of the powers conferred on him by section 3(1) of the *Miscellaneous Controls Act*, makes the following regulations:

1. These regulations may be cited as the *Miscellaneous Controls (General Open Import Licence) Regulations, 1994*.

2. (1) No person shall, except in accordance with the terms of a licence granted under section 10 of the Act, import any goods set out in the First Schedule from any country other than a country listed in the Second Schedule being a country specified in section 6(1) of the *Caribbean Community Act*.

First
Schedule
Second
Schedule
Cap. 15

(2) Notwithstanding paragraph (1), no person shall, except in accordance with the terms of a licence granted under section 10 of the Act, import any goods set out in the Third Schedule from any country specified in the Second Schedule.

Third
Schedule
Second
Schedule

(3) Any person who contravenes or fails to comply with any of the provisions of these regulations is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of 2 years or to both such fine and imprisonment.

S.I. 1983 (4) The *Miscellaneous Controls (General Open*
No. 111 *Import Licence) Regulations, 1983, and the Miscellaneous*
S.I. 1985 *Controls (Sale of Licenced Goods) Regulations, 1985, are*
No. 2 *revoked.*

FIRST SCHEDULE*(Regulation 2(1))*

Tariff Heading Number	DESCRIPTION OF GOODS
01.05	Live Poultry
02.03	Meat of swine, fresh, chilled or frozen
Ex. 02.07	Meat of poultry of Heading No. 01.05 fresh, chilled or frozen
0210.101	Ham
0210.102	Bacon
03.02	Fish, fresh or chilled, excluding fish fillets and other fish meat of Heading No. 03.04
03.03	Fish, frozen, excluding fish fillets and other fish meat of Heading No. 03.04
03.04	Fish fillets and other fish meat, fresh, chilled or frozen
04.01	Milk and cream, not concentrated nor containing added sugar or other sweetening matter
04.02	Milk and cream concentrated or containing added sugar or other sweetening matter
Ex. 04.07	Birds' eggs in shell, fresh, excluding hatching eggs.
0702.00	Tomatoes, fresh or chilled
0703.101	Onions, fresh or chilled
0703.102	Shallots (eschallots) fresh or chilled
07.04	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled
07.05	Lettuce and chicory, fresh or chilled
07.06	Carrots and turnips, beetroots, salsify, celeriac, radishes and similar edible roots fresh or chilled.
07.07	Cucumbers and gherkins fresh or chilled
07.08	Leguminous vegetables, shelled or unshelled fresh or chilled
07.09	Other vegetables, fresh or chilled.
07.10	Vegetables uncooked or partially cooked

0714.20	Sweet potatoes.
Ex. 08.07	Melons.
1501.001	Lard.
15.07	Soya bean oil and its fractions, whether or not refined, but not chemically modified.
15.08	Ground nut oil and its fractions, whether or not refined, but not chemically modified.
15.09	Olive oil and its fractions, whether or not refined, but not chemically modified.
15.10	Other oils and their fractions, obtained solely from olives, whether or not refined but not chemically modified, including blends of these oils or fractions with oils or fractions of Heading No. 1509.
15.11	Palm oil and its fractions, whether or not refined, but not chemically modified.
15.12	Sunflower seed, safflower or cotton-seed oil and fractions thereof, whether or not refined, but not chemically modified.
15.13	Coconut (copra), palm kernel or babassu oil and fractions thereof, whether or not refined, but not chemically modified.
15.14	Rape, colza or mustard oils and fractions thereof, whether or not refined, but not chemically modified
15.15	Other fixed vegetable fats and oils and their fractions, whether or not purified, but not chemically modified.
J1	Sausages and similar products of meat, meat offal or blood, food preparations based on these products
16.02	Other prepared or preserved meats, meat offal or blood (excluding corned beef)
x. 17.01	Beet sugar and cane sugar in solid form
20.07	Jams, jellies, marmalades, fruit puree and fruit pastes
20.09	Fruit juices (including grape must) and vegetables juices, unfermented and not containing added spirit whether or not containing added sugar or other sweetening matter
22.02	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured and other non-alcoholic beverages

2203	Beer made from malt
Ex. 22.06	Shandy
Ex. 22.08	Shandy
34.01	Soap, organic surface active products and preparations for use as soap in bars, cakes, moulded pieces or shapes whether or not containing soap; paper, wadding; felt and non-woven, impregnated coated or covered with soap or detergent
34.02	Organic surface active agents; surface active preparations, washing preparations and cleaning preparations whether or not containing soap
Ex. 36.04	Fireworks.
Ex. 38.23	"Chemshield" (the defence method of our times).
Ex. 38.23	"Mace" and similar products.
Ex. 39.26	Handcuffs of plastic.
Ex. 61.09	T-shirts
Ex. 73.26	Handcuffs of iron or steel.
Ex. 82.11	Ratchet knives, spring loaded knives including flick knives.
87.02	Public transport type passenger motor vehicles.
87.03	Motor cars and other vehicles principally designed for the transport of persons (other than those of Heading No. 87.02), including station wagons, and racing cars.
Ex. 87.06	Chassis fitted with engines for the assembly of coaches and buses.
Ex. 87.08	Chassis without engines for the assembly of coaches and buses.
Ex. 89.03	Yachts and other vessels for pleasure or sports.
Ex. 95.04	Coin operated amusement machines.
Ex. 95.04	Equipment and accessories for gambling or parlour games (excluding gaming machines) for example black-jack tables, table counters, hand counters, roulette wheels, dice, dice boxes, croupier's rakes etc.

SECOND SCHEDULE

(Regulation 2)

Antigua & Barbuda	Montserrat
Belize	St. Kitts-Nevis-Anguilla
Dominica	St. Lucia
Grenada	St. Vincent
Guyana	Trinidad & Tobago
Jamaica	

THIRD SCHEDULE

(Regulation 2(2))

01.05	Live Poultry.
02.03	Meat of swine, fresh, chilled or frozen.
Ex. 02.07	Meat of poultry of Heading No. 01.05 fresh, chilled or frozen.
0210.101	Ham.
0210.102	Bacon.
03.02	Fish, fresh or chilled, excluding fish fillets and other fish meat of Heading No. 03.04.
03.03	Fish, frozen, excluding fish fillets and other fish meat of Heading No. 03.04.
03.04	Fish fillets and other fish meat, fresh, chilled or frozen.
04.01	Milk and cream, not concentrated nor containing added sugar or other sweetening matter
04.02	Milk and cream concentrated or containing added sugar or other sweetening matter.
Ex. 04.07	Birds' eggs in shell, fresh, excluding hatching eggs.
0702.00	Tomatoes, fresh or chilled.
0703.101	Onions, fresh or chilled.
0703.102	Shallots (eschallots) fresh or chilled.
07.04	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled.
07.05	Lettuce and chicory, fresh or chilled.

07.06	Carrots and turnips, beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled
07.07	Cucumbers and gherkins fresh or chilled.
07.08	Leguminous vegetables, shelled or unshelled, fresh or chilled.
07.09	Other vegetables, fresh or chilled.
07.10	Vegetables, uncooked or cooked, frozen.
0714.20	Sweet potatoes.
Ex. 08.07	Melons.
15.07	Soya bean oil and its fractions, whether or not refined, but not chemically modified.
15.08	Ground nut oil and its fractions, whether or not refined, but not chemically modified.
15.09	Olive oil and its fractions, whether or not refined, but not chemically modified.
15.10	Other oils and their fractions, obtained solely from olives, whether or not refined but not chemically modified, including blends of these oils or fractions with oils or fractions of Heading No. 15.09.
15.11	Palm oil and its fractions, whether or not refined, but not chemically modified
15.12	Sunflower seed, safflower or cotton-seed oil and fractions thereof, whether or not refined, but not chemically modified.
15.13	Coconut (copra), Palm kernel or babassu oil and fractions thereof, whether or not refined, but not chemically modified.
15.14	Rape, colza or mustard oils and fractions thereof, whether or not refined, but not chemically modified.
15.15	Other fixed vegetables, fats and oils and their fractions, whether or not purified, but not chemically modified.
1602.401	Ham
1602.402	Bacon
Ex. 17.01	Beet sugar and cane sugar in solid form.
20.07	Jams, jellies, marmalades, fruit purée and fruit pastes
2009.101	Orange juice, concentrated
2009.109	Other orange juice

2009.201	Grapefruit juice, concentrated
2009.209	Other grapefruit juice
22.02	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matters or flavoured and other non-alcoholic beverages
Ex. 2206	Shandy
Ex. 2208	Shandy
34.01	Soap, organic surface active products and preparations for use as soap in bars, cakes, moulded pieces or shapes whether or not containing soap; paper, wadding; felt and non woven, impregnated coated or covered with soap or detergent.
34.02	Organic surface active agents; surface active preparations, washing preparations and cleaning preparations whether or not containing soap
Ex. 36.04	Fireworks.
Ex. 38.23	"Chemshield" (the defence method of our times).
Ex. 38.23	"Mace" and similar products.
Ex. 39.26	Handcuffs of plastic.
Ex. 73.26	Handcuffs of iron or steel.
Ex. 82.11	Ratchet knives, spring loaded knives including flick knives.
87.02	Public transport type passenger motor vehicles.
87.03	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of Heading No. 87.02), including station wagons, and racing cars.
Ex. 87.06	Chassis fitted with engines for the assembly of coaches and buses.
Ex. 87.08	Chassis without engines for the assembly of coaches and buses.
Ex. 89.03	Yachts and other vessels for pleasure or sport.
Ex. 95.04	Coin operated amusement machines.

Ex. 95.04 Equipment and accessories for gambling or parlour games (excluding gaming machines), for example, black-jack tables, table counters, hand counters, roulette wheels, dice, dice boxes, croupier's rakes etc.

Made by the Minister this 6th day of January, 1994.

D. W. BOWEN
Minister responsible for Agriculture, Food
and Fisheries.

Statutory Instruments Supplement No. 35
Supplement to Official Gazette No. 64 dated 7th August, 1995

S.I. 1995 No. 66

Miscellaneous Controls Act
Cap. 329

**MISCELLANEOUS CONTROLS (GENERAL OPEN
IMPORT LICENCE) (AMENDMENT)
REGULATIONS, 1995**

The Minister in exercise of the powers conferred on him by section 3(1) of the *Miscellaneous Controls Act*, makes the following Regulations:

1. These regulations may be cited as the *Miscellaneous Controls (General Open Import Licence) (Amendment) Regulations, 1995*.

2. The Third Schedule to the *Miscellaneous Controls (General Open Import Licence) Regulations, 1994* is deleted and the Third Schedule contained in the Schedule to these regulations is substituted.

S.I. 1994
No. 13
Schedule

STATUTORY INSTRUMENT

SCHEDULE

(Paragraph 2)

"THIRD SCHEDULE

(Regulation 2(2))

TARIFF HEADING NUMBER	DESCRIPTION OF GOODS
01.05	Live Poultry
02.03	Meat of swine, fresh, chilled or frozen.
Ex. 02.07	Meat of poultry of Heading No. 01.05 fresh, chilled or frozen.
0210.101	Ham.
0210.102	Bacon.
03.02	Fish, fresh or chilled, excluding fish fillets and other fish meat of Heading No. 03.04.
03.03	Fish, frozen, excluding fish fillets and other fish meat of Heading No. 03.04.
03.04	Fish fillets and other fish meat, fresh, chilled or frozen.
04.01	Milk and cream, not concentrated nor containing added sugar or other sweetening matter.
04.02	Milk and cream concentrated or containing added sugar or other sweetening matter.
Ex. 04.07	Birds' eggs in shell, fresh, excluding hatching eggs.
0702.00	Tomatoes, fresh or chilled.
0703.101	Onions, fresh or chilled.
0703.102	Shallots (eschallots) fresh or chilled.
07.04	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled.
07.05	Lettuce and chicory, fresh or chilled.
07.06	Carrots, turnips, beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled.
07.07	Cucumbers and gherkins, fresh or chilled.
07.08	Leguminous vegetables, shelled or unshelled, fresh or chilled.

07.09	Other vegetables, fresh or chilled.
07.10	Vegetables, uncooked or cooked, frozen.
0714.20	Sweet potatoes.
Ex. 08.07	Melons.
15.07	Soya bean oil and its fractions, whether or not refined, but not chemically modified.
15.08	Ground nut oil and its fractions, whether or not refined, but not chemically modified.
15.09	Olive oil and its fractions, whether or not refined, but not chemically modified.
15.10	Other oils and their fractions, obtained solely from olives, whether or not refined but not chemically modified, including blends of these oils or fractions with oils or fractions of Heading No. 15.09.
15.11	Palm oil and its fractions, whether or not refined, but not chemically modified.
15.12	Sunflower seed, safflower or cotton-seed oil and fractions thereof, whether or not refined, but not chemically modified.
15.13	Coconut (copra), palm kernel or babassu oil and fractions thereof, whether or not refined, but not chemically modified.
15.14	Rape, colza or mustard oils and fractions thereof, whether or not refined, but not chemically modified.
15.15	Other fixed vegetable fats and oils and their fractions, whether or not purified, but not chemically modified.
1602.401	Ham.
1602.402	Bacon.
Ex. 17.01	Beet sugar and cane sugar in solid form.
22.02	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured and other non-alcoholic beverages.
34.01	Soap; organic surface active products and preparations for use as soap in bars, cakes, moulded pieces or shapes whether or not containing soap; paper, wadding; felt and non wovens, impregnated, coated or covered with soap or detergent.
Ex. 36.04	Fireworks.
Ex. 38.23	"Chemshield" (the defence method of our times).

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| Ex. 82.11 | Ratchet knives, spring loaded knives including flick knives. |
| Ex. 95.04 | Coin operated amusement machines. |
| Ex. 95.04 | Equipment and accessories for gambling or parlour games (excluding gaming machines) for example, black jack tables, table counters, hand counters, roulette wheels, dice, dice boxes, croupier's rakes, etc." |

Made by the Minister this 31st day of July, 1995.

REGINALD FARLEY
Minister responsible for Industry, Commerce
and Business Development.