



5 October 2017

(17-5370)

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Committee on Agriculture

Original: Spanish

### NOTIFICATION

The following submission, dated 20 September 2017, is being circulated at the request of the delegation of **Costa Rica**. The notification concerns the administration of tariff quotas (**Table MA:1**) for the year **2016**.

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The attached notification is submitted pursuant to the obligation to communicate any changes in the administration of tariff quotas, in accordance with the notification requirements and formats set out in document G/AG/2.

The notification concerns the change in the system of administration of import tariff quotas, as established in the General Regulations on the Allocation of Import Tariff Quotas (Executive Decree No. 39938-COMEX of 29 September 2016, published in Official Journal (*La Gaceta*) No. 192 of 6 October 2016). The main changes were established pursuant to the "Understanding on Tariff Rate Quota Administration Provisions of Agricultural Products, as defined in Article 2 of the Agreement on Agriculture", adopted at the Ninth Ministerial Conference of the World Trade Organization held in Bali from 3 to 6 December 2013. The other changes were introduced to improve the administration and use of tariff quotas.

The regulations and other relevant documentation on tariff quotas and import licensing are available on the Ministry of Foreign Trade (COMEX) website at [http://www.comex.go.cr/tramites\\_servicios/contingentes.aspx](http://www.comex.go.cr/tramites_servicios/contingentes.aspx)

Questions may be addressed to the following government body:

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Table MA:1

## MARKET ACCESS: COSTA RICA

REPORTING PERIOD: 2016

*Implementation of market access opportunities: tariff and other quota commitments*

TQ ID	Description of products		Tariff item number(s) encompassed in product description	Description of import arrangement applicable
	(from Section I-B (or I-A) of Part I of the Schedule)			
	1	2		
CRIQ002	POULTRY AND POULTRY PRODUCTS; CUTS AND OFFAL OF POULTRY:	02071392; 02071393; 02071394; 02071399; 02071492; 02071493; 02071494; 02071499; 02072690; 02074490; 02075490; 02076049	(a) Allocation of quotas to supplying countries: None  (b) Allocation of licences or of access to quotas to importers  <b>(i) Government agency, trading or administrative body competent to grant licences or access to quotas, including those which have formally, or in effect, exclusive or special privileges:</b> The Ministry of Foreign Trade (COMEX), through ministerial resolution (for historical applicants) and resolution of the Directorate-General of Foreign Trade (for new applicants) (see subparagraph (iii) below), in accordance with the provisions of Executive Decree No. 39938-COMEX.  <b>(ii) Any limitations on eligibility of applicants:</b> The allocation process is open to both natural and legal persons that are up to date in their social security obligations and registered as importers of vegetable or animal products with the competent health authority, as appropriate.  Affiliated applicants for quota allocation in respect of the same product and the same allocation process are considered to be making a single application. No quantity shall be allocated to a new applicant affiliated to a historical applicant. The following are understood to be affiliated applicants:  a. In the case of natural persons, if the applicant is an employee, partner or blood relative or relative in law up to and including the third degree of another applicant; if the applicant or any of his relatives referred to above is a partner, legal representative or member of the board of directors of another applicant; if the applicant is an employee, partner or blood relative or relative in law up to the third degree of a natural person who controls, is a partner in or legal representative of or holds a managerial or representative position with another applicant.	
CRIQ004	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	0401		
CRIQ005	Milk and cream, concentrated or containing added sugar or other sweetening matter (excluding condensed and evaporated milk)	0402 (except 0402.91.10 and 0402.99.10)		
CRIQ008	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa	0403		
CRIQ010	BUTTER AND OTHER FATS AND OILS DERIVED FROM MILK	0405		
CRIQ011	Cheese and curd (excluding headings for cheddar-type, dehydrated, green- or blue-veined and other cheese)	04061000; 04063000		
CRIQ022	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products; of poultry of heading No. 01.05; Other	16010020; 16021020; 16023210; 16023290		

TQ ID	Description of products	Tariff item number(s) encompassed in product description	Description of import arrangement applicable								
	(from Section I-B (or I-A) of Part I of the Schedule)										
	1	2	3								
CRIQ025	Ice cream and other edible ice, whether or not containing cocoa	2105	<p>b. In the case of legal persons, if one of the partners, directors or legal representatives of an applicant company is also an applicant in a personal capacity; if one of the partners, directors or legal representatives of an applicant company also holds any of these positions in another applicant company; if one of the partners, directors or legal representatives of an applicant company is a blood relative or relative in law up to and including the third degree of a natural person who controls, is a partner in or legal representative of or holds a managerial or representative position with another applicant; or if one of the partners, directors or legal representatives is also employed by an applicant legal person.</p> <p><b>(iii) How licences or access are to be allocated:</b> 80% of the available volume is distributed among historical applicants, that is, those that had a quota allocated to them in the year prior to the call for applications. The call for applications is issued in October of the year prior to the quota year, and the allocation is made by ministerial resolution during the first 15 working days of December of that year.</p> <p>If the total volume requested is less than or equal to the volume available, each applicant will be allocated the volume requested. If the total volume requested is greater than the volume available, the volume to be allocated to each such applicant is determined using the following formula:</p> $C_i^t = \frac{x_i^{t-1}}{\sum_{i=1}^n x_i^{t-1}}$ <p>Where:</p> <table><tr><td><math>C_i^t</math></td><td>Is the percentage of the volume available for historical applicants that is allocated to applicant <math>i</math> in the calendar year in which the call for applications (<math>t</math>) is issued;</td></tr><tr><td><math>x_i^{t-1}</math></td><td>Is the total volume of imports effected under the quota by the applicant <math>i</math> during the calendar year immediately preceding (<math>t-1</math>) the year in which the call for applications (<math>t</math>) is made;</td></tr><tr><td><math>\sum_{i=1}^n x_i^{t-1}</math></td><td>Is the total volume of imports made under the quota by all historical applicants during the calendar year immediately preceding (<math>t-1</math>) the year in which the call for applications (<math>t</math>) is made; and</td></tr><tr><td><math>n</math></td><td>Is the total number of importers that used the import quota in the calendar year immediately preceding (<math>t-1</math>) the year in which the call for applications is made (<math>t</math>).</td></tr></table> <p>Under no circumstances will a quota volume greater than that requested be allocated. Any remaining volume will be made available to the historical applicants during the first half of the year.</p> <p>20% of the available volume will be made available to new applicants during the first half of the year, from the first working day of January, on a "first-come, first-served" basis, in accordance with the daily order of submission of applications.</p>	$C_i^t$	Is the percentage of the volume available for historical applicants that is allocated to applicant $i$ in the calendar year in which the call for applications ( $t$ ) is issued;	$x_i^{t-1}$	Is the total volume of imports effected under the quota by the applicant $i$ during the calendar year immediately preceding ( $t-1$ ) the year in which the call for applications ( $t$ ) is made;	$\sum_{i=1}^n x_i^{t-1}$	Is the total volume of imports made under the quota by all historical applicants during the calendar year immediately preceding ( $t-1$ ) the year in which the call for applications ( $t$ ) is made; and	$n$	Is the total number of importers that used the import quota in the calendar year immediately preceding ( $t-1$ ) the year in which the call for applications is made ( $t$ ).
$C_i^t$	Is the percentage of the volume available for historical applicants that is allocated to applicant $i$ in the calendar year in which the call for applications ( $t$ ) is issued;										
$x_i^{t-1}$	Is the total volume of imports effected under the quota by the applicant $i$ during the calendar year immediately preceding ( $t-1$ ) the year in which the call for applications ( $t$ ) is made;										
$\sum_{i=1}^n x_i^{t-1}$	Is the total volume of imports made under the quota by all historical applicants during the calendar year immediately preceding ( $t-1$ ) the year in which the call for applications ( $t$ ) is made; and										
$n$	Is the total number of importers that used the import quota in the calendar year immediately preceding ( $t-1$ ) the year in which the call for applications is made ( $t$ ).										

TQ ID	Description of products		Tariff item number(s) encompassed in product description	Description of import arrangement applicable							
	(from Section I-B (or I-A) of Part I of the Schedule)										
	1	2	3								
			<p>If the total volume requested on a single day is less than or equal to that which is available, the volume requested will be allocated to each interested party. If the total volume requested in a single day is greater than that which is available, the volume available will be distributed in accordance with the following formula:</p> $C_i = \frac{x_i}{\sum_{i=1}^k x_i}$ <table><tr><td><math>C_i</math> :</td><td>is the percentage of the volume available that day for new applicants that is assigned to applicant <math>i</math>;</td></tr><tr><td><math>X_i</math> :</td><td>is the volume requested that day by applicant <math>i</math>;</td></tr><tr><td><math>\sum_{i=1}^k x_i</math> :</td><td>is the total volume requested that day by all new applicants; and</td></tr><tr><td><math>k</math> :</td><td>is the total number of applicants that day.</td></tr></table> <p>Under no circumstances will an import quota volume greater than that requested be allocated.</p> <p>Remaining quota shares will be made available during the first half of the year, as appropriate, to historical applicants or new applicants. These volumes will be allocated on a "first-come, first-served" basis, in accordance with the daily order of submission of applications, and in line with the arrangements referred to above.</p> <p><b>(iv) Any limitations on the period of validity or use of the licences granted:</b> The import period begins on 1 January or on the date on which the resolution governing the quota allocation is issued and runs until 31 December of the corresponding year.</p> <p>(c) details of other arrangements (not involving import licences) under which access to quotas is to be administered: Not applicable.</p> <p>(d) any other information relevant to the implementation of market access opportunities under such arrangements. The Regulation and other relevant information are available for consultation at <a href="http://www.comex.go.cr/tramites_servicios/contingentes.aspx">http://www.comex.go.cr/tramites_servicios/contingentes.aspx</a>.</p>	$C_i$ :	is the percentage of the volume available that day for new applicants that is assigned to applicant $i$ ;	$X_i$ :	is the volume requested that day by applicant $i$ ;	$\sum_{i=1}^k x_i$ :	is the total volume requested that day by all new applicants; and	$k$ :	is the total number of applicants that day.
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$k$ :	is the total number of applicants that day.										