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Committee on Import Licensing

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AGREEMENT ON IMPORT LICENSING PROCEDURES

NOTIFICATION UNDER ARTICLE 1.4(A)ⁱ AND/OR 8.2(B)ⁱⁱ OF THE AGREEMENT

AFGHANISTAN

The following notification, dated 30 July 2016, is being circulated at the request of the delegation of Afghanistan.

In accordance with Articles 1.4(a) and 8.2(b) of the Agreement on Import Licensing Procedures, the Government of the Islamic Republic of Afghanistan hereby notifies the publications in which its regulations may be found as well as its legislation governing import licensing.

ARTICLE 1.4(A): SOURCES WHERE INFORMATION IS PUBLISHED

Jarida-e-Rasmi/Rasmi Jarida (Official Gazette) - available on the website of the Ministry of Justice of the Islamic Republic of Afghanistan (<http://www.moj.gov.af>). Copies of the publication (in Dari/Pashto) are available at the following address: Directorate for Publications and Public Relations, Ministry of Justice, Wazir Akbar Khan, Street No. 15, Lane 3, Kabul, Afghanistan, (+93) 78 311 70 80; (+93); e-mail: moj_complaints@yahoo.com.

ARTICLE 8.2(B): LEGISLATION

1. Procedure for the Import and Use of Armoured Vehicles, Tools, Equipment and Modern Technology which have Military and Security Use, issued by the Ministry of Interior Affairs on 4 May 2011, entered into force on 4 May 2011

Imports of armoured vehicles and tools and equipment and modern technologies which have military and security use originating in and coming from all countries require an import license issued by the Ministry of Interior Affairs (MoIA). The Commission on Issuing Licenses under MoIA reviews the need for the applicant to have armoured vehicles, tools, equipment and modern technology which have military and security use based on the nature of its activities and risks involved. Purpose of the licensing system is to conduct background check of importing persons for security purposes.

2. Decree of the President No. 1971 on Security Implementation Measures in Order to Prevent Terrorist Attacks of 10 March 2010

The Ministry of Interior Affairs (MoIA) - specifically the Directorate of Counter-Terrorism, has legal authority for this licensing system, which aims to ensure that military equipment (excluding arms and ammunition) is imported by the appropriate entities according to the nature and risk of their activities.

3. Environmental Law, published in Official Gazette No. 912 on 25 January 2007, entered into force on 27 December 2006, and Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) – Appendices II and III

A permit from the National Environmental Protection Agency (NEPA) is required for imports of endangered species listed under Appendices II and III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which Afghanistan joined on 30 October 1985. Purpose of the licensing system is to ensure that international trade in specimens of wild animals and plants (whether they are traded as life specimens, furs coats or dried herbs) does not threaten their survival, and to protect Afghanistan's wild flora and fauna from the danger of extinction. The system is not intended to restrict the quantity or value of imports. NEPA retains no administrative discretion regarding the designation of products to be subjected to import permit- the Environmental Law specifically refers to the list of endangered species under CITES Appendices II and III.

4. Regulation on Import and Show of Films and Monitoring of Cinema, published in Official Gazette No. 681 on 5 January 1989, entered into force on 18 November 1988, as amended by Presidential Decree No. 24 of 18 January 2005, entered into force on 18 January 2005, and Ministerial Act on Import, Distribution and Show of Films and Monitoring of Cinema/other Cassettes and Discs of 23 March 2010

Purpose of the licensing system is to ensure that imported movies for projection in cinema theatres as well as movies on cassettes and discs observe Afghan moral and cultural norms as well as quality requirements. The Afghan Film Department has the authority to issue import licenses and determine the number of films per applicant.

5. Law Against Intoxicating Drinks and Drugs as well as Controlling Them, published in Official Gazette No. 1025 of 14 June 2010, entered into force on 14 June 2010, and Procedure for the Management and Control of Precursors of 30 January 2016

The licensing system applies to strictly controlled and controlled plants and substances with a medical use and to substances frequently used in the manufacture of narcotic drugs and psychotropic substances (chemical precursors) originating in and imported from all countries - see Tables 2-4 annexed to the Law on Campaign against Intoxicants, Drugs and their Control ("the Law"). The licensing system is intended to prevent illicit use of narcotics and chemicals used in illicit production of drugs, and import licenses are issued to facilitate medical, industrial production and scientific research purposes only. The import control system set out in the Law reflects the provisions of relevant United Nations conventions on drugs (Single Convention on Narcotic Drugs, 1961; Convention on Psychotropic Substances of 1971; Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988). Only applicants who hold a license to engage in importing of medicines obtained from the Ministry of Commerce and Industries (MoCI) can apply for a quota to import medicines from the Committee on Drug Regulation.

6. Regulation on Controlling Materials Destructive to the Ozone Layer, published in Official Gazette No. 894 of 6 August 2006, entered into force on 17 July 2006

Purpose of the licensing system is to protect the ozone layer by taking precautionary measures to control the total emissions of substances that deplete it, with the ultimate objective of their elimination, taking into account technical and economic considerations and bearing in mind the developmental needs of Afghanistan. As a signatory of the Montreal Protocol on Substances that Deplete the Ozone Layer of 16 September 1987, Afghanistan is required to establish and implement a system for licensing the import of new, used and recycled controlled substances listed in the relevant annexes to the Montreal Protocol. The Ozone Unit of the National Environmental Protection Agency (NEPA) has responsibility for registration and issuance of import permits.

7. Law on Medicines published in Official Gazette No. 963 of 19 November 2008 entered into force on 4 November 2008, Law on Public Health published in Official Gazette No. 916 of 24 February 2007 and entered into force on 17 January 2007 and Regulation on Production and Import of Medicines and Medical Equipment published in Official Gazette No. 916 of 24 February 2007 and entered into force on 19 February 2007

All persons wishing to import medicines and medical equipment shall have an activity license for engaging in the import of medicines obtained from the General Directorate of Pharmacy Affairs (GDPA) under the Ministry of Public Health (MoPH) and receive an import permit from the GDPA. This licensing system aims at protecting human life and health. Only the import of medicines (irrespective of their country of origin) registered in the National Licensed Medicines List of

Afghanistan available on the General Directorate of Pharmacy Affairs (GDPA) website is allowed (<http://gdpa.gov.af/en>).

8. Law for Regulating Telecommunication Services published in Official Gazette No. 1031 of 17 July 2010, entered into force on 5 May 2010 and the Procedures for Obtaining License of the Telecom Equipment Import and Sale issued by the Afghanistan Telecommunication Regulatory Authority (ATRA) of 8 June 2007

This licensing system applies to all imported telecommunication equipment designated by the Afghanistan Telecommunication Regulatory Authority (ATRA), irrespective of origin. Its purpose is to control telecom equipment that could be used in providing unauthorized telecom services. To be eligible to apply for a permit to import telecom equipment, applicants must hold an ATRA-issued license (license for mobile phone services, license for internet service provider, license for telecom technology solution provider or importer and seller license).

9. Veterinary Services Law, published in Official Gazette No. 795 of 8 January 2001, entered into force on 15 January 2000

The following products are covered by the permit system, irrespective of their country of origin: veterinary equipment HS Chapter 902221; animal medicines HS Chapters 300230, 300510, 300590 and 300670; animal vaccines HS Chapters 300210 and 300220; and animal sperms HS Chapter 300660. The licensing system enables the General Directorate for Animal Health (GDAH) of the Ministry of Agriculture, Irrigation and Livestock (MAIL) to know about the qualification and suitability of applicants, require information about the indication, efficiency and safety of the chosen products, assure the quality of the products before their importation to Afghanistan and reduce possible risks to, and improve, animal health in Afghanistan. The responsible structures in the Government of Afghanistan have drafted a new "Animal Health (Veterinary) Law" which sets out the import license requirements.

10. Presidential Decree No. 2342 of 11 February 2016 [dealing with Import and Export Licensing for Printed Books, Brochures, Leaflets and Other Printed Matters, entered into force on 11 February 2016, and Law on Mass Media, published in Official Gazette No. 968 of 6 July 2009 as amended by the Amendment and Addition to the Mass Media Law, published in Official Gazette No. 1167 of 11 March 2015, entered into force on 28 January 2015]

The importation of printed books, brochures, leaflets and other printed matters is subject to approval by the Assessment Commission under the Ministry of Information and Culture of Afghanistan (MoIC). The approval system is not intended to restrict the quantity or value of imports into Afghanistan. The purpose of the licensing system is to protect the Country's moral and cultural values by preventing the publishing and distribution of books, brochures and other printing matters contrary to the Constitution of Afghanistan and to the principles of Islam and offensive to other religions and sects, promoting other religions than Islam as well as leading to dishonoring and defamation of individuals. All importers are eligible for obtaining approval for importation of books, brochures, leaflets and other printed materials.

11. Ministerial Act on Licensing, Producing, Importing and Exporting Optical Disks of 2012, entered into force on 11 November 2013

Import licenses issued by the Registrar under the Ministry of Information and Culture of Afghanistan (MoIC) are necessary to import optical disks, defined as any medium, regardless of format, which may be used for the electronic storage of data in digital form, which is capable of being written and/or read by means of a laser or any other means, whether or not any readable data has been stored on it (including CDs, DVDs, laser discs, mini discs and video compact discs). The licensing system aims at protecting the rights of the holders of copyrights and related rights as well promoting legitimate copyright industries that rely on optical disks for distribution.

12. Law on Agriculture Pesticides, published in Official Gazette No. 1190, of 19 October 2015, entered into force on 26 August 2015

The Plant Protection and Quarantine Administration at the Ministry of Agriculture, Irrigation and Livestock (MAIL) issues one year license (extendable) to individuals having commercial license to

import or export agricultural pesticides. Agricultural pesticides are chemical ingredients or substance used to control, prevent or destroy agricultural-related plagues. The purposes of licensing system are to protect plant, environment from negative implication of pesticides; control production, import, export, transport, stockpile, distribution and use of pesticide in the territory of the Islamic Republic of Afghanistan.

ⁱ "[...] Publication shall take place, whenever practicable, 21 days prior to the effective date of the requirement but in all events not later than such effective date. Any exception, derogations or changes in or from the rules concerning licensing procedures or the list of products subject to import licensing shall also be published in the same manner and within the same time-periods as specified above." See Article 1.4(a) of the Agreement.

ⁱⁱ "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."