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Page: 1/3

Committee on Import Licensing

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REPLIES TO THE QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES¹

CÔTE D'IVOIRE

The following communication, dated 21 October 2013, is being circulated at the request of the delegation of Côte d'Ivoire.

Outline of systems

1. By way of derogation from the principle of import and export freedom, certain legislative and regulatory texts (Law No. 91-999 of 27 December 1991 and Decree No. 93-313 of 11 March 1993) have established legal regimes for economic reasons and for reasons relating to public morals, order or safety and the protection of human, animal and plant life and health.

The legal regime for imports comprises three distinct regimes:

- the free import regime;
- the approval regime; and
- the restriction regime.

Purposes and coverage of licensing

2. Pursuant to Article 4.1 of Decree No. 93-313 of 11 March 1993, the restriction regime concerns:

- products the import of which is subject to quantitative restrictions; and
- products the import of which is prohibited.

The products concerned are those listed in Annex B to the above-mentioned Decree. Since these products have been subject to progressive annual liberalization, the regime now applies only to printed cotton fabrics and petroleum products similar to those produced by the Ivorian Refinery Company (SIR).

3. The regime applies to goods originating in and coming from all countries.

4. The restriction (import licensing) regime does not involve the restriction of the quantity or value of imports. The import licence is an import document that applies to the above-mentioned products when their f.o.b. value is CFAF 25,000 or more and is required for the customs clearance of these goods. Where the f.o.b. value of the goods is CFAF 500,000 or more, an inspection order is also required.

¹ The Questionnaire is annexed to document G/LIC/3.

5. The following legislative and regulatory provisions form the legal basis for the licensing regime:

- Law No. 91-999 of 27 December 1991 on competition;
- Decree No. 93-313 of 11 March 1993 implementing Law No. 91-999 of 27 December 1991 on competition in connection with the conditions under which foreign goods from any source or origin may enter Côte d'Ivoire, as well as the conditions under which goods may be exported or re-exported to foreign countries; and
- Order No. 38 of 12 March 1993 implementing Decree No. 93-313 of 11 March 1993.

Procedures

6. Since the adoption of Law No. 91-999 of 27 December 1991 on competition and its implementing decree, there have not been any quotas for the two types of product (textile and petroleum products) subject to import licensing. Operators are only required to submit an import licence application to the Foreign Trade Directorate for its consideration if the f.o.b. import value is CFAF 25,000 or more.

7. There is no quantitative limit for importation under a licence. An application for an import licence must be made each time an operator wishes to import a product subject to licensing and when it has already received the pro forma invoice for its order from the supplier.

Import licences may be obtained in 24 hours from the Foreign Trade Directorate. They are issued by only one directorate.

8. The ordinary criteria for import licence applications are as follows:

- an import licence application addressed to the Director in charge of foreign trade regulation;
- the pro forma invoice for the goods;
- a valid importer/exporter code; and
- a copy of the applicant's identity document.

If the applicant fails to provide all these documents, the application will be rejected.

Eligibility of importers to apply for licence

9. Any person, firm or institution is eligible to apply for an import licence, where required, if, and only if, it has an up-to-date importer code.

Importer status is subject to the operator being granted a registration number known as an import/export code.

Any importer (person, firm or institution) is eligible to register for an import/export code.

Import/export codes may be obtained by any legal or natural person with a tax account number wishing to import or export.

The import/export code makes it possible to maintain an up-to-date list of importers.

It should be noted that import/export codes are valid for a renewable one-year period.

Documentational and other requirements for application for licence

10. Importers are required to submit the following documents with their applications:

- the pro forma invoice for the goods;
- a valid importer/exporter code; and
- a copy of their identity document.

11. Upon actual importation, the following are required:

- an import/export code or, where appropriate, an occasional import code;
- an import licence for goods or merchandise the import of which is subject to the restriction regime; and
- an Import Information Form (FRI) for goods or merchandise the import of which is free or subject to the approval regime.

12. A licensing fee of CFAF 50,000 applies.

13. The issue of a licence is conditional upon an advance non-refundable payment of CFAF 50,000.

Conditions of licensing

14. Import licences are valid for six months from the date of signature. Their validity can be extended only once, as from the fifth month, for an additional six-month period.

15. If a licence or a portion of a licence is not used within the above-mentioned time-frame, it will no longer be valid.

16. Import licences are non-transferable.

17. Import licences are required for goods or merchandise the import of which is subject to the restriction regime. This regime does not seek to restrict the quantity or value of imports.

Other procedural requirements

18. In addition to licensing and related formalities, a number of other administrative procedures are required prior to importation.

19. N/A.
