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Committee on Import Licensing

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES (2021)

GUATEMALA

The following communication, dated 21 April 2021, is being circulated at the request of the delegation of Guatemala.

Outline of systems

1. As a rule, Guatemala requires licences to import products described in this notification, such as products subject to import quotas, as notified in Table MA.2 and document G/AG/2; wild flora and fauna; arms and ammunition; narcotic drugs and psychotropic substances that may cause dependence, solvents and precursors for processing; pesticides; plants and animals; refrigerants, hydrocarbons, radioisotopes; and restricted items. The import licensing regimes in force seek to maintain control over the flow of products in order to guarantee compliance with Guatemala's WTO obligations, and to exercise control over products that are considered hazardous; that may have implications for national security; or that must be shown not to endanger human and animal life and health or the environment.

Purposes and coverage of licensing

2. Identification of each system in force and identification of the corresponding goods, grouped according to their legal provisions:

- (a) Wild flora and fauna. Conserving Guatemalans' natural heritage has been declared of national interest. Accordingly, the National Council for Protected Areas (CONAP) must expressly approve the importation of wild flora and fauna with an import permit.
- (b) Arms and ammunition. The importation of arms and ammunition and the possession and carrying of arms are controlled by the Ministry of National Defence through the Directorate-General for the Control of Arms and Munitions (DIGECAM).
- (c) Narcotic drugs and psychotropic substances that may cause dependence, solvents and precursors for processing. The Ministry of Public Health and Social Welfare is responsible for authorizing and controlling their importation.
- (d) Pesticides. It is the responsibility of the Ministry of Agriculture, Livestock and Food and the Ministry of Public Health and Social Welfare to regulate the importation of pesticides, including insecticides, herbicides, fungicides, germicides, acaricides, avicides, bactericides, ovidicides, rodenticides, repellents, attractants and any other product having a similar action, or any product or mixture of products intended to combat pests.

¹ See G/LIC/3, Annex, for the questionnaire.

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- (e) Plants and animals. In order to protect animal and plant health and human and animal life, the Ministry of Agriculture, Livestock and Food and the Ministry of Public Health and Social Welfare are responsible for issuing specified permits for the importation and marketing in Guatemalan territory of certain plant and animal products.
 - (f) Refrigerants, refrigeration and air-conditioning equipment, pre-blended polyols, methyl bromide for agricultural and quarantine uses, authorized with licences from the Ministry of the Environment and Natural Resources.
 - (g) Restricted items. Chlorates, nitrates, explosives, cartridges, percussion caps, ammunition, gunpowder and other materials that may be used for the manufacture of explosive devices, the granting of import licenses and control of which are under the responsibility of the Ministry of National Defence.
 - (h) Petroleum and petroleum products (hydrocarbons), of which the Ministry of Energy and Mines is responsible for ensuring the efficiency and supply and for granting import authorizations.
 - (i) Radioisotopes and ionizing radiation. The Ministry of Energy and Mines is responsible for their control and for issuing import licences thereof.

3. The licensing system applies to all the above-mentioned goods, regardless of the countries they originate in or come from.

4. No. Import licensing is not intended to restrict either the quantity or the value of imports, except for goods whose importation is prohibited by law, such as military firearms, their components and ammunition, automatic weapons, radioactive material and endangered species of wild fauna and flora (Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)).

- 5.(a) Law on Protected Areas, Decree No. 4-89 of the Congress of the Republic of Guatemala. This law declares the conservation of Guatemalans' natural heritage to be of national interest and, for this reason, establishes that the National Council for Protected Areas (CONAP), must expressly approve the importation of wild flora and fauna.
- (b) Weapons and Ammunition Law, Decree No. 15-2009 of the Congress of the Republic of Guatemala. Among other matters, this law regulates the importation of arms and ammunition, their possession and carrying within Guatemalan territory, and grants the Directorate-General for the Control of Arms and Munitions (DIGECAM), part of the Ministry of National Defence, the power, *inter alia*, to authorize, register and control the importation of firearms and their ammunition, provided that they are not prohibited.
- (c) Law Against the Traffic in Narcotic Drugs, Decree No. 48-92 of the Congress of the Republic of Guatemala and the Regulations for the Control of Precursors and Chemical Substances, Governmental Agreement No. 54-2003. The Law states that the importation of solvents or substances to be used as precursors for the processing of narcotic drugs and psychotropic substances that may cause dependence, is subject to authorization from and control by the Ministry of Health and Social Welfare.
- (d) Law regulating the Import, Processing, Storage, Transport, Sale and Use of Pesticides, Decree No. 43-74 of the Congress of the Republic of Guatemala. The Ministry of Agriculture, Livestock and Food and the Ministry of Public Health and Social Welfare are responsible for regulating, *inter alia*, the importation of pesticides in connection with public health.

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- (e) Regulations implementing the Animal and Plant Health Law, Governmental Agreement No. 745-99. The purpose of these regulations, which elaborate on the provisions of the Animal and Plant Health Law, is to protect plant and animal health. They establish that a phytosanitary or animal health permit shall be obtained for the import of plants and animals, their products and by-products and that a permit or licence shall be obtained for the import of inputs for agricultural and animal use, granted by the Ministry of Agriculture, Livestock and Food on prior request.
- (f) Decree No. 34-89 of the Congress of the Republic of Guatemala and the Regulations on Evaluation, Control and Monitoring of the Environment, Governmental Agreement No. 137-2016. These regulations establish, *inter alia*, the guidelines, framework and procedures to support sustainable development in Guatemala, through the issuance of permits or licences, granted by the Ministry of the Environment and Natural Resources, for the importation of certain chemicals, equipment and parts, thereby minimizing the environmental impact on the country and steering development in harmony with the protection of the environment and natural resources.
- (g) Law on Restricted Items, Decree No. 123-85 of the Congress of the Republic of Guatemala and Regulations on Pyrotechnical Activities, Governmental Agreement No. 28-2004. The purpose of this law is to regulate and supervise the manufacture, import, storage, transfer, loan, processing, transport, use, alienation, acquisition, possession, conservation and carrying of restricted items (chlorates, nitrates, explosives, cartridges, percussion caps, ammunition, gunpowder and other materials that may be used for the manufacture of explosive devices). Such powers are granted to the Ministry of National Defence.
- (h) Hydrocarbons Marketing Law, Decree No. 109-97 of the Congress of the Republic of Guatemala. This law seeks, *inter alia*, to establish market competition, adequate procedures for the commercialization of petroleum and petroleum products, as well as to control the importation of such products by means of import licenses granted by the Ministry of Energy and Mines.
- (i) Law on the Control, Use and Application of Radioisotopes and Ionizing Radiation, Decree Law No. 11-86 and its Regulations, Governmental Agreement No. 55-2001. The purpose of this Law is to control, supervise and oversee activities related to the use of radioisotopes and ionizing radiation in their various areas of application for the purposes of protecting health, property and the environment in the Republic of Guatemala, including the importation of such materials.

Procedures

6. Only for the importation of goods subject to active tariff quotas that are reported to the Secretariat for use in accordance with Table MA.2:

- I. The overall amount allocated in the given calendar year is announced in the Official Journal and on the website of the Ministry of the Economy, <http://www.mineco.gob.gt>, before its entry into force.
- II. It is determined on an annual basis.
- III. The allocation of licences, their use and other conditions for the use of such tariff quotas are established in the relevant regulations, which can be found on the website of the Ministry of the Economy, <http://www.mineco.gob.gt>.
- IV. Applications may be received from the first working calendar day of the given calendar year.
- V. Applications are processed within three working days.
- VI. The provisions of each quota state the period of the licence, which may be extended for a further period, provided that it does not go beyond 31 December 2021.
- VII. This process is administered by the Ministry of the Economy.

VIII. It is carried out on a first-come, first-served basis.

IX. No.

X. Not applicable.

XI. No.

7.(a) In all cases, applications for licences must be submitted prior to importation to the institutions listed in paragraphs 2 and 5, on a case-by-case basis and in accordance with the requirements of the institutions themselves and the specific legal provisions.

(b) Not covered by the applicable legal provisions.

(c) No.

(d) In each case and depending on the goods to be imported, the requestor must submit their application to the relevant office specified in the corresponding regulations, for example in the case of arms and ammunition, to the office of the Directorate-General for the Control of Arms and Munitions (DIGECAM), within the Ministry of the Interior; for protected species or fauna and flora, to the offices of the National Council for Protected Areas (CONAP); for animal and plant species in general, to the Ministry of Agriculture, Livestock and Food.

8. Besides failure to meet the ordinary criteria, there are no other grounds on which a licence may be refused. Moreover, the reasons for any refusal are brought to the attention of the person concerned, who has access to all administrative and legal remedies, including judicial remedies, available under domestic law.

Eligibility of importers to apply for a licence

9.(a) Yes;

(b) Yes.

Documents and other requirements to apply for a licence

10. It depends on the goods and the corresponding rules governing their importation.

11. It depends on the goods and the corresponding rules governing their importation.

12. The applicable rules described above do not establish administrative charges for the granting of licences by domestic authorities. However, each institution establishes such conditions on the basis of its internal rules and procedures.

13. No. However, each institution establishes the conditions under which such licences are granted on the basis of its internal rules and procedures.

Conditions of licensing

14. It depends on the goods and the rules governing their importation, as described in paragraph 5, as well as the internal rules and procedures.

15. No.

16. No.

17. Yes, in some cases, such as for the import of wild flora and fauna and of arms and ammunition.

Other procedural requirements

18. No.

19. The foreign exchange market in Guatemala operates freely and there are no limitations on access to foreign exchange for the payment of goods to be imported.
