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**Committee on Import Licensing**

Original: English

## **REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES<sup>1</sup>**

### NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES (2016)

#### SAINT LUCIA

The following communication, dated 17 February 2017 is being circulated at the request of the delegation of Saint Lucia.

#### **Outline of system**

1. The Import Licensing System is regulated by the External Trade Act Chapter 13.11 of the Revised Laws of Saint Lucia and the Customs (Management and Control) Act Chapter 15.05 of the Revised Laws of Saint Lucia. The Ministry of Commerce administers the licensing system in relation to trade in goods.

#### **Purpose and coverage of licensing**

2. The lists of products subject to import licensing are contained in Schedules 2, 3, and 4 attached to the External Trade (Restricted Imports) (Amendment) Order - Statutory Instrument No. 118 of 2012; and in Part 2 (Restricted Imports) of Schedule 3, attached to the Customs (Management and Control) Act Chapter 15.05 of the Revised Laws of Saint Lucia.

3. The system applies to goods originating outside of the Organization of Eastern Caribbean States (OECS) and/or the Caribbean Common Market (CARICOM) - Second Schedule - ; products originating from the OECS and CARICOM (Third Schedule); and goods originating from any country which is not a member of the OECS (Fourth Schedule).

4. The Saint Lucia Import Licensing Regime was adopted to facilitate the regulation and monitoring of imports. Automatic licenses are used for statistical purposes whereas non-automatic licenses are used for the following purposes:

- National Security;
- Public Health Concerns;
- Public Safety;
- Plant and Animal Health Concerns;
- Development Factors;
- Financial Needs;
- Moral Issues.

To date, no other regulatory system has been contemplated.

5. The External Trade Act Chapter 13.11 and the External Trade (Restricted Imports) (Amendment) Order 2012 are the legal instruments for the import licensing regime in Saint Lucia. The various goods and products are classified in the schedules to the Order and therefore

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<sup>1</sup> See document G/LIC/3, Annex, for the Questionnaire.

administrative discretion is unnecessary. However goods such as controlled substances, firearms and ammunition which require non-automatic licences may become subjected to administrative discretion. A list of all items which require an import licence may be obtained from Her Majesty's Customs, or from the Ministry of Commerce. The legal instruments were published in the Official Gazette prior to implementation as required by law. Government can, with legislative approval, abolish the system.

### Procedures

#### 6. For restricted products:

- I. Information regarding quotas and other related formalities is advertised by the Ministry of Commerce in the Local Press and in the Official Gazette.
- II. Quotas (when and where applicable) are determined annually.
- III. Licences are allotted on a non-discriminatory basis, first come first served.
- IV. Import Licences are usually for one month duration from date of issue and must be utilized in its entirety. No part may be transferred to other shipments.
- V. Applications are usually processed within 48 hours.
- VI. Applications are usually presented within 24 hours of arrival of goods, but in several instances it has been observed that applications are presented to the appropriate Ministry after the arrival of the goods into the country.
- VII. All applications for trade import licences covered under the External Trade Act are processed by the Ministry of Commerce. However, other applications for import licenses are processed as follows:
  - Plants and Animals - Ministry of Agriculture;
  - Weapons and Ammunition - Ministry of Internal Security (Police Commissioner);
  - Drugs and Public Health - Ministry of Health;
  - Motor Vehicles – Ministry of Transport.
- VIII. Licences are allocated on a first come first served basis. Applications are examined on receipt.
- IX. There are no bilateral quotas or export restraint arrangements. Export permits are required from country of origin when importing plants and animals into Saint Lucia.
- X. Importers are asked to advise exporters of national requirements.
- XI. No licences are issued on condition that goods should be exported and not sold in the domestic market.

#### 7. For all products requiring an import licence

- (a) Importers are asked to submit applications prior to arrival of goods. Licences are on most occasions processed within 48 hours of receipt by the Ministry of Commerce. Licences can be obtained over a shorter period for goods already on the docks.
- (b) In special circumstances a licence can be granted on request.
- (c) There are no limitations as to the period of the year during which applications for licence and/or importation may be made.
- (d) Licences related to the External Trade Act are all processed by the Ministry of Commerce. Conversely, applications for licences/permits for the items listed below require the intervention of the corresponding government departments.

- Meat and meat products, plant and plant material - Ministry of Agriculture;
- Weapons and Ammunition - Ministry of Internal Security (Police Commissioner);
- Motor Vehicles – Ministry of Transport;
- Medical Supplies – Ministry of Health.

In effect, an importer would have to interface with at least two Government departments before obtaining clearance. However plans to limit the involvement of multiple administrative bodies in the final approval of those import licenses are at an advance stage.

8. All applications are approved automatically except for those that fail to meet the normal criteria. Applicants are informed of the reason for refusal. Applications may appeal to the Permanent Secretary or directly to the Minister of Commerce. Applicants may seek representation through one of the following:

- St. Lucia Manufacturers Association;
- St. Lucia Small Business Association;
- St. Lucia Chamber of Commerce.

Applicants may also seek redress through the Civil Court, and ultimately through the Caribbean Court of Justice (CCJ) if the infringement is in contravention of the Revised Treaty of Chaguaramus, which presents the rules governing the CARICOM Single Market and Economy, CSME.

#### **Eligibility of importers to apply for a licence**

9. All persons, firms and institutions are eligible to apply for licences.

#### **Documentation and other requirements for application for license**

10. A sample of the application form is attached for reference. A copy of the relative commercial or proforma invoice is required with each application.

11. In the case of goods originating out of the CARICOM, a Certificate of Origin is required.

12. No licensing or administrative fees are charged.

13. There is no deposit or advance payment requirement associated with the issuance of licences.

#### **Conditions of licensing**

14. A licence is valid for one month from date of issue. The validity may be extended to facilitate the delivery of goods, if required.

15. There is no penalty for the non-utilization of a licence or a portion of it.

16. Licences are non-transferable.

17. There are no conditions attached to the issuance of a licence. Licenses are issued at no cost to the applicant.

#### **Other procedural requirement**

18. There are no other administrative procedures apart from import licensing required prior to importation.

19. Foreign Exchange is automatically provided by the banking authorities to pay for imported goods. There are no domestic restrictions to obtain foreign exchange to settle invoices, whether payable at sight or on other trade terms.

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