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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 (2017)

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

The following communication, dated 8 December 2017, is being circulated at the request of the delegation of the former Yugoslav Republic of Macedonia.

Outline of System

1. Import licensing system is regulated by the Decision on Classification of Goods into Forms of Export and Import establishing the list of goods subject to import and export licensing. Pursuant to Article 34 paragraph 2 of the Law on Trade, the Decision has been adopted by the Government of the Republic of Macedonia at the session held on 26 February 2012 and is published in the Official Gazette of the Republic of Macedonia No.42/2013. The rules concerning the procedure for submission of applications, the competent authorities for issuing of import licences and the list of products subject to licensing requirements are stipulated in the Decision.

MK version of the Decision can be found on the following link:

<https://members.slvesnik.com.mk/regulationdetails.aspx?regID=29044>

Purposes and coverage of licensing

2. Imports of products stipulated in the Decision are subject to non-automatic licensing. The competent authorities for submission of applications and for delivering import licenses are designated in Article 2 of the Decision. A complete list of products subject to import licensing procedures is given in Annexes 1-9 of the Decision.

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

4. The import licensing system established by the Government Decision is not intended to restrict the quantity or value of imports. The Decision determines the goods for which import license is necessary to be provided by the competent ministries and institutions for the purposes of fulfilling international agreements in order to protect human, animal or plant life or health to protect environment from ozone-depleting substances, and ensure the national security interests.

5. Licensing system is statutorily required for the products listed in the Decision as relevant by law legislation adopted pursuant to the Law on Trade ("Official Gazette of the Republic of Macedonia" No.16/04, 128/06, 63/07, 133/07 88/08, 159/08, 20/09, 99/09, 105/09, 115/10, 158/10, 36/11 and 53/11). Product coverage is defined in the Decision and is not subject to administrative discretion. The system cannot be abolished without legislative approval.

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

Procedures

6. There are no restrictions as to the quantity or value of imports.

7. Under the system there is no quantitative limit on importation of a product or from a particular country.

- (a) The licensing authorities have to issue a licence within a maximum 15 days of the submission of the application pursuant to the Law on General Administrative Procedure published in the ("Official Gazette of the Republic of Macedonia" No. 38/05, 110/08 and 51/11). The following authorities for issuing licenses ("D") are stipulated in Article 2 of the Decision, as are:

Ministry of Health, Ministry of Agriculture, Forestry and Water Economy – Phyto-sanitary Directorate or Food and Veterinary Agency, as D1.

Ministry of Economy refers to D2.

Radiation Safety Directorate is D3.

Ministry of Environment and Physical Planning is D4.

D5 indicates goods for which export or import is prohibited.

Ministry of Culture - Bureau for Protection of Cultural.

- (b) Not relevant.

- (c) There are no limitations as to the period of the year during which application for licence may be made.

- (d) An importer has to approach only one administrative organ in connection with an application.

8. If the applications meet the criteria, a licence is granted. Failure to meet the ordinary criteria is the only circumstance in which licence applications may be refused. In the event of refusal to issue a licence, the applicant has a right of appeal in accordance with the Law on General Administrative Procedure ("Official Gazette of the Republic of Macedonia" No. 38/05, 110/08 and 51/11).

Eligibility of importers to apply for licence

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

Documentation and other requirements for application for licence

10. An importer is required to submit the following information to the competent authorities stated in Article 3 of the Decision on Classification of Goods into Forms of Export and Import ("Official Gazette of the Republic of Macedonia" No. 42/13).

In the application:

- 1) business name and tax number of the legal person;
- 2) tariff line at a ten-digit level;
- 3) description of goods according to the Customs Nomenclature;
- 4) trade name of goods;
- 5) quantity of goods, expressed in measuring units;
- 6) name and address of the foreign exporter, or importer;
- 7) period during which the exportation, or importation is to be carried out;
- 8) statement for the intention of the imported goods and
- 9) other data, prescribed with special regulations.

11. Upon actual importation, an importer is required to submit the approved import licence or a copy thereof.

12. There is licensing administrative charge pursuant to the Law on Administrative Fees published in the ("Official Gazette of the Republic of Macedonia" No. 17/93, 20/96, 7/98, 13/01, 24/03, 19/04, 61/04, 95/05, 7/06, 70/06, 92/07, 88/08, 130/08, 6/10, 145/10, 17/11 and 84/12).

13. No deposit or advance payment is required for licensing.

Conditions of licensing

14. A licence is valid for three or six months from the date of issue.

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

16. Licences are not transferable between importers.

17. No other conditions are attached to the issuance of a licence.

Other procedural requirements

18. No other administrative procedures, apart from import licensing and similar administrative procedures are required prior to importation.

19. Foreign exchange issues are not applicable to import licensing.
