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Committee on Import Licensing

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING (2020)

UNITED STATES

The following communication, dated 30 September 2020, is being circulated at the request of the delegation of the United States.

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1 DEPARTMENT OF AGRICULTURE

1.1 Plants and plant products

Outline of System

1. Import permits are required for the importation of most plants and some plant products, to protect against the introduction of pests and diseases. Permits are also required for the import, export or re-export of terrestrial plants that are on the endangered species list. Permits are only issued to a firm or individual resident in the United States.

Purposes and coverage of licensing

2. Permits are required for:

Plant Heath Permits are required for:

Plants and plant products for or capable of propagation (including seeds);

- Cut flowers with berries attached;
- Products associated with the Khapra beetle;
- Fruits and Vegetables;
- Foreign Cotton and Covers;
- Sugarcane Products and by-products;
- Indian corn or maize, broomcorn, and related plants:
- Rice and related products;
- Timber Products: logs, lumber, other unmanufactured wood products;
- Plant pests and pathogens and host materials including:
    - Pest and Pathogens
    - Biological control organisms
    - Bees
    - Parasitic plants and noxious weeds
    - Plant Growth enhancers
    - Soil and quarry products
    - Federal Noxious Weeds
- Plants and plant products regulated under CITES;
- Plants and plant products in transit through the United States.

3. The permit system applies to products coming from all countries with exceptions.

4. The permit system is to protect against the entry of plant pests and diseases, and to protect endangered plant species. Permits are required for the importation, transit, domestic movement, including interstate, and environmental release of Organisms that impact plants, and the importation and transit of Plants and Plant Products under authority of the Plant Protection and Honeybee Acts

5. The permit system for most products covered is a statutory requirement of Section 412 of the Plant Protection Act, 7 U.S.C. 7712 and codified under 7 CFR § 319 Foreign Plant Quarantines. The Endangered Species Act, which implements provisions of the Convention on International Trade in Endangered Species (CITES), establishes a permit system for certain plants on the endangered species list.

Procedures

6. Not applicable.

7. Permit applications are effected by one office, U.S. Department of Agriculture, Permit Section, Unit 133, 4700 River Road, Riverdale, Maryland 20737. Most applications are not passed on to other offices for visas, note, or approval, and the importer does not have to approach more than one administrative organ. The exception to this are the permit applications for soil and for plants required to be grown in post-entry quarantine.

8. 7 CFR § 319.7-3 contains criteria on denial of permits. 7 CFR § 319.7-5 specifies procedures to appeal permit denial or revocation. The applicant may appeal to the Administrator in writing within 10 business days. Similar appeal procedures for permits for plant pest and biocontrol agents are contained in 7 CFR § 330.201.

Eligibility of importers to apply for License

9. Any individual, partnership, corporation, association, joint venture, or other legal entity may be eligible to apply for licenses. If the applicant is an individual who is of least 18 years of age, has and maintains an address in the United States that is specified on the permit, and is physically present during normal business hours at that address during any periods when articles are being imported or moved interstate under the permit; or, if the applicant is a legal entity that maintains an address or business office in the United States with a designated individual for service of process, there is no registration fee. There is no published list of authorized importers. There is a US$ 70.00 fee for plants and plant products regulated by CITES or ESA. Applicants are encouraged to file their applications electronically through the ePermits systems. To use the ePermits system, applicants must first be eAuthenticated.

Documentation and other requirements for application for License

10. The information required in applications is set forth in the PPQ Form 587 (for plants and plant products), 588 (application for prohibited material), 546 for plants requiring post-entry quarantine, and PPQ 621 for endangered plants. Plants and plant products in transit through the United States require a PPQ Form 586. Applications to import soil are contained in PPQ Form 525, and PPQ form 526 is required for plant pests, biocontrol agents, and Federal Noxious Weeds.

11. For all plants and some plant products, a phytosanitary certificate must accompany the shipment. Endangered species have special documentation requirements.

12. There is no licensing fee or administrative charge for permits other than the US$ 70.00 fee per permit for commercial trade in endangered plants.

13. No deposit or advance payment is required in connection with the issue of permits.

Conditions of licensing

14. Permits are valid for specified periods of time, and they can be extended by re-application. The permit for endangered or threatened plants is valid for two years.

15. There is no penalty for non-utilization of a permit.

16. Permits are not transferable between importers.

17. Almost all permits used for the import of plants and plant products have specific import conditions, which are listed on the permit application.

Other procedural requirements

18. There are no other administrative procedures required prior to importation.

19. Not applicable.

1.2 Animal and animal products

Outline of System

1. Import permits are required for the importation of certain animals and animal products/by-products, organisms and vectors, and veterinary biological products, to protect U.S. livestock and poultry against the introduction of diseases that do not exist in the United States.

Purposes and coverage of licensing

2. Permits are required for:

Live animal, including:

- domestic farm livestock and poultry and other species that may carry diseases that could affect US livestock and poultry;
- animal semen, ova, embryos;
- hatching eggs.

Certain animal (livestock) derived products for any reason, commercial or research uses;
animal products:

- for human consumption (e.g. meat, milk, eggs, casings, processed products containing meat);
- animal by-products not for human consumption (e.g. bones, hides/skins, pet food/treats and animal feed ingredients, etc.);
- related materials that have been exposed to animal products capable of contamination with disease agents: containers, carriers, straw and hay, meat covers;
- Animal and avian specimens, tissues or blood products.

Veterinary Biologics (for research, transit, general distribution):

- Livestock and poultry pathogens (e.g. bacteria, viruses, fungi, TSE agents, protozoa);
- Derivative of livestock and poultry pathogens (e.g. recombinants, attenuated);
- Vector of livestock or poultry pathogen (e.g. arthropods, animal tissues);
- Vectors and organisms exposed to animals or animal products outside the United States (e.g. eggs, fetal bovine serum).

3. The permit system applies to live animals coming from all countries (with some exceptions for Canada and Mexico) with some variation based on the type of product, species, and the country of origin's disease status. Permits for other animal products apply to all countries depending on disease status, species of animal, and type of product.

4. The permit system is not used to restrict the quantity or value of imports, but only to protect domestic agriculture from the introduction or entry of animal diseases or disease vectors.

5. The permit system is not a statutory requirement except for veterinary biological products permits. The pertinent regulations are contained in Title 9 C.F.R., Parts 92, 94.7, 94.16, 95.4, 95.18, 95.19, 95.20 through 98, 104 and 122; and in the following laws as codified: 21 U.S.C 102 to 105, 111, 134, 135, 151-159.

Procedures

6. Not applicable.

7.a) The amount of time in advance of importation within which a permit must be applied for is not specified in the regulations.

b) A permit cannot be granted immediately upon request. Prior review of the application is required.

c) There are no limitations as to the period of the year during which permit applications may be made.

d) Permit applications are effected by one office. The application is not passed on to other offices for visa, note or approval, and the importer does not have to approach more than one administrative office.

8. In general, there are no circumstances other than failure to meet ordinary criteria under which a permit may be refused. In the case of live animals or animal products, poultry, or birds, a permit for a particular time period could be refused if space at a Quarantine Station is not available. An outbreak of a particular disease in the exporting country could be a cause to revoke a permit which was issued prior to the disease outbreak. Reasons for refusal are given to the applicant. No appeal procedures are specified in the legislation or regulations. Applicants must bring documentations/products into compliance within a specified time, after which refusal is final.

Eligibility of importers to apply for License

9. All persons, firms, and institutions in the United States are eligible to apply for permits. There is no published list of authorized importers. While there is no system of registration, applicants are encouraged to electronically file their applications for most permits through the ePermits system. Applicants must first be eAuthenticated to use this system.

Documentation and other requirements for application for License

10. The information required in applications is set forth in VS forms 16-3 and 16-7, 17-129, 17-128 and APHIS form 2005.

11. In the case of live animals and birds, the original and copies of the import permits must accompany the shipment as well as a health certificate issued by the national veterinary services of the country of origin. Copies of the import permit should also accompany animal products and organism and vector shipments, and shipments of veterinary biological products.

12. There are import-related user fees associated with permit application review, inspections required for imports, testing and quarantines. Facilities manufacturing veterinary biologicals for importation are inspected under cooperative service agreements.

13. Reservation fees for quarantine space are required for live animals and birds. The amount of the fee varies according to the animal and the bird.

Conditions of licensing

14. Permits for animal products/by-products and organisms and vectors vary in length of their validity, but are generally for about one year. Permits for live animals and birds are valid for seven to 60 days, depending on the species. Permits for veterinary biological products for importation for distribution and sale do not have expiration dates.

15. There is no penalty for non-utilization of a permit. Application user fees and quarantine reservation fees are not refundable.

16. Permits are not transferable between importers.

17. There are no conditions attached to the issuance of a permit. The applicant must comply with the terms of the permit. The importer certifies that the information on the application is accurate.

Other procedural requirements

18. There are no other administrative procedures required prior to importation.

19. Not applicable.

1.3 Sugar

Outline of system

1. Additional U.S. note 5 to Chapter 17 of the Harmonized Tariff Schedule of the United States (HTS) established by Presidential Proclamation 6763 of December 1994 authorizes the Secretary of Agriculture to establish for each fiscal year the quantity of sugars and syrups that may be entered at the lower tariff rates of tariff-rate quotas. The tariff-rate quotas cover sugars and syrups described in HTS subheadings, 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.90, and 2106.90. This authority was proclaimed to implement the results of the Uruguay Round of multilateral trade negotiations as reflected in the provisions of Schedule XX (United States), annexed to the Agreement Establishing the World Trade Organization.

Under the raw cane sugar tariff-rate quota (TRQ) administration, the Secretary of Agriculture establishes the TRQ quantity that can be entered at the lower tier of import duty rates, and the United States Trade Representative (USTR) currently allocates this quantity among countries based on a representative base period of U.S. sugar imports during 1975-81. Certificates of Quota Eligibility (CQE) are issued to the exporting countries and must be executed and returned with the shipment of sugar in order to receive in-quota tariff treatment. Regulations governing the Certificate of Quota Eligibility program are published in Title 15, Part 2011 of the Code of Federal Regulations.

Separately, and not subject to quota limitations, there is a licensing system to implement the U.S. sugar re-export program under 7 CFR 1530. Licenses are issued to refiners allowing them to import raw sugars to be further processed and: (1) re-exported in refined form, (2) re-exported in refined form in sugar-containing products, or (3) used for the production, other than by distillation, of polyhydric alcohol, except that used as a substitute for sugar in human food.

Purposes and coverage of licensing

2. The products covered by the raw sugar TRQ are described in HTS 1701.13.10 and 1701.14.10, and the refined sugar TRQ in HTS 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, and 2106.90.44. Entry of any sugar allocated to specific countries and areas in the raw and refined sugar TRQs does not require a license, but does require a CQE. A specialty sugar TRQ is also established, which requires a certificate.

There is a licensing system to implement the U.S. sugar re-export program. Licenses are issued to refiners allowing them to import raw sugars under HTS 1701.13.20, 1701.14.20 to be further processed and: (1) re-exported in refined form, (2) re-exported in refined form in sugar-containing products, or (3) used for the production, other than by distillation, of polyhydric alcohol except that used as a substitute for sugar in human food.

3. The CQE system applies to those 40 countries and areas from which sugar is imported under the raw cane sugar TRQ. Certificates for imports of specialty sugars apply to imports from all countries. Licenses to import sugar for refining and re-export (Refined Sugar Re-export Program) or for production of polyhydric alcohol apply to imports from all countries.

4. The purpose of the CQE is to provide exporters access to the U.S. domestic market at the low-tier tariff. The purpose of the certificate for specialty sugar is to allow entry of certain refined sugars not widely available in the United States at the low-tier tariff rate. These refined sugars fulfil demand in niche markets. Licenses for quota-exempt sugar are intended to increase the utilization of excess domestic refining capacity and improve employment in refining and related industries.

5. The CQE's are issued under 15 CFR 2011, Sub-part A. Certificates for specialty sugar are issued pursuant to 15 CFR 2011, Sub-part B. The regulation may be found at: http://www.ecfr.gov/cgi-bin/text-idx?SID&node=pt15.3.2011&rgn=div5. The regulations governing licenses for the importation of sugar exempt from quota are under 7 CFR 1530. The regulation may be found at: http://www.ecfr.gov/cgi-bin/text-idx?SID=6455b5541198c6b98dfbde6641de588e&mc=true&node=pt7.10.1530&rgn=div5

Authority exists to suspend each of these systems whenever it is determined that such action is appropriate. Notice of such suspension shall be published in the Federal Register.

Procedures

6.I. The United States Trade Representative and the United States Department of Agriculture use the Federal Register, press releases, official reports, and government Internet web sites to provide information about the allocation of TRQ quantities, the issuance of CQEs, and the formalities for filing import license applications. The United States Trade Representative and the United States Department of Agriculture use the Federal Register, press releases, official reports, and government Internet web sites to provide information about the allocation of TRQ quantities, the issuance of CQE's, and the formalities for filing import license applications.

II. The sugar TRQ for raw and refined sugar (including specialty sugar) is determined annually by the Secretary of Agriculture and announced before the fiscal year for which the TRQ will be in effect. CQE's are issued by the Secretary of Agriculture to countries to coincide with the applicable TRQ year. Certificates for importing specialty sugars are likewise issued to importers to coincide with the TRQ year. Licenses issued to allow quota-exempt sugar to be imported, refined and re-exported or used in producing polyhydric alcohol are not subject to the TRQ year limitations.

III. Governments of countries participating in the CQE system, in turn, execute and issue these certificates to a shipper or consignee of a cargo of sugar destined for the United States. Sugar is allowed entry into the United States at the low-tier tariff rate only if a valid and properly executed CQE is presented at time of entry to the appropriate customs official.

The United States Department of Agriculture, Foreign Agricultural Service issues certificates for importing specialty sugar to importers, who annually apply and provide sufficient evidence that the sugar they intend to import fits the definition of specialty sugar. The certificate is presented to the appropriate customs official at the time of entry.

The Department of Agriculture issues licenses to U.S. sugar refiners to import quota-exempt raw cane sugar. The licenses have no expiration date.

IV.-VI Not applicable.

VII. The United States Department of Agriculture administers the licensing and certificate systems.

VIII. The certifying authority designated by the participating country issues CQEs to the shipper or consignee of sugar. The maximum quantity of sugar to be shipped with each CQE shall not exceed 10,000 short tonnes. Specialty sugar certificates are issued to importers who satisfy the requirements of 15 CFR 2011, Sub-part B. The specialty sugar certificate may cover more than one type of refined specialty sugar. Issuance of a specialty sugar certificate does not guarantee entry at the low-tier rate if the specialty sugar TRQ is already filled. However, an unlimited number of shipments may enter until the TRQ is fully subscribed.

IX.-X. Not applicable.

XI. Under the provisions of the Refined Sugar Re-Export Program licensed refiners may enter raw sugar unrestricted by the quantitative limit established for the raw sugar TRQ or the requirements of CQEs, as long as they export an equivalent quantity of refined sugar or transfer the sugar to a manufacturer licensed to use the sugar in products for export or to manufacture inedible polyhydric alcohol.

7. Not applicable.

8. There are no provisions for refusing to issue CQEs, specialty sugar certificates, or licenses for importing quota-exempt sugar other than failure to meet the ordinary criteria. A list of companies issued Licenses is published on the FAS Web site: http://apps.fas.usda.gov/sugars/FASSugarsLicensees.aspx. For specialty sugar in-quota and re-

export, program applicants can appeal the denial of a license through the Sugar Import Program, USDA Foreign Agricultural Service. For CQEs to enter in-quota raw sugar, the government of the exporting country may provide an appeal mechanism for refusing a CQE to export in-quota raw sugar.

Eligibility of importers to apply for License

9. CQEs for in-quota raw sugar are issued by the government of the exporting country to recipients of their choosing. All importers are eligible to apply for certificates for specialty sugars. There is a list of currently authorized specialty sugar importers at: http://www.fas.usda.gov/programs/sugar-import-program/applying-specialty-sugar-certificate. Only United States refiners can apply for licenses to import quota-exempt sugar.

Documentation and other requirements for application for License

10. Each CQE must be numbered and identified by the exporting country and must provide the following information: (1) quantity eligible to be entered; (2) name of shipper; (3) name of vessel; and (4) port of loading. The following information may also be included (if known): the name and address of consignee; expected date of departure; expected date of arrival in the United States; and expected port(s) of arrival in the United States.

Applications for certificates to import specialty sugar(s) must be in writing and must provide the following information: (1) name and address of applicant; (2) anticipated quantity of imports; (3) the appropriate six-digit HTS number; (4) a description of the specialty sugar(s) expected to be imported during the period of the certificate, including the manufacturers' or exporters' usual trade name or designation and use of such specialty sugar; (5) sufficient evidence that it is a specialty sugar(s); (6) anticipated consumers (if known) at time of application; and (7) anticipated date of entry (if known).

Persons wishing to apply for licenses to import sugar for re-export must submit the following in writing to the Licensing Authority: (1) the name and address of the applicant; (2) the address at which the applicant will maintain the required records; and (3) the address(es) of the applicant's processing plant(s). In the case of refined sugar re-exports, the applicant must provide the polarity of the product including the formula for calculating the refined sugar in the product. All applicants must enter into a documentation agreement with the Licensing Authority.

11. TRQ sugar entered from countries that participate in the certificate system must be accompanied by a CQE that has been signed by the certifying authority in the country of origin and affixed with a seal or form of authentication.

A certificate issued by the Department of Agriculture authorizing importation of specialty sugar(s) must be presented to the appropriate customs official at the time of entry.

FAS enters the licenses issued by the Department of Agriculture for entry of sugar exempt from quota for re-export in refined form or for the production of polyhydric alcohol into the U.S. Customs and Border Protection computer system, which automatically accepts or rejects each attempt to enter raw sugar on the license.

12. No.

13. A licensee operating under the Refined Sugar Re-export Program may establish a bond or a letter of credit in favour of the U.S. Department of Agriculture to charge program sugar in anticipation of the export or transfer of refined sugar, the export of sugar in sugar containing products, or the production of certain polyhydric alcohols. The bond or letter of credit may cover entries made either during the period of time specified in the bond (a term bond) or for a specified entry (a single-entry bond). The amount of the bond or letter of credit shall be equal to 20 cents per pound of sugar to be entered under the license. If a licensee fails to qualify for credit to a license within the specified time period of the date of export or use of corresponding sugar in an amount sufficient to offset the charge to the license for that corresponding sugar, payment shall be made to the U.S. Treasury. The payment shall be equal to the difference between the Number 11 contract price and the Number 14 contract price (New York Coffee, Sugar and Cocoa Exchange) in

effect on the last market day before the date of entry of the sugar or the last market day before the end of the period during which export or use was required, whichever difference is greater. The difference shall be multiplied by the quantity of refined sugar, converted to raw value that should have been exported in compliance with this part.

A bond or letter of credit is not necessary if export credits exceed the quantity of imports charged to the license.

Conditions of licensing

14. The CQEs are valid only for the quota period for which they are issued. A certificate for specialty sugar is valid only for the TRQ year in which it is used. Under the Refined Sugar Re-export Program, the licenses may be revoked upon written notice to the license holders by the Licensing Authority.

15. There is no penalty for non-utilization.

16. Licenses issued under the Refined Sugar Re-export Program and Specialty Sugar Import Certificates are not transferable between importers.

17. There are no other conditions attached to issuing certificates. For CQEs to enter in-quota raw sugar the government of the exporting country may determine conditions attached to the issuance of CQEs. For re-export program, license holders must report all transactions claimed under the license.

Other procedural requirements

18. No other procedures are required.

19. Not applicable.

1.4 Certain dairy products

Outline of System

1. Presidential Proclamation 6763 of December 23, 1994, modified the Harmonized Tariff Schedule of the United States (HTS) in various ways that affected the import system for certain dairy products. The Proclamation terminated quantitative restrictions that had been imposed pursuant to section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624); proclaimed tariff-rate quotas (TRQs) for such articles pursuant to P.L. 103-465 (the Uruguay Round Agreements Act); and specified which imports of dairy articles may require import licenses issued in accordance with the terms and conditions in regulations issued by the Secretary of Agriculture.

Purposes and coverage of licensing

2. The licensing system covers the following dairy commodities as defined in the Additional U.S. notes to Chapter 4 of the HTS: butter and fresh or sour cream containing over 45 percent by weight of butterfat (note 6); dried skim milk (note 7); dried whole milk (note 8); dried buttermilk and whey (note 12); butter substitutes (note 14); other cheese, NSPF (note 16); blue-mould cheese (note 17); Cheddar cheese (note 18); American cheese other than Cheddar (note 19); Edam and Gouda cheese (note 20); Italian-type cheese (note 21); Gruyere-process cheese (note 22); low-fat cheese (note 23); and Swiss/Emmenthaler cheese (note 25).

3. The licensing system applies to dairy products coming from all supplying countries.

4. The licensing system is an administrative tool that governs the importation of certain dairy products subject to TRQs resulting from entry into force of the Uruguay Round Agreement. Under the TRQ system, the in-quota quantity of imports enters at the low-tier tariff rate, and the over-quota quantity enters at the high-tier tariff rate. Dairy articles subject to licensing cannot enter at the in-quota rate unless such imports are accompanied by a license. An article may be entered only in the name of the licensee, or the licensee's agent acting in the licensee's name

under the power of attorney, and the quantity entered must be owned by the licensee on the date of entry, and must be charged against the license in effect. The licensing system was originally implemented as a requirement of Presidential Proclamation 3019 for the purpose of providing for an equitable distribution of trade in dairy products covered by Section 22 quotas among importers, users, and supplying countries. Under a TRQ system, licensing serves the same trade-stabilizing and equity purposes.

5. The licensing system is a statutory requirement. The authority to make such allocations was delegated to the Secretary of Agriculture by Presidential Proclamation 3019 of June 8, 1953.

Procedures

6.I. The procedures for submitting license applications, eligibility criteria, license use requirements and other provisions of the regulation are codified in 7 CFR 6.20-6.36. The electronic application forms designated by the Licensing Authority, which are readily available from the Department, provide complete information on the TRQs and allocations by supplying country. Limitations on the size of individual licenses are in the regulation. An Advanced Notice of Proposed Rule-making was published in the Federal Register on June 2, 1994, seeking comments on methods for allocating Uruguay Round TRQs through the year 2000, and comments on updating or improving the existing regulation. On January 6, 1995, and May 2, 1995, notices were published in the Federal Register amending the Import Regulation to implement those U.S. Uruguay Round commitments for 1995. The Department published the final rule on dairy tariff-rate quota licensing in the Federal Register on October 9, 1996. The regulation was modified on October 6, 2004, to accommodate electronic web-based application procedures. On July 27, 2015, a revision to the regulation was published in the Federal Register Vol. 80, No. 143, pages 44251-44258, published after extensive public comment.

II. License applications must be submitted annually during the application period specified in the Import Regulation, between September 1 and October 15 of the calendar year preceding importation. Licenses are generally issued during the last two weeks of December. Licenses are valid beginning in January 1 of each year and are valid for 12 months.

III. Licenses are allocated to importers of dairy products regardless of whether they are producers of like products. Unused allocations may not be added to the allocation of the succeeding year. The Import Regulation requires that licensees must utilize 85% of the licenses issued and have the option to surrender voluntarily unused amounts, which are then reallocated, the same year, to other eligible licensees through an application process. A list of names of licensed importers is published on the FAS website each year. The list can be found on the internet at: http://www.fas.usda.gov/programs/dairy-import-licensing-program.

IV. Applications are processed to determine if the eligibility criteria in the Import Regulations are met. In general, over 500 applications are reviewed, and the application process is completed within six weeks.

V. Licenses are issued for use beginning 1 January and generally issued in the last two weeks of December.

VI. Only the Foreign Agricultural Service, United States Department of Agriculture, considers license applications on dairy products.

VII. Licenses are issued to:

- Historical licensees are issued each year for the same volume of imports from the same supplying countries provided applications are submitted, and the eligibility criteria, license use provisions, and other requirements of the Import Regulation are met;

- Designated licenses are issued annually for certain cheese articles to eligible applicants who are designated by the government of the country of origin as preferred importers;

- Non-historical (lottery) licenses are issued annually through a random lottery system. Licenses received for a specific cheese or non-cheese dairy product are not renewable in the following year. Eligible applicants may apply annually for a license.

VIII. Export permits from foreign countries are not required.

IX. Same as above.

X. Not applicable.

XI. No.

7. For commodities that enter outside the tariff-rate quotas and at the over-TRQ tariff rates, no dairy import licenses are required, and there are no limitations regarding quantity.

8. The circumstances under which an application for a license may be refused other than failure to meet the ordinary criteria is failure to complete the application electronic form and submit the full documentation requested within the application deadline period. Reasons for refusal to accept an application may be given to applicants upon request. There are no rights of appeal. Failure to receive a license by one applicant does not reduce access to the TRQ amounts, since those amounts will be allocated to other applicants.

Eligibility of importers to apply for License

9. Importers or manufacturers of dairy products are eligible to apply for import licenses if they meet the performance criteria set forth in the Import Regulation with respect to the quantity of imports entered in a previous 12-month period (1 September-31 August), and, for manufacturers, the specified level of dairy production in a previous 12-month period. In addition, manufacturers must be listed in USDA's "Dairy Plants Surveyed". The required documentation providing proof of importation must be submitted with application forms. Importer license eligibility is established primarily on the basis of proof of importation of the item during a specified representative period. Applicants can also qualify on the basis of exports, in which case licenses will only be issued for non-cheese items.

Documentation and other requirements for application for License

10. The information required in applications is set forth in the Dairy Tariff-Rate Quota Import Licensing Regulation. FAS electronic forms 923, 923A and 923B are required to be submitted, including copies of entry and/or export summaries or in the case of manufacturers on being listed in the Dairy Plants Approved Bulletin. As a part of the 2015 revision to the regulation, the Dairy Import Licensing Authority operates exclusively via an electronic system over the internet and precludes the use of mail and fax. All applications and communications must be done electronically, through the dedicated licensing system, which is available to anyone.

11. At the time of the electronic filing for import entry, a license number must be presented along with the other information required for U.S. Customs import entry. The Licensing Authority may request copies of documents such as the through bill of lading and the invoice.

12.-13. A fee is charged for or associated with the issuance of licenses. For 2018, a fee of US$300.00 is charged.

Conditions of licensing

14. Licenses are valid from January 1 through December 31. License validity cannot be extended into the next quota year.

15. Licensees who anticipate not meeting the 85 percent utilization requirement may voluntarily surrender unused amounts by October 1; otherwise that license will be cancelled the following year. For historical licenses, less than 85 percent utilization will result in permanent loss of that license, with the resulting TRQ quantity being moved to the lottery pool. License quantities that are surrendered are reissued to other licensees who apply for unused license shares following an announcement by the Licensing Authority. Such licenses are issued through a random lottery process. Historical license TRQ quantities can also be reduced if the licensee surrenders his import license for three consecutive years, although the provisions with respect to the reduction of historical licenses based on surrenders of unused quantities have been suspended until 2022. See Federal Register Vol. 80, No. 143, pages 44251-44258.

16. Licenses are not transferable between importers. However, USDA may transfer a license, in the event that the company holding such license is sold or conveyed to another company, under conditions provided for in the regulation.

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

Other procedural requirements

18. All food imports are subject to the requirements of the Food, Drug and Cosmetic Act and the Fair Packaging and Labelling Act, including sanitation and labelling requirements, and milk products are subject as well to the Federal Import Milk Act. These requirements are administered by the Food and Drug Administration (FDA). The importation of certain dairy products is regulated by both FDA and the Animal and Plant Health Inspection Service (APHIS). Importers should contact FDA in regard to FDA requirements and APHIS in regard to APHIS requirements.

19. Not applicable.

2 DEPARTMENT OF COMMERCE

2.1 International Trade Administration

2.1.1 Steel

Outline of system

1. The original U.S. steel licensing program was established on December 31, 2002, as part of the section 201 safeguard action on certain steel products. On March 11, 2005, the Department of Commerce issued an interim final rule continuing the program for four years under new statutory authority unrelated to the safeguard action. The Department also modified the product coverage of the program, removing certain previously covered downstream products from the licensing requirements. On December 5, 2005, the Department published a final rule that made final an interim final rule that expanded and extended the Steel Import Monitoring and Analysis (SIMA) system until March 21, 2009. Although there were no changes from the interim final rule, this document provides details about the current SIMA system as detailed in the final rule. On March 18, 2009, following publication of a preliminary rule (73 FR 75624) and final rule (74 FR 11474), the authority to continue the licensing system was extended until March 21, 2013. No other changes were made. On February 15, 2013, the authority was extended until March 21, 2017, similarly following publication of a preliminary (77 FR 67593) and final rule (78 FR 11090) (G/LIC/N/1/USA/6/Add.2 and G/LIC/N/1/USA/6/Add.2/Corr.1). No other changes were made. On January 5, 2017, the authority was extended until March 21, 2022, following publication of a preliminary (81 FR 70650) and final rule (82 FR 1183) (G/LIC/N/3/USA/13, 8 November 2016). No other changes were made.

Purposes and coverage of licensing

2. The steel import licensing program covers all basic steel mill products. Certain downstream steel products previously covered by the system, pipe fittings and flanges, have been removed from the system and the licensing requirements. In total there are over 700 products covered, each identified by HTS number; the full list is available on http://enforcement.trade.gov/steel/license/index.html (Please note there were official U.S.

harmonized tariff system code changes in January 2006, January 2007, February 2007, July 2007, January 2008, July 2008, January 2009, July 2009, January 2010, July 2010, January 2011, July 2011; January and July 2012; January and July 2013; January 2014; January 2017; and March 2018).

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

4. This licensing is not intended to restrict the quantity or value of imports. It is designed to provide fast and reliable statistical information on steel imports to both the government and the public.

5. The final rule extending the system until March 21, 2022, was published on January 5, 2017, in the Federal Register (82 FR 1183). A copy is also available at: https://www.federalregister.gov/documents/2017/01/05/2016-31667/steel-import-monitoring-and-analysis-system

Procedures

6. Not applicable.

7.a) Steel import licenses may be applied for up to 60 days prior to the expected date of importation and until the date of filing of the entry summary documents, or in the case of FTZ admission, the filing of Customs and Border Protection (CBP) Form 214. The license is valid for 75 days.

b) Yes. The license number is electronically generated, and electronically given to the filer immediately upon completing the license information.

c) No.

d) No.

8. Applicants are not refused steel license numbers.

Eligibility of importers to apply for License

9.(a) Not applicable.

(b) No. Only registered users are permitted to file steel licenses.

The registration form is available on the steel import licensing website: http://enforcement.trade.gov/steel/license/index.htmll. The registrant fills in the requested demographic information and sends it to the steel license team electronically. The team issues the registrant a unique user id to access the license module. There is no registration fee, and licenses are free. Information of registered users is kept confidential.

Documentation and other requirements for application for License

10. The license filer submits demographic information from the registration, and entry specific information detailing 10-digit Harmonized Tariff Schedule (HTS) number, volume in kilograms, and value in U.S. dollars for each product imported.

11. The 9-digit steel license number is required as part of the CBP Entry Summary for goods brought into the U.S. for consumption.

12. There is no licensing fee.

13. There is no deposit or advance payment requirement associated with the issue of licenses.

Conditions of licensing

14. Steel import licenses may be applied for up to 60 days prior to the expected date of importation and until the date of filing of the entry summary documents, or in the case of FTZ admissions, the filing of CBP Form 214. The license is valid for 75 days, but may be used only once.

15. No.

16. No, licenses are not transferable between importers; they are unique for each entry.

17.(a) No.

(b) No.

Other procedural requirements

18. No.

19. Not applicable.

3 DEPARTMENT OF ENERGY

3.1 Natural gas

Outline of system

1. Imports of natural gas, whether by pipeline or as liquefied natural gas (LNG), are regulated under Section 3 of the Natural Gas Act (NGA) (15 U.S.C. 717b), which provides that "no person shall ... import any natural gas from a foreign country without first having secured an order ... authorizing it to do so". Section 3 also provides that such orders shall be issued unless, after opportunity for hearing, it is found that the proposed importation will not be consistent with the public interest. Authority over imports of natural gas rests with the Secretary of Energy. The authority to regulate natural gas imports under Section 3 of the Natural Gas Act, as amended, has been delegated to the Under Secretary pursuant to Delegation Order No. 00-002.00S (Jan. 15, 2020)). This authority has been further re-delegated from the Under Secretary to the Assistant Secretary for Fossil Energy under Re-delegation Order No. 00-002-04G, issued on June 4, 2019.

On October 24, 1992, the Energy Policy Act of 1992 (EPACT 92) was enacted. Section 201 of EPACT 92 amends Section 3 of the NGA by in effect eliminating the Department of Energy's (DOE) need to make a public interest finding for natural gas imports from "a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas", and for imports of liquefied natural gas (LNG). Pursuant to the amendment, imports of natural gas (and LNG) from countries with which the United States has a free trade agreement calling for national treatment for trade in natural gas, and LNG imports from other countries, are "deemed to be consistent with the public interest, and applications for such importation shall be granted without modification or delay".

Currently, virtually all natural gas import applications filed with DOE are reviewed under EPACT 92 standards. DOE is not required to evaluate these applications to determine whether they are "in the public interest". In these cases, the agency does not solicit public comments, or conduct a review of the application under the National Environmental Policy Act. Rather, after these import applications are reviewed for completeness and legal sufficiency, DOE prepares and issues the authorizations as requested. These applications take less time to process than cases that do not fall under EPACT.

In addition, with respect to the import or export of natural gas (including LNG), the Secretary of Energy has delegated authority to the Federal Energy Regulatory Commission (FERC) (Delegation Order No. 00-004.00A (May 16, 2006)) to approve or disapprove the construction and operation of particular facilities, the site at which such facilities shall be located, and, with respect to natural gas that involves the construction of new domestic facilities, the place of entry.

Purposes and coverage of licensing

2. The products covered are natural gas, including liquefied natural gas (LNG), and compressed natural gas (CNG).

3. The system applies to goods originating from any country.

4. The licensing is not intended to restrict the quantity or value of natural gas imports.

5. See response to Question 1. Licensing is statutorily required.

Procedures

6. Not applicable.

7.a) DOE regulations (10 C.F.R. Part 590) specify that an applicant for a natural gas import authorization should apply 90 days prior to the anticipated date for start-up of the import. However, the issuance of an import authorization normally takes less than four weeks if reviewed under EPACT 92 standards.

b) An authorization to import natural gas can be granted as soon as an applicant has filed a legally sufficient application, and as soon as that application is reviewed and processed.

c) There are no limitations as to the period of the year during which an application for authorization to import natural gas may be made.

d) Licensing applications are considered by a single administrative organ, the Office of Fossil Energy, U.S. Department of Energy, the Forrestal Building, 1000 Independence Avenue, S.W., Washington D.C. 20585.

8. There are no circumstances under which an import authorization can be refused, as long as an applicant has submitted a legally sufficient application. Information which must be contained in the application is specified in 10 C.F.R. 590.202.

Eligibility of importers to apply for License

9. All persons, firms, and institutions are eligible to apply for authorization to import natural gas. Traditionally, entities applying for such authorizations have been natural gas pipeline companies, natural gas producers, natural gas marketers, and utility companies.

Documentation and other requirements for application for License

10. Import authorization proceedings are initiated by the filing of an application. The application is not a standard form, but rather an individual document incorporating basic information about the proposed import arrangement, and exhibits required by the rules covering such applications set forth in DOE regulation (10 C.F.R. Part 590). EPACT 92 has necessitated creation of a bifurcated process in the manner in which DOE reviews applications to import natural gas. Applications that involve gas imports from nations with which the United States has a free trade agreement requiring national treatment for trade in natural gas (free trade agreement countries) and LNG imports from other countries must be granted by DOE "without modification or delay". As a result, DOE's action of issuing such import authorizations is ministerial in nature.

For applications involving gas (other than LNG) imports from nations with which the United States does not have a free trade agreement requiring national treatment for trade in natural gas, DOE must determine whether the import proposal is "in the public interest". Those applications are subject to the administrative procedures specified in 10 C.F.R. Part 590.

11. DOE's application procedures are described at the following website: http://energy.gov/fe/services/natural-gas-regulation/how-obtain-authorization-import-andor-export-natural-gas-and-lng.

12. A filing fee of US$ 50.00 is charged for each application.

13. There is no deposit or advance payment requirement associated with the issuance of an order to import natural gas.

Conditions of licensing

14. The duration of a natural gas import authorization usually is specified in the Opinion and Order issued by DOE, and depends upon the particular circumstances of the import arrangement. An import authorization can be extended upon application to DOE.

15. There is no penalty for non-utilization of an order to import natural gas.

16. Authorizations to import natural gas are not transferable between importers without approval.

17. No conditions are attached to an authorization to import natural gas from free trade agreement countries or authorizations to import LNG from any country.

Other procedural requirements

18. Each import authorization order requires natural gas importers to report sales information monthly to DOE. Information reported includes volume, price, names of sellers and buyers, and other details of the import transactions on Form FE-746R.

19. Not applicable.

4 DEPARTMENT OF INTERIOR

4.1 US Fish and Wildlife Service

4.1.1 Fish and wildlife (including endangered species)

Outline of system

1. On August 25, 1980, the Fish and Wildlife Service (the Service) published final rules revising 50 CFR Part 14 (Importation, Exportation, and Transportation of Wildlife) to implement provisions of a number of wildlife laws enforced by the Service. Subsequent updates were made in 1985, 1987, 1994, 1996, 1998, 1999, 2002, 2004, and 2009. As part of that rulemaking and under authority of the Endangered Species Act of 1973 (ESA), an import/export license is required for any person who engages in business as an importer or exporter of fish or wildlife unless that person imports or exports certain excepted wildlife or falls within one of the categories of persons excepted from the requirement by the rules. The licensing provision was promulgated under section 9(d) of the ESA [16 U.S.C. 1538(d)] which provides that it is illegal for any person to engage in business as an importer or exporter of fish or wildlife (other than certain shellfish or fishery products) without first having obtained permission from the Secretary of the Interior.

The license requirement is found at 50 CFR 14.91-93. Presently licensees must:

(1) obtain an import/export license for US$ 100 per year;
(2) pay inspection fees that vary depending on whether the commodity involves live and/or protected wildlife, and the port of import or export, prior to the inspection;
(3) importers or exporters of wildlife pay fees for actual costs of inspections conducted at special times or locations at the importer's or exporter's request;
(4) keep certain records and retain them for five years;
(5) allow Service inspection of records and inventories of imported wildlife or wildlife to be exported; and
(6) file any reports requested by the Service.

Licensees who exclusively import or export shipments that do not contain live or protected wildlife, contain 25 or fewer wildlife products, and contain a value of $5,000 or less of wildlife products are exempted from the designated port base inspection fee.

Exceptions to the license requirement are found at 50 CFR 14.92. Certain persons exempted from the license requirement by 50 CFR 14.92(b) must still comply with the requirements of section 9(d) of the ESA, which are to:

(1) keep records which fully and correctly disclose each importation or exportation of wildlife by them;
(2) keep records which fully and correctly disclose the subsequent disposition by them of the imported or exported wildlife; and
(3) allow Service inspection of records and inventories of imported wildlife or wildlife to be exported.

Purposes and coverage of licensing

2. The licensing system covers all "wildlife" which by regulation means the same as "fish or wildlife", which is defined by 50 CFR 10.12 as follows:

> the term "fish or wildlife" means any wild animal, whether alive or dead, including without limitation any wild mammal, bird, reptile, amphibian, fish, mollusc, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and including any part, product, egg, or offspring thereof.

3. The licensing system applies to any person who "engages in business as an importer or exporter of wildlife". That phrase means for a person to devote time, attention, labor or effort to any activity for gain or profit that involves the importation or exportation of wildlife whether or not such person is an importer or exporter within the meaning of the customs laws of the United States.

Persons excepted from the license requirement by 50 CFR 14.91(c) and 14.92(b) include:

(1) common carriers, when engaged as transporters, not as an importer or exporter;
(2) customs house brokers or freight forwarders when engaged as transporters or agents, not as an importer or exporter;
(3) public museums, or other public, scientific, or educational institutions, importing or exporting wildlife for research or educational purposes and not for resale; and
(4) Federal, State, tribal, or municipal agencies.

4. The licensing system is not intended to restrict the quantity or value of imports. The purposes of the license requirement are to: identify commercial importers and exporters of wildlife, require records which fully and correctly disclose each importation or exportation of wildlife and the subsequent disposition of the wildlife by the importer or exporter, allow the Service to inspect records required to be kept and inventories of imported wildlife or wildlife to be exported, remove repeat wildlife law violators from commercial wildlife trade, improve communications between the Service and commercial wildlife importers and exporters, and assist the Service in its effort to conserve endangered and threatened species and identify species which may be threatened or endangered.

5. Section 9(d) of the Endangered Species Act of 1973 [16 U.S.C. 1538(d)] makes it unlawful "for any person to engage in business as an importer or exporter of fish or wildlife...without first having obtained permission from the Secretary [of the Interior]". By regulation the term "permission" was treated as a grant of authority to require a license. Exceptions to the license requirement can be created by regulation. Further, the coverage of the license can be broadened or narrowed by changing the definition of either "fish or wildlife" or the phrase "engage in business as an importer or exporter of fish or wildlife". The system cannot be abolished without legislation.

Procedures

6. Not applicable.

7.a) No time-limit is set for receiving an application in advance of importation; however, the Service has 60 days to process a license application which must be issued prior to an importation or exportation. Title 50 CFR 14.91(a) states it is unlawful for any person to

engage in business as an importer or exporter of wildlife without first having obtained a valid import/export license from the Director (of the Service). It is required that applications for license renewals be received by the issuing office at least 30 days before the current license expires.

A holder of an Import/Export License may also apply for a Designated Port Exception Permit (Title 50 CFR 14.31 to 14.33) to facilitate wildlife trade through a port not designated as a wildlife port, for scientific purposes, to minimize deterioration or loss and for economic hardship.

b) No.

c) No.

d) Applications are submitted to and processed by Service law enforcement regional permit offices.

8. Applications must meet the provisions of 50 CFR 13.11 and 13.12. Under 50 CFR 13.21(b) a license may be refused if:

(1) the applicant has been assessed a civil penalty, has been convicted of any civil or criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction evidences a lack of responsibility;
(2) the applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;
(3) the applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;
(4) the authorization requested potentially threatens a wildlife or plant population; or
(5) the Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

An applicant must be notified in writing if the application is denied and given reasons for the denial. If authorized in the notice of denial, the applicant may submit further information, or reasons why the license should be granted. The final action by the Director is considered the final administrative decision of the Department of the Interior.

Eligibility of importers to apply for License

9. All persons, firms, and institutions are eligible to apply for a license (unless they have failed to meet issuance criteria as established in 50 CFR 13). The Privacy Act prohibits published lists of importers or exporters.

Documentation and other requirements for application for License

10. The following information is required:

(1) applicant's name, mailing address, and phone number, including the U.S. address for foreign applicants;
(b) if the applicant is an individual, the applicant’s date of birth, social security number, occupation, and business or institutional affiliation, if any, having to do with the wildlife to be covered by the license;
(3) if the applicant is a corporation, firm, partnership, institution, or agency, either private or public, the name and address of the president, all partners and principal officers, the tax identification number, and a brief description of the business, agency, Tribe, or institution;
(4) certification in the following language:
"I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Sub-chapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the suspension or revocation of this permit and to the criminal penalties of 18 U.S.C. 1001";

(5) date;
(6) signature of the applicant;
(7) a statement of where books or records concerning wildlife imports or exports will be kept, including contact information;
(8) a statement of where inventories of wildlife will be stored, including contact information;
(9) a general description of the wildlife or wildlife products to be imported or exported (including whether the wildlife is live, dead, or a product), the class of wildlife to be imported or exported, such as "mammal" or "reptile" and whether the wildlife is venomous; and
(10) for applicants residing or located outside of the United States conducting commercial activities, the name, physical address, and telephone number of their agent located in the United States who will maintain the records required under the import/export license.

11. An import/export license is only permission to engage in business as an importer or exporter of wildlife. Such a license is in addition to, and does not supersede, any other requirement established by law for the importation or exportation of wildlife.

12. The license fee is US$ 100.00.

13. Applications must be accompanied by the license fee.

Conditions of licensing

14. Licenses are valid for one year. The licensee must apply for renewal to the issuing office at least 30 days before the current license expires.

15. If a licensee discontinues engaging in business as an importer or exporter of wildlife, the licensee must within 30 days mail the license and a request for cancellation to the issuing officer.

16. Licenses are not transferable between importers. Agents under the direct control of, employed by, or under contract to the licensee may carry out the activities authorized by the license.

17.(a) A license may be amended with restrictions on the wildlife trade that may be conducted, including species, number of specimens, and intended uses, in cases where the applicant has previously violated wildlife trade regulations or otherwise fails to meet the criteria for applicants described in 50 CFR § 13.21.

(b) In addition to the general conditions found in 50 CFR Part 13, under 50 CFR 14.93(b) licensees are subject to the following special conditions:

(i) the licensee shall, from the effective date of the license, keep such records as will fully and correctly disclose each importation or exportation of wildlife made by the licensee and the subsequent disposition made by the licensee with respect to such wildlife. The records must include a general description of the form of the wildlife, such as "live", "raw hides", or "fur garments"; the quantity of wildlife, in numbers, weight, or other appropriate measure; the common and scientific names; the country or place of origin of the wildlife, if known; the date and place of import or export; the date of the subsequent disposition of the wildlife; the manner of disposition, whether by sale, barter, consignment, loan, delivery, destruction, or other means; and the name and address of the person who received the wildlife pursuant to such disposition, if applicable;

(ii) licensees shall include and retain in their records copies of all permits required by the laws and regulations of the United States and any country of export or origin;

(iii) licensees shall maintain such books and records for a period of five years;

(iv) subject to applicable limitations of law, duly authorized Service officers at all reasonable times shall, upon notice, be afforded access to the licensee's places of business, an opportunity to examine the licensee's inventory of imported wildlife or the

wildlife to be exported and the records required to be kept and an opportunity to copy such records;

(v) licensees shall, upon written request by the Director, submit within 30 days of such request a report containing the information required to be maintained in the records of the licensee.

Other procedural requirements

18. A licensee must comply with the requirements of 50 CFR Part 14 which apply to the importation, exportation, or transportation of wildlife generally. Further, a licensee importing or exporting a particular species may have to comply with other requirements found in 50 CFR Parts 10-23 and other State or Federal laws, including permitting requirements under federal statutes such as the Endangered Species Act, the Bald and Golden Eagle Protection Act, the Marine Mammal Protection Act, the Wild Bird Conservation Act, the Migratory Bird Treaty Act, and the Lacey Act, for injurious wildlife. A licensee must provide advance notification of imports or exports of live or perishable wildlife.

19. Not applicable.

5 DEPARTMENT OF JUSTICE

5.1 Bureau of Alcohol, Tobacco, Firearms and Explosives

5.1.1 Firearms and ammunition

Outline of system

1. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) administers licensing provisions under three statutes and implementing regulations: the Gun Control Act of 1968 (GCA, at 18 U.S.C. Chapter 44), the Arms Export Control Act of 1976 (AECA, at 22 U.S.C. § 2778), and the National Firearms Act (NFA, at 26 U.S.C. Chapter 53). Under the GCA, the United States maintains a system of licenses for persons engaged in the business of manufacturing, importing, or dealing in firearms, and for persons engaged in the business of manufacturing or importing ammunition. ATF administers GCA import controls along with import controls established by the AECA (discussed in the below section, V(A)2) through a system of import permits. In addition, under the NFA, ATF administers a special occupational tax for persons engaged in the business of importing, manufacturing, or dealing in NFA firearms. ATF also maintains a system of registration for NFA weapons which include machine guns, silencers, and destructive devices.

Purposes and coverage of licensing

2. See reply to question 1. Under the GCA at 18 U.S.C. § 921(a)(3), "firearm" means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device (refer to 18 U.S.C. § 921(a)(4) for the GCA definition of a destructive device and to § 921(a)(24) for the GCA definition of a firearm silencer). The term "firearm" does not include an antique firearm (defined in 18 U.S.C. § 921(a)(16)). The GCA also provides definitions for other relevant product terms including but not limited to "shotgun" and "rifle." Under the GCA at 18 U.S.C. § 921(a)(23), "machinegun" is based on the definition of "machinegun" in the NFA which provides, in part, that a machinegun is any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger (refer to 26 U.S.C. § 5845(b) for the complete definition of "machinegun"). The NFA also provides definitions for other relevant product terms such as "any other weapon." A complete list of relevant definitions can be found in the GCA in 18 U.S.C. § 921 and in the NFA in 26 U.S.C. § 5845.

3. All countries except those restricted by the Department of State from which imports are denied entry into the United States. Refer generally to 27 CFR 447.52 for restricted countries and defense articles; ATF also maintains an up-to-date listing at its Firearms and Explosives Imports Branch ((304) 616-4550).

4. No. Generally, the GCA licensing system prevents the granting of licenses to persons falling within statutorily determined prohibited categories. Except as provided in 18 U.S.C. § 925(d), it is generally unlawful for any person knowingly to import any firearm or ammunition. Import permits may be granted pursuant to the exceptions outlined in 18 U.S.C. § 925(d), which include imports for scientific or research purposes, imports of firearms that are generally recognized as particularly suitable for or readily adaptable to sporting purposes, excluding surplus military firearms, and other exceptions. In addition, Federal, State, and local governments in the United States may generally import firearms and ammunition that otherwise would be prohibited from importation, such as nonsporting firearms and ammunition, NFA firearms, and surplus military firearms. No alternative methods have been considered.

5. The GCA statute and regulations are in 18 U.S.C., Chapter 44 and 27 CFR Part 478, respectively. Licensing is statutorily mandated and cannot be abolished without legislative action. Likewise, firearms are defined in the statute.

Procedures

6. Not applicable.

7.a) A Federal Firearms License is issued within 60 days after receipt of a properly completed application. Any person who wishes to permanently import a firearm, firearm barrel, or ammunition into the United States must first file application with ATF and obtain an approved ATF Form 6—Application and Permit for Importation of Firearms, Ammunition and Defense Articles.

b) No. A license cannot be granted immediately on request.

c) No.

d) Yes, the application is considered by a single administrative organ (ATF).

8. No additional circumstances apply. The reasons for any refusal are given to the applicant in writing. In the event of refusal to issue a license, administrative appeal may be made to the Director of the ATF by requesting a hearing, further to United States District Court, if desired, by filing a petition for review within 60 days of the denial or revocation of license. Refer to 18 U.S.C.§ 923 for a detailed description of the process.

Eligibility of importers to apply for License

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

Documentation and other requirements for application for License

10. Applications: The ATF Form 7 is the application for a Federal firearms license. The ATF Forms 6 and 6A are the import application and permit: Application and Permit for Importation of Firearms, Ammunition and Defense Articles (ATF Form 6, Part I); Release and Receipt of Imported Firearms, Ammunition and Defense Articles (ATF Form 6A).

11. Proof to United States Customs and Border Protection of permit status furnished by the importer or its agent. Application and Permit for Importation of Firearms, Ammunition and Defense Articles (ATF Form 6, Part I); Release and Receipt of Imported Firearms, Ammunition and Defense Articles (ATF Form 6A).

12. Yes. US$ 150.00 ($50 per year) for importers of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition. US$ 3,000.00 ($1000 per year) for importers of destructive devices, ammunition for destructive devices, or armor piercing ammunition. These licenses are renewed every three years. Special occupational tax fees apply for NFA firearms. See also AECA registration fees (discussed in the below section, V(A)2).

13. No.

Conditions of licensing

14. A Federal Firearms License is valid for three years from date of issuance unless revoked. Import Permit: two years from date of issue or until quantity approved for import is brought in, whichever comes first. The validity of a Federal Firearms License can be extended by renewal application for license.

15.-17. No.

Other procedural requirements

18. No.

19. Not applicable.

5.1.2 Firearms, ammunition and defense articles

Outline of system

1. The United States maintains a system of registrations and permits to control the permanent importation of firearms, ammunition and defense articles. The law and regulations of these imports are administered by ATF pursuant to the Gun Control Act of 1968 (GCA, at 18 U.S.C. Chapter 44), the Arms Export Control Act of 1976 (AECA, at 22 U.S.C. § 2778), and the National Firearms Act (NFA, at 26 U.S.C. Chapter 53). The Department of State and the Department of Commerce maintains a similar system of controls relative to exports and temporary imports.

Purposes and coverage of licensing

2. Persons engaged in the business of importing defense articles on the U.S. Munitions Import List must be registered. Actual importation is authorized by use of ATF Form 6—Application and Permit for Importation of Firearms, Ammunition and Defense Articles.

3. All countries except those restricted by the Department of State from which imports are denied entry into the United States. Refer generally to 27 CFR 447.52 for restricted countries and defense articles; ATF also maintains an up-to-date listing at its Firearms and Explosives Imports Branch ((304) 616-4550).

4. Primary purpose is to regulate international transfers into the United States of United States Munitions Import List defense articles consistent with U.S. national security and foreign policy. No alternative methods have been considered.

5. Arms Export Control Act of 1976 at 22 U.S.C. § 2778; 27 CFR Part 447; and Executive Order 13637 (78 F.R. 16129). Licensing is statutorily mandated and cannot be abolished without legislative action.

Procedures

6. Not applicable.

7.a) A Federal Firearms License is issued within 60 days after receipt of a properly completed application. Any person who wishes to permanently import a defense article on the U.S. Munitions Import List into the United States must first file application with ATF and obtain an approved ATF Form 6—Application and Permit for Importation of Firearms, Ammunition and Defense Articles.

b) No. A license cannot be granted immediately on request.

c) No.

d) Yes, consideration of license applications is effected by a single administrative organ (ATF).

8. No additional circumstances apply. The reasons for refusal are provided to the applicant. In the event of refusal to issue a Federal firearms license, administrative appeals may be made through the Director of the ATF. If an import permit is denied, revoked, suspended, or revised, the importer or applicant shall be advised in writing of the decision and the reasons therefor. Within 30 days of receipt, the applicant or importer may file a written request for an opportunity to present additional information and to have a full case review by the appropriate ATF officer.

Eligibility of importers to apply for License

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

Documentation and other requirements for application for License

10. The ATF Form 7 is the application for a Federal firearms license. The ATF Forms 6 and 6A are the import application and permit: Application and Permit for Importation of Firearms, Ammunition and Defense Articles (ATF Form 6, Part I); Release and Receipt of Imported Firearms, Ammunition and Defense Articles (ATF Form 6A). The ATF Form 4587 is the Application to Register as an Importer of U.S. Munitions Import List Articles.

11. Proof to United States Customs and Border Protection of permit status furnished by the importer or his/her agent. Application and Permit for Importation of Firearms, Ammunition and Defense Articles (ATF Form 6, Part I); Release and Receipt of Imported Firearms, Ammunition and Defense Articles (ATF Form 6A). A fee for registration is charged, but not for the permit.

12. Amount of fee:

One year:	US$ 250
Two years:	US$ 500
Three years:	US$ 700
Four years:	US$ 850
Five years:	US$ 1,000

13. No.

Conditions of licensing

14. Registration: one to five years. Permit: two years from date of issue or until the quantity approved for import is brought in, whichever comes first.

15.-17. No.

Other procedural requirements

18. No.

19. Not applicable.

5.1.3 Explosives

Outline of system

1. The United States maintains a system of registrations and permits to control the importation of explosives. All manufacturers, dealers, importers, and possessors of explosive materials are required by law to be licensed or permitted. The primary purpose of this licensing system is to keep explosives out of the hands of persons prohibited by law from receiving or possessing explosives and to ensure the safe and secure storage of explosives. Background checks are conducted to ensure that anyone who possesses explosives is not otherwise prohibited by law.

Purposes and coverage of licensing

2. Explosive materials are explosives, blasting agents, and detonators. Permits are required of all users. Licenses are required as stated in reply to question 1.

3. All countries.

4. No. Purposes are to protect against the misuse and unsafe storage of explosive materials. See also reply to question 1. No alternative methods have been considered.

5. 18 U.S.C. Chapter 40; 27 CFR Part 555. Licensing is statutorily required and cannot be abolished without legislative approval. Designation of products is not subject to administrative discretion.

Procedures

6. Not applicable.

7.a) An application for a license or permit must be approved or denied within 90 days after receipt. Usual turn-around time from receipt of application to issuance of license or permit is 90 days. This timing is due to the statutory requirement that ATF perform in-person inspections of the business premises and storage facilities of all new and renewing explosives license/permit applicants, as well as conduct a background check and interview before approving the application.

b) No.

c) No.

d) Yes, consideration of applications is effected by a single administrative organ (ATF).

8. No additional circumstances apply. An application is granted provided the applicant provides the necessary information and meets the necessary requirements, which include an in-person interview and facility inspection. The reasons for any refusal are provided to the applicant in writing. In the event of refusal to issue or revocation of a license, administrative appeals may be made through the Director, ATF, and then there is right of appeal to United States Court of Appeals for the district in which the applicant/licensee resides.

Eligibility of importers to apply for License

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

Documentation and other requirements for application for License

10. Application on ATF Forms 5400.13/5400.16, Application for License or Permit.

11. Proof to United States Customs and Border Protection of licensed or permitted status furnished by importer or his agent. Explosives must be classified and marked per United States Department of Transportation standards.

12. Yes.

US$ 200.00 per license for three years; and US$ 100.00 for renewal for three years;
US$ 100.00 per User-permit per three years; and US$ 50.00 for User-permit renewal for three years;
US$ 75.00 per User-limited permit (non-renewable) valid for one year or one transaction;
US$25.00 per Limited permit valid for one year or up to six transactions;
US$12.00 Limited permit renewal for one year or up to six transactions.

13. No.

Conditions of licensing

14. Licenses are valid for three years. The validity of a license can be extended by renewal application. General user permits are valid for three years and can be extended by renewal application. Intrastate User permits are valid for up to one year or six product uses and are renewable. User limited permits are valid for one year and are not renewable.

15.-16. No.

17. No additional conditions apply.

Other procedural requirements

18. No.

19. Not applicable.

5.2 Drug Enforcement Administration

5.2.1 Controlled substances and listed chemicals

Outline of ystem

1. The system of import permits, declarations, notices, and quotas is designed to restrict the importation of controlled substances and listed chemicals to that quantity necessary to meet the medical, scientific, or other legitimate needs of the United States, and to monitor the handlers of such substances. The system also establishes a method by which the United States can meet its international treaty obligations under the 1961 UN Single Convention on Narcotic Drugs, the 1971 UN Convention on Psychotropic Substances, and the 1988 UN Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

The Drug Enforcement Administration (DEA) serves as the United States competent authority for the regulatory provisions associated with the above three international conventions and is responsible for collecting data and preparing standard yearly statistical reports regarding the manufacture, import/export, and consumption of drugs and chemicals regulated by the conventions.

Purposes and coverage of licensing

2. In order to import any controlled substance, or List I chemical or drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine, the importer must apply to the DEA for registration as an importer. The registration application must be approved by the DEA and is issued annually. Upon registration approval and prior to each importation, the registered importer must:

(a) Apply for and receive a permit to import any Schedule I or Schedule II controlled substance, or any narcotic controlled substance in Schedules III, IV, or V or any non-narcotic controlled substance in Schedule III which the Administrator has specifically designated by regulation in Title 21, Code of Federal Regulations, Section 1312.30 or any non-narcotic controlled substance in Schedule IV or V which is also listed in Schedule I or II of the Convention on Psychotropic Substances; or

(b) Submit an import declaration for all non-narcotic controlled substances in Schedules III, IV, or V, excluding those described in paragraph (a) above. (The list of basic classes of controlled substances covered under the authority of the Controlled Substances Act is listed in Title 21, Code of Federal Regulations, Part 1308); or

(c) Notify the Administrator of the DEA not later than 15 days in advance prior to importation of any listed chemical that meets or exceeds the threshold quantities set by regulation or is a listed chemical for which no threshold has been established. Substances defined as listed chemicals under the authority of the Controlled Substances Act are contained in Title 21, Code

of Federal Regulations, Part 1310. Advanced notice may be waived under certain circumstances as outlined in Title 21, Code of Federal Regulations, Section 1313.12(c).

Crude opium, poppy straw, concentrate of poppy straw or coca leaves may be imported in such amounts as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes. Controlled substances in Schedule I or II , or narcotic substances in Schedule III, IV or V may be imported if the Attorney General finds it to be necessary to provide for the medical, scientific, or other legitimate needs of the United States (a) during an emergency in which domestic supplies are found by the Attorney General to be inadequate; (b) in any case in which the Attorney General finds that competition among domestic manufacturers is inadequate and will not be rendered adequate by the registration of additional manufacturers; or (c) in any case in which the Attorney General finds that such controlled substance is in limited quantities exclusively for scientific, analytical, or research uses.

3. In general, the import restrictions apply to all controlled substances and listed chemicals, regardless of the country of origin. However, Title 21, Code of Federal Regulations, Section 1312.13 poses additional limitations on the imports of narcotic raw materials. In effect, the importation of approved narcotic raw materials (opium, poppy straw and concentrate of poppy straw) into the United States shall have as its source:

(a) Turkey,
(b) India,
(c) Spain,
(d) France,
(e) Poland,
(f) Hungary, and
(g) Australia.

and, at least 80 per cent of the narcotic raw material imported into the United States shall have as its source Turkey and India. Except under conditions of insufficient supplies of narcotic raw materials, not more than 20 percent of the narcotic materials imported annually shall originate in Spain, France, Poland, Hungary, and Australia.

4. The system is designed to restrict the quantity of imports of controlled substances and listed chemicals (not monetary value) and to maintain a monitoring system. Previous systems were used prior to the import requirements of the Controlled Substances Act (effective May 1, 1971). However, the current system is mandated by United States law and, as far as controlled substances are concerned, is based upon two international treaties (The Single Convention on Narcotic Drugs, 1961 and the Convention on Psychotropic Substances, 1971).

5. In March 2006, the United States Congress amended the Controlled Substances Act with passage of the Combat Methamphetamine Epidemic Act of 2005 (CMEA). The CMEA required the establishment of a first-time assessment of annual need for the listed chemicals ephedrine, pseudoephedrine, and phenylpropanolamine and a quota system to provide for those legitimate needs. Further, the CMEA amended Title 21, United States Code, Section 952 by adding the three listed chemicals (ephedrine, pseudoephedrine, and phenylpropanolamine) to existing language concerning importation of controlled substances. The 2007 assessment of annual needs for ephedrine, pseudoephedrine, and phenylpropanolamine set upper limits on the quantity of these listed chemicals and products containing these chemicals that can be produced in or imported to the United States. The assessment was published as a Final Notice in the Federal Register in September 2007. Also pursuant to the CMEA, import and production quotas were established in July 2007 which set in place a process for licensed firms to obtain individual quota amounts.

The system of registration of importers and the system of quotas (for Schedule I and II drugs) are statutory requirements established in the Comprehensive Drug Abuse Prevention and Control Act of 1970, Part C (Sections 301, 302, 303, 306) and the import requirements established in the Controlled Substances Import and Export Act (Sections 1002, 1007 and 1008) (21 United States Code, Sections 822, 823, 826, 953, 957 and 958) and implementing regulations. The Controlled Substances Act established criteria by which drugs are controlled in one of five schedules subject

to import requirements. The system required by statute cannot be abolished without legislative approval.

Procedures

6.I. Annual notice of publications of aggregate production quotas designed to account for all Schedule I and II controlled substances and the listed chemicals ephedrine, pseudoephedrine, and phenylpropanolamine are published in the Federal Register on or about May 1 of the year prior to that to which the quota applies. No quota is established for Schedules III, IV or V controlled substances or other listed chemicals. Additional notice of regulations is published in Title 21, Code of Federal Regulations, Parts 1300 to End.

II. Assessments, estimates, and quotas for legitimate need are determined on an annual basis, but determinations regarding importations are made at the time of individual applications.

III. Import permits are issued pursuant to applications by registered importers who have demonstrated the medical, scientific, or other legitimate need for the imported substance. Declarations and notices are submitted as advanced notification of import only for monitoring purposes by the DEA.

IV. Not applicable; individual determinations are made.

V.-VI. Applications to import are reviewed upon receipt by the DEA.

VII. The DEA considers and reviews for possible approval, all applications for importation of controlled substances. Copies of import permits are provided to United States Customs and Border Protection for monitoring and certification purposes.

VIII. Not applicable.

IX.-X. The DEA utilizes the International Import and Export Authorization System (I2ES), an online platform developed by the International Narcotic Control Board with the support of the United Nations Office on Drugs and Crime, to issue electronic import and export authorizations for narcotic drugs and psychotropic substances in compliance with the international drug control treaties. I2ES equips Governments with a paperless system that supports the issuance and exchange of electronic import and export authorizations for controlled substances to expedite communication among Governments and reduce the dependency on postal services because import and export authorizations are available online.

XI. Controlled substances on permits may only be imported for legitimate needs of the United States.

7. Schedules III, IV, and V non-narcotic controlled substances are subject to import declarations, and importers are subject to registration with the DEA.

a) Importation may be made only by approved, registered importers. An import declaration must be filed 15 days in advance of the proposed date of import. In special circumstances, the 15 days may be waived administratively.

b)-c) Not applicable.

d) Yes. The DEA.

8. A registered importer can be refused an importation if the importer cannot demonstrate the legitimate need in the United States, in line with the above criteria.

Eligibility of importers to apply for License

9. Imports are only approved for the DEA registered importers who must be inspected for adequate records, security, state approval, etc., prior to registration with the DEA.

Documentation and other requirements for application for License

10. The information required for an import permit is set forth in Title 21, Code of Federal Regulations, Section 1312.12 and includes: (a) name, address, and business of consignor; (b) foreign port of export; (c) United States port of entry; (d) the latest date shipment will leave a foreign port; (e) name of carrier or vessel; (f) amount; (g) importer's allotment for the year; (h) stock on hand of the controlled substance desired to be imported; and (g) the total number of kilograms of said allotment for which permits have previously been issued and the total quantity of controlled substance actually imported during the current year to date.

11. Import permit.

12. No fee is levied per import permit. Registration fees are as follows:

Registrant Class	Annual Fee (As of October 1, 2020)
Importers/Exporters (Controlled Substances)	$1,850
Importers/Exporters (Chemical)	$1,850

13. No.

Conditions of licensing

14. Registration with the DEA is annual. Controlled Substance permits are not valid after the date specified in permit, and in no event shall the date be later than six months after the date the permit is issued.

15. Importation of a controlled substance or listed chemical which is made without a valid permit, notice, or declaration is subject to seizure and civil or criminal penalties.

16.-17. No.

Other procedural requirements

18. No.

19. Not applicable.

6 DEPARTMENT OF TREASURY

6.1 Alcohol and Tobacco Tax and Trade Bureau

6.1.1 Distilled spirits (beverages); wine and malt beverages

Outline of system

1. Importers of distilled spirits, wine, and malt beverages for non-industrial (beverage) use are required to have basic permits, issued under the Federal Alcohol Administration Act ("FAA Act"), to engage in their respective businesses. Similar permit requirements exist for producers (except brewers) and wholesalers of distilled spirits, wine, and malt beverages in the United States. The primary purposes of this requirement are to protect the consumer by oversight of labelling and advertising, to prevent unfair trade practices as required by the FAA Act, and to enforce all other Federal laws relating to spirits, wine, and malt beverages, including taxes. Retailers are not required to obtain basic permits under the FAA Act.

Purposes and coverage of licensing

2. Persons seeking to engage in the business of importing distilled spirits, wine, or malt beverages, as defined in the FAA Act, into the United States must apply for a Federal Basic Importer's Permit ("Importer's Permit").

3. This permit system applies to goods imported into the United States.

4. No. The purpose of the permit system is to provide an enforcement mechanism to ensure that importers comply with all requirements of Federal law relating to alcohol.

5. The permit system is a statutory requirement of the FAA Act, 27 U.S.C. 201 et seq. (http://www.gpo.gov/fdsys/granule/USCODE-2011-title27/USCODE-2011-title27-chap8-subchapI-sec201/content-detail.html). The regulations concerning basic permit requirements, promulgated under the FAA Act, are located in 27 CFR Part 1, et seq. (http://www.gpo.gov/fdsys/pkg/CFR-2002-title27-vol1/content-detail.html). Yes, licensing is a statutory requirement and may not be abolished without legislative approval. The designation of products requiring a license is not subject to administrative discretion.

Procedures

6. Not applicable.

7.a) Permits are issued usually within six to eight months after an application has been filed. Under certain circumstances, a permit can be obtained within a shorter time frame. Once issued, the permit remains valid until annulled, suspended or revoked.

b) Under certain circumstances a permit can be obtained within a shorter time frame.

c) No.

d) Yes, the Alcohol and Tobacco Tax and Trade Bureau (TTB) is the sole agency that issues basic permits for the importation of alcohol beverages.

8. 27 U.S.C. §204(a) sets forth the circumstances in which an application for a permit may be denied (http://www.gpo.gov/fdsys/granule/USCODE-2011-title27/USCODE-2011-title27-chap8-subchapI-sec204/content-detail.html). The reasons for any refusal are given to the applicant in writing. In the event of refusal to issue a permit, administrative appeals may be made to the Administrator of TTB, and then to a Federal court.

Eligibility of importers to apply for License

9. Any person, firm, or institution may apply for a license. Individuals must be citizens or legal residents of the United States; firms or institutions must be incorporated in the United States and have the appropriate tax ID with the IRS. There are no registration fees. TTB publishes a list of authorized importers at http://www.ttb.gov/foia/frl.shtml

Documentation and other requirements for application for License

10. Refer to TTB Form 5100.24 (http://www.ttb.gov/forms/f510024.pdf), along with such supporting documentation as required.

11. For TTB purposes, a Certificate of Age and Origin (if issued by country of origin), a Certification for Natural Wine (unless an exemption or alternative certification applies pursuant to 27 CFR 27.140), and a Certificate of Label Approval (TTB Form 5100.31 (http://www.ttb.gov/forms/f510031.pdf)).

12. No.

13. No.

Conditions of licensing

14. Continuing, unless annulled where the permit was procured through fraud or misrepresentation, or suspended or revoked or surrendered where the permit holder is found to have violated law or regulations or failed to engage in the operations authorized by the permit for a period of more than two years.

15. Proceedings to revoke a permit may be commenced if the permit holder failed to engage in the operations authorized by the permit for a period of more than two years.

16. No.

17.(a) No.

(b) No.

Other procedural requirements

18. Yes. For TTB purposes, a Certificate of Age and Origin (if issued by country of origin), a Certification for Natural Wine (unless an exemption or alternative certification applies pursuant to 27 CFR 27.140), and a Certificate of Label Approval (TTB Form 5100.31 - http://www.ttb.gov/forms/f510031.pdf) are required. Additionally, any entity in the United States (including importers) that sells distilled spirits, wine, or beer to a dealer for resale must register as an alcohol dealer with TTB before commencing operations for the first time. (See 26 U.S.C. Chapter 51 (http://www.gpo.gov/fdsys/granule/USCODE-2011-title26/USCODE-2011-title26- subtitleE-chap51/content-detail.html).

19. Not applicable.

6.1.2 Distilled spirits or alcohol for industrial use (including alcohol for fuel use)

Outline of System

1. The Internal Revenue Code of 1986 requires that producers of distilled spirits or alcohol for industrial purposes have permits. If distributors or users want to obtain industrial spirits or alcohol without paying the excise tax under 26 U.S.C. 5001 (http://www.gpo.gov/fdsys/granule/USCODE-2011-title26/USCODE-2011-title26-subtitleE-chap51-subchapA-partI-subpartA-sec5001/content-detail.html), then they must apply for a permit. Industrial alcohol is exempt from taxation if used as authorized by law. The permit system is a means to control these authorized uses.

Purposes and coverage of licensing

2. A permit for the importation of alcohol for industrial use may be required. Alcohol or distilled spirits as defined in 26 U.S.C. 5002(a) (http://www.gpo.gov/fdsys/granule/USCODE-2011-title26/USCODE-2011-title26-subtitleE-chap51-subchapA-partI-subpartA-sec5002/content-detail.html) includes denatured spirits. Such alcohol may only be received into this country by an authorized distilled spirits plant (under a registration or operating permit) that holds a sufficient bond under the Internal Revenue Code unless the spirits are tax-paid upon importation.

3. All countries.

4. No. The purpose is to prevent tax fraud.

5. Please see: 26 U.S.C. 5171 (http://www.gpo.gov/fdsys/granule/USCODE-2011-title26/USCODE-2011-title26-subtitleE-chap51-subchapB-sec5171/content-detail.html), 26 U.S.C. 5181 (http://www.gpo.gov/fdsys/granule/USCODE-2011-title26/USCODE-2011-title26-subtitleE-chap51-subchapB-sec5181/content-detail.html), 27 CFR Part 19 (http://www.gpo.gov/fdsys/granule/CFR-2002-title27-vol1/CFR-2002-title27-vol1-part19/content-detail.html). The licensing system was created by statute and may not be abolished without legislative action. The designation of products requiring a license is not subject to administrative discretion.

Procedures

6. Not applicable.

7.a) Registrations or operating permits under the Internal Revenue Code are usually issued within six to eight months after the application has been filed. Under certain circumstances, a permit can be obtained within a shorter time frame.

b) Under certain circumstances, a permit can be obtained within a shorter time frame.

c) No.

d) Yes. TTB is the only agency with whom an importer of distilled spirits or alcohol for industrial use (including alcohol for fuel use) must deal to secure this permit.

8. The circumstances for denying an application for a permit are stated in 26 U.S.C. 5271 (http://www.gpo.gov/fdsys/granule/USCODE-2010-title26/USCODE-2010-title26-subtitleE-chap51-subchapD-sec5271/content-detail.html). The reasons for any refusal are given to the applicant in writing. In the event of refusal to issue an operating permit, administrative appeals may be made to TTB's Administrator, and then to a Federal court.

Eligibility of importers to apply for License

9. Any person, firm, or institution may apply for a license. Individuals must be citizens or legal residents of the United States; firms or institutions must be incorporated in the United States and have the appropriate tax ID with the IRS. There are no registration fees.

Documentation and other requirements for application for License

10. Application for Operating Permit - TTB Form 5110.25 (https://www.ttb.gov/images/pdfs/forms/f511025.pdf); Alcohol for fuel use - TTB Form 5110.74 (https://www.ttb.gov/images/pdfs/forms/f511074.pdf), as appropriate, along with such supporting documentation as required.

11. Ordinary commercial papers.

12. No.

13. No.

Conditions of licensing

14. Continuing, unless revoked, suspended or surrendered.

15. Permits are subject to revocation if not used for more than two years.

16. No.

17.

(a) No.

(b) No.

Other procedural requirements

18. No.

19. Not applicable.

6.1.3 Tobacco products

Outline of system

1. The Internal Revenue Code of 1986 (Title 26 U.S.C. Chapter 52 – please see http://www.gpo.gov/fdsys/granule/USCODE-2011-title26/USCODE-2011-title26-subtitleA-chap1-subchapA-partIV-subpartF-sec52/content-detail.html) requires that manufacturers and importers of tobacco products or processed tobacco and proprietors of export warehouses (bonded internal revenue warehouses for the storage of tobacco products or cigarette papers or tubes or any processed tobacco, upon which the internal revenue tax has not been paid, for subsequent export) must apply for and obtain a permit from TTB before engaging in such businesses. The primary purpose of these permits is to ensure proper collection of Federal excise tax revenue from tobacco products.

Purposes and coverage of licensing

2. As noted, manufacturers and importers of tobacco products or processed tobacco and proprietors of export warehouses (bonded internal revenue warehouses for the storage of tobacco products or cigarette papers or tubes or any processed tobacco, upon which the internal revenue tax has not been paid, for subsequent export) must apply for and obtain a permit from TTB before engaging in such businesses. Tobacco products are defined in the Internal Revenue Code as cigarettes, cigars, smokeless tobacco (that is, chewing tobacco or snuff), pipe tobacco, and roll your own tobacco. Manufacturers of tobacco products and export warehouse proprietors are required to maintain a bond related to their Federal excise tax liability. Processed tobacco is any tobacco that has undergone processing, but does not include tobacco products. The processing of tobacco includes, but is not limited to, stemming (that is, removing the stem from the tobacco leaf), fermenting, threshing, cutting, or flavouring the tobacco, or otherwise combining tobacco with non-tobacco ingredients. It does not include curing, baling, or packaging activities. Those who farm or grow tobacco or who handle tobacco solely for sale, shipment, or delivery to a manufacturer of tobacco products or processed tobacco are not required to obtain from TTB a permit to engage in such activities.

3. All countries.

4. The permit system does not restrict the quantity or value of imported tobacco products or processed tobacco. No alternative methods have been considered.

5. The Internal Revenue Code of 1986 at 26 U.S.C. 5712 and 5713 requires that every person, prior to commencing business as a manufacturer or importer of tobacco products or processed tobacco, or as an export warehouse proprietor, qualify for and obtain a permit to engage in such business (http://www.gpo.gov/fdsys/granule/USCODE-2011-title26/USCODE-2011-title26-subtitleE-chap52-subchapB-sec5712/content-detail.html). There is no discretion for the executive branch to change the products (http://www.gpo.gov/fdsys/granule/USCODE-2011-title26/USCODE-2011-title26-subtitleE-chap52-subchapB-sec5713/content-detail.html) subject to the permit requirements or to abolish the permit system without legislative approval.

Procedures

6. Not applicable.

7.a) Permits are usually issued within six to eight months after an application has been filed.

b) No. The Internal Revenue Code of 1986 at section 5712 (26 U.S.C. 5712) sets forth the conditions for determining whether a person qualifies for a permit, and these conditions cannot be met with immediate licensing.

c) No.

d) TTB has sole authority to issue the permit required under 26 U.S.C. 5712 and 5713, and therefore the importer does not have to approach any other agency in order to meet the application requirements for the permit.

8. There are no additional circumstances for denying an application for a permit other than what is stated in 26 U.S.C. 5712 (http://www.gpo.gov/fdsys/granule/USCODE-2011-title26/USCODE-2011-title26-subtitleE-chap52-subchapB-sec5712/content-detail.html). The reasons for any refusal are given to the applicant in writing. An applicant may appeal the denial of a permit to the Administrator of TTB, and then to a Federal court.

Eligibility of importers to apply for License

9. Any person, firm, or institution may apply for a license. Individuals must be citizens or legal residents of the United States; firms or institutions must be incorporated in the United States and have the appropriate tax ID with the IRS. There are no registration fees. There is no published list of authorized importers.

Documentation and other requirements for application for License

10. Refer to TTB Form 5230.4 (http://www.ttb.gov/forms/f52304.pdf), along with such supporting documentation as required.

11. Not applicable.

12. Not applicable.

13. Not applicable.

Conditions of licensing

14. Permits for importers of tobacco products or processed tobacco that are issued on or after August 26, 2013, are valid for five years from the effective date shown on the permit and may be renewed for an additional five years by making application within 30 days of expiration.

15. No.

16. Permits are not transferable to another person.

17.(a) Not applicable.

(b) An application for the renewal of a permit as an importer of tobacco products or processed tobacco may be rejected and the permit denied if no activity has taken place or been reported under such permit for a period of one year immediately prior to the application for renewal. Permits may also be revoked for the reasons listed under 26 U.S.C. 5713.

Other procedural requirements

18. TTB has no other administrative procedures, apart from permit requirements, required prior to importation.

19. Not applicable.

7 NUCLEAR REGULATORY COMMISSION

7.1 Nuclear facilities and materials

Outline of System

1. The Nuclear Regulatory Commission (NRC) regulations governing the import of certain nuclear facilities and most radioactive materials are published in 10 CFR Part 110 pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended. These regulations apply to all persons in the United States although certain exemptions exist for the U.S. Department of Energy and the U.S. Department of Defense.

The nuclear facilities and radioactive materials subject to NRC import licensing authority include: production and utilization facilities, special nuclear materials, source materials, and by-product materials, including when such materials are contained in radioactive waste. The definition for each of these terms is provided in 10 CFR § 110.2.

These items may be imported under either a general NRC license or a specific NRC license. A general import license is effective and does not require filing an application with NRC for review or issuance of a written license document to a particular person. If the general license provisions in 10 CFR 110.27 do not authorize an import, then a specific import license is required. An application must be filed with NRC for review, and if approved, a written license document is issued to a named person, authorizing specific transactions to occur within a set time period.

Most by-product, source, and/or special nuclear materials are authorized for import under an NRC general license to the extent the U.S. consignee possesses an appropriate domestic authorization required for receipt, use, or distribution of the import. Parties utilizing the NRC general import license in 10 CFR § 110.27 must comply with applicable domestic regulations, often administered by one or more U.S. federal and/or state government agencies. Depending on the type and quantity of material involved, importers may be required to provide advance notification of shipment to NRC and maintain records of the transactions for a period of three to five years.

Specific NRC licenses are required for imports of production or utilization facilities, 100 kilograms or more per shipment of irradiated nuclear fuel, and any special nuclear, source or by-product materials in the form of radioactive waste.

On July 1, 2005, NRC added new specific license requirements for imports of certain radioactive sealed sources and radionuclides in bulk form to codify certain provisions of the International Atomic Energy Agency (IAEA) Code of Conduct on the Safety and Security of Radioactive Sources (Code of Conduct). Appendix P was added to 10 CFR 110, which lists the radioactive materials and establishes Category 1 and 2 threshold quantities, requiring a specific NRC license for import into the United States beginning December 28, 2005. On July 28, 2010, the NRC published a final rule in the *Federal Register* that, among other things, amended 10 CFR Part 110 to allow imports of Category 1 and Category 2 quantities of material listed in Appendix P under a general license (28 July 2010; 75 FR 44072). This change was made because of enhancements to the NRC's domestic regulatory framework. Importers of Category 1 and 2 materials under a general license are still subject to the notification requirement prior to shipment as set forth in § 110.50. The rule change requires notification seven days in advance of shipments for imports authorized under the general license.

A copy of 10 CFR Part 110 containing the Nuclear Regulatory Commission Regulations governing the Export and Import of Nuclear Equipment and Material is available for consultation in the Secretariat (Market Access Division).

On April 20, 2006, the NRC amended its regulations governing the import and export of nuclear equipment and material to implement the provisions of the Energy Policy Act of 2005. This amendment revised the definition of by-product material to include discrete sources of radium-226, accelerator-produced radioactive material, and discrete sources of naturally occurring radioactive material. The specific import licenses required for imports of radium-226 that met the threshold values of the IAEA Code of Conduct were eliminated in 2010 (see 75 FR 44072).

On July 10, 2014, the NRC amended its regulations pertaining to the export and import of nuclear materials and equipment to conform United States export controls to the international export control guidelines of the Nuclear Suppliers Group (NSG), of which the United States is a participating government, and to incorporate by reference the current version of the International Atomic Energy Agency's (IAEA) document, "Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Revision 5), January 2011.

Purposes and coverage of licensing

2. As noted in reply 1, an NRC license – either general or specific – is required for imports of production and utilization facilities; special nuclear material; source material and by-product material.

3. The licensing requirements apply to goods originating in and coming from all countries, but do not apply to transhipments, i.e., those which are just passing through the United States.

4. The purpose of adopting licensing requirements is not to restrict quantities or values of items imported; it is to protect public health and safety and the environment, and maintain the common defense and security of the United States, by exercising prudent controls over the possession, use, distribution, and transport of such items.

5. As mentioned in reply 1, NRC regulations in 10 CFR Part 110 are issued pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended. In general, the legislation defines the categories of products and facilities that need to be subject to licensing controls with minimum discretion in definitions left to administrative determination.

Procedures

6. There are no restrictions specifically designed to limit the quantities or values of items imported under NRC regulations; however, quantities of material imported could be restricted by the U.S. consignee domestic possession limit.

7.a) There is no fixed period for submitting a specific license application in advance of importation, although it must be reviewed and a license must be issued before the importation occurs. The Commission does have the authority to grant specific exemptions from the regulations in 10 CFR Part 110 under certain conditions (10 CFR § 110.10), and this authority has been exercised for example, to grant licenses within a short period of time.

b) A specific license would not be granted immediately upon request. Applicants should anticipate allowing from one to three months (or more) from the date an application is received by NRC depending on the specific commodity (e.g., a specific license for the import of radioactive waste requires several months' review). NRC is required to make copies of every application received available to the public for minimum of 30 days before issuing a license. This is to provide interested parties with an opportunity to submit written comments on the application or request a hearing (see 10 CFR § 110.70 and § 110.82).

c) There are no limitations as to the period of the year during which a specific import license application can be submitted to NRC. NOTE: Specific import licenses issued have expiration dates, and can be amended and/or renewed, as long as NRC receives the request for such action before the expiration date. Once a license expires, it cannot be amended or renewed.

d) An NRC import license authorizes the import only and does not confer authority to receive title to, acquire, receive, possess, deliver, use or transfer items imported. For certain specific import license applications, the NRC is required to consult with and/or seek concurrences from other federal agencies (most commonly the Departments of State and Energy), although final licensing responsibility remains with the NRC.

8. Applications that are deficient are normally withdrawn or returned without action. Although NRC has the authority to deny, to revoke or suspend licenses, it is rarely exercised. Reasons for such actions must be made known to an applicant/licensee who would have the right to appeal. Avenues for applicants, licensees, and members of the public to appeal NRC actions are given in Subparts H, I, J and K of 10 CFR Part 110.

Eligibility of importers to apply for License

9. To be eligible to apply for licenses, all persons, firms, and institutions must have a permanent (physical) address within the United States where papers may be served and where records required by the Commission are maintained and can be inspected.

Documentation and other requirements for application for License

10. Information required in an application for a specific license is set out in 10 CFR § 110.31 and

§ 110.32. Applications are submitted on NRC Form 7, which is available on the NRC public web site. NRC may request additional information, if necessary, to conduct the licensing review required by the applicable statutes.

11. For the materials listed in Appendix P to 10 CFR Part 110, licensees must submit import notifications at least seven days in advance of each shipment and include the information listed in 10 CFR § 110.50(c). In addition, import forms customarily required by other U.S. government agencies are also necessary for all items imported under NRC requirements (e.g., Customs and Border Protection and Department of Commerce documents). There may also be other reporting and advance notification requirements for certain transfers of nuclear material that are established by domestic possession licenses, not import licenses.

12. Fees are charged for processing license applications in accordance with the fee schedule in 10 CFR § 170.21 and § 170.31 (e.g., for fiscal year 2015, the fees for import applications range from US$ 1,300 to US$ 17,400).

13. The appropriate fee must accompany applications submitted for specific import licenses, otherwise processing will be delayed.

Conditions of licensing

14. A specific import license is usually valid for a period of three to five years from the date of issuance but could be longer if the applicant so requests and the NRC agrees.

15. There is no penalty for not using a specific NRC import license (i.e., if the items authorized for import are not imported); however, violations of any of the terms and conditions of an NRC import license are subject to enforcement including imposition of civil or criminal penalties.

16. A specific license may be transferred or assigned to another person only with the approval of the Commission.

17. Special conditions may be added to specific licenses if necessary to underscore unique, new or revised domestic requirements, for example, affecting transportation arrangements, security measures and timing of advance notifications.

Other procedural requirements

18. Since many materials authorized for import under specific or general NRC licenses are considered hazardous and/or strategically significant, additional arrangements may be necessary in conjunction with their transportation. These arrangements may involve physical protection measures, special handling procedures for health and safety purposes, or advance notice of pending receipt and thus would not be included as special import license conditions. Such requirements normally apply to U.S. parties who transfer or receive specific types of materials, and are not related to whether the shipment originates from a domestic or a foreign source.

19. Not applicable.