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Committee on Import Licensing

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### QUESTIONS FROM THE EUROPEAN UNION TO THE KINGDOM OF MOROCCO ON IMPORT PROCEDURES

The following communication, dated 8 April 2016, is being circulated at the request of the delegation of the European Union.

The European Union notes that the Kingdom of Morocco has not submitted any import licensing notifications to the WTO since 2009, and would like to know when it intends to submit its replies to the annual questionnaire under Article 7.3 of the Agreement on Import Licensing Procedures. In the absence of such notification, the EU would like to submit the following questions to the Kingdom of Morocco in order to clarify certain import procedures:

#### 1 NEW IMPORT LICENCES FOR BLADED WEAPONS AND AERIAL VEHICLES:

In 2015, two notices to importers were published on the website of the Ministry of Foreign Trade (MCE) indicating that bladed weapons and unmanned aerial vehicles were subject to the import licensing regime (Notice No. 3/2015 for bladed weapons and No. 4/2015 for unmanned aerial vehicles). Neither of these two notices refers to the MCE document on import procedures or provides any other indication that could help the importer to find the information needed to fulfil this obligation.

According to the information that the EU was able to obtain from the operators concerned, in the case of the Notice for bladed weapons, no information was published in advance or notified to the incumbent operators, added to which the processing and final granting of the licence took more than one year, effectively blocking the exports of that product.

We would therefore be grateful if the Moroccan authorities could provide us with further information on the import procedure for these two products that are subject to licensing, in particular:

1. How far in advance of importation must an application for a licence be made?
2. Which administrative bodies examine these licence applications and which body gives the final agreement?
3. In what circumstances could these applications be rejected?
4. Are these licences subjected to a licensing fee or an administrative fee? If so, what is the amount of the fee?
5. Could the Moroccan authorities please explain whether the period of validity of a licence is the same for all products, namely six months as described in the Ministry's import procedures? Can it be extended? If so, how?

#### 2 LAW NO. 91.14 ON FOREIGN TRADE:

Morocco has not notified its new foreign trade law to the WTO. Since this new law introduces new conditions governing import operations, the EU would like to know, above all, when Morocco will

be notifying WTO of this new law and the implementing regulations mentioned therein (Chapters II and III).

In the absence of any notification, the EU would be grateful for further information concerning, in particular, Chapters II and III of the mentioned Law in order to be able to verify the consistency of the intended measures with Articles XI and XX of the GATT and with the Agreement on Import Licensing Procedures:

- (a) Article 4 provides that quantitative restrictions may be applied on imports and exports of goods in accordance with requirements and methods prescribed by the regulations. Have such regulations been adopted? If so, could the Moroccan authorities please provide a copy of those regulations?
- (b) Could the Moroccan authorities please provide further clarification regarding the register of importers and exporters of goods?
- (c) Could the Moroccan authorities please provide further clarification regarding the specifications mentioned in Article 10 et seq.?
- (d) Could the Moroccan authorities please explain whether, in cases where imported goods do not fulfil the minimum requirements laid down in the specifications, the reasons for the rejection are communicated to the interested party?
- (e) Under what circumstances can an application for a licence be refused other than the failure to meet the ordinary criteria? Do applicants have a right of appeal in the event of refusal to issue a licence and, if so, to what bodies and under what procedures? What are the minimum and maximum lengths of time for processing applications?
- (f) Tariff quota management:
  - (i) Have the implementing regulations been adopted, and have they been published? How are potential importers, governments of third countries, the export promotion bodies of exporting third countries and their trade representatives informed of the allocation of quotas and the formalities for filing licence applications? Is the information concerning the overall amount of the quotas, the amount allocated to each supplying country, and the maximum amount allocated to each importer published? How are requests for exceptions or derogations from the licensing requirements filed? How is the size of the quotas determined: on a yearly, six-monthly, or quarterly basis? Are there cases where the size of quota is determined on a yearly basis but licences are issued for imports on the basis of a shorter period, for example six months or three months? In such cases, is it necessary for importers to submit a fresh application every six months or three months?
  - (ii) In the specific case of tariff quotas for which the Kingdom of Morocco has commitments under the WTO: In its notification G/AG/N/MAR/1 of 28 March 1996, the Kingdom of Morocco notified WTO Members that its agricultural tariff quotas were managed on a "first-come first-served" basis and did not require an import licence.

Could the Moroccan authorities confirm that this new law does not change anything as regards the management of agricultural imports under WTO tariff quotas, particularly with respect to import licences?

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