Committee on Trade in Industrial Products
Group 4 - Licensing

REPLIES TO QUESTIONNAIRE ON LICENSING

Addendum

Zaire

Outline of systems

1. There are two import systems: the import declaration system which is in fact the system generally applicable, and the import licensing system. Neither is restrictive; on the contrary, both systems recognize the principle of import liberalization. The licensing system is supervised by the National Bank of Zaire for statistical reasons only. This supervision takes the form of a bank endorsement.

2. (a) Import declaration system

An import declaration is made where goods are imported with no prior endorsement by the National Bank of Zaire. This system covers more than 90 per cent of imports and in principle is applicable to all products except gold and precious stones, these being subject to licensing. The import declaration corresponds to a general licence which allows the importer to enter into a firm contract with a foreign supplier (circular 129 II).

(b) Import licensing system

In the regulations of Zaire, the term "licence" is not restrictive where imports are concerned, but merely implies supervision for statistical reasons in respect of products which are, or will become, particularly important for the country's economy.

Taking this into account, gold and precious stones are the only products subject to import licensing. In practice, this system is applicable to all products falling within Chapter 71 of the customs tariff.

In addition to the products mentioned above, the endorsement of the National Bank of Zaire is also required in cases where imports are effected on the basis of a partial payment (deposit) made at the time of ordering (circular 129 II).

3. All countries without distinction.
4. As stated above, the licensing is not restrictive in respect of either the quantity or the value of imports. It is maintained solely for purposes of supervision for statistical reasons.

5. The relative regulations are maintained under circulars issued by the National Bank of Zaire. The National Bank is the only body having authority in respect of exchange regulations.

6. The system is not restrictive and, therefore, no replies are given to the questions under point 6.

7. (a) There is no time-limit for submission of an import declaration or import licence. Licences can be obtained within forty-eight hours.

   (b) Yes, a licence can be granted immediately on request.

   (c) No, imports may take place at any time. Once the importer has obtained the import permit, he is not required to place his order within a specified period.

   (d) Import declarations are registered directly by the approved banks; import licences are subject to prior endorsement by the National Bank in the case of the products already mentioned. The importer has to approach only an approved bank.

8. A licence may be refused for articles which the Ministry of National Economy has prohibited for import. Generally such articles are those deemed to be contrary to public order and morality.

   - The reasons for refusal are given to the applicant.

   - There is no right of appeal in the event of justified refusal to issue a licence.

9. Yes, all persons may import into Zaire. In order to import, one must be registered with the National Bank of Zaire; registration is free of charge. The National Bank maintains a list of importers which is not published.

10. The principal particulars which must be entered in a licence application are as follows:

    - name, address and registration number of the importer;

    - name and address of the seller;

    - nature of the goods plus customs tariff plus quantity;
- nature and amount of foreign exchange;
- country of origin and of consignment;
- conditions of payment.

The import declaration is not accompanied by any supporting document except an analysis report issued by the Superintendence Company of Zaire in the case of textile products. In the case of an import licence, the pro forma invoice must be attached.

11. Upon actual importation, one sheet of the import licence or declaration must be presented, together with the transport document (BL). Upon actual importation or customs clearance, the customs authorities issue the declaration for consumption (DMC).

12. At the time of customs clearance, the customs authorities collect the admission duties (customs duty plus fiscal duty), and the statistical charge (3 per cent on the c.i.f. value). Although the amount of the admission duties varies according to the product, the average rate of customs duties is 10 per cent and certain exemptions may be granted.

13. No, import deposits were abolished in June 1967.

14. The period of validity of a licence is six months in principle; it may be extended if the importer so requests, by means of an additional stamp.

15. No, there is no penalty for non-utilization of a licence.

16. Licences are not transferable.

17. (b) No.

18. Imports are also subject to verification by the Superintendence Company of Zaire (quantity, quality and sometimes price) and also to certain specific analyses in the case of textile products.

19. The import permit implies a formal undertaking by the National Bank of Zaire to make available to importers the foreign exchange required to cover the import transaction, in exchange for payment of the corresponding value in Zaires.

- Yes, a licence is required as a condition for obtaining foreign exchange.

- Yes, foreign exchange is always available to cover licences issued.

- In order to obtain the foreign exchange in payment of imports, the foreign supplier must present the shipping documents, definitive invoices, and verification certificate of the Superintendence Company. Where payment is to be made on arrival, the importer must present to the approved bank the DMC instead of a shipping document.