REPLIES TO THE QUESTIONNAIRE ON LICENSING

Addendum

GABON

1. In Gabon there are differing import licensing systems:

(a) One system relates to import licences, for which application must first be made through a bank that has been approved for exchange transactions, and covers products that are subject to quota.

(b) The second system relates to import certificates for liberalized imports originating in and coming from the OCAM and EEC countries. This document constitutes a permit for the issue of foreign exchange and enables a check to be kept on the amount of the foreign exchange payments actually made.

2. Application of the "non-liberalized" (la) or the "liberalized" (lb) system depends on the origin and provenance of the goods. Liberalized products must necessarily originate in and be in provenance from OCAM or EEC member countries.

3. See question 2 above.

4. The aim of the system is to limit the value of imports in order to protect the balance of payments and to make it possible to meet any important foreign exchange requirements for investments that may arise.

5. Law 25/68 of 26 November 1968 and Decree 1481/PR of 17 February 1969 on financial relations with foreign countries;

- Ordinance Nos. 789 of 4 March 1953 and 599 of 13 June 1960 laying down procedures for imports and for the allocation of foreign exchange for import purposes;

- Ordinance No. 709/PR/EN of 1 June 1964 liberalizing the importation of products originating in and in provenance from EEC member States;

- Departmental Notice No. 51/MEN of 1 June 1964 laying down the methods to be followed in applying the import certificates procedure established by Ordinance 709/MEN referred to above. The executive branch can amend the import regulations without legislative approval.
6(a) The annual import programme is communicated to the Chamber of Commerce of Gabon and to any officially recognized authority in Gabon that asks for it. The regulations concerning imports and the allocation of foreign exchange are published in the Official Gazette.

The amount of foreign exchange allocated to each importer is notified to all importers authorized to import goods from abroad.

(b) Quotas are fixed for the calendar year. They are allocated among importers for the current year and may be used throughout the year in connexion with the submission of requests for import licences, valid for six months. The validity may be extended to twelve, eighteen and twenty-four months, depending on whether the products concerned are consumer goods or capital goods.

(c) Control over the use of licences is exercised on a firm-by-firm basis.

In Gabon there are about a hundred importers authorized to import from countries outside the franc area.

When the amount allocated under a licence is not fully used, the balance is used again when necessary during the same period.

The names of importers to whom licences have been allocated are not made known outside the country. The matter is an internal one; foreign manufacturers wishing to know which importers are interested in their products may apply to the Chamber of Commerce.

(d) Application for licences may be made immediately after the programme is made available; this is usually at the end of February each year.

(e) Import licences are granted immediately, or after about a week, depending on any special features presented by the application.

(f) This takes place at once; but, in principle, the licence must have been granted before the goods are shipped.

(g) A single organ, the Department of Foreign Trade in the Directorate of Economic Affairs, is responsible for issuing licences. These are not subject to visa or notes by other organs. They must be passed through a bank before being submitted to the Directorate of Economic Affairs.

(h) When the demand exceeds the amount provided for in the import programme, the allocation of quotas is made (under Ordinance No. 599) on the basis of: the latest annual turnover figure for imports (which must be at least CFAF 10 million, c.i.f. per year)

- the distributing network (wholesale, retail)
- investments
- the salaries paid

The needs of new importers are not from a general reserve equal to 5 per cent of the programme as a whole.

- No maximum amount is fixed, apart from inclusion in the programme.

(i) A Gabonese import licence is compulsory for imports into Gabon, and it is for Gabon to decide whether or not to grant such a licence in accordance with the regulations in force. The fact that an export permit has been issued by a foreign State does not mean that the corresponding Gabonese import licence will be issued automatically.

(j) Gabon has not signed any clearing agreement.

(k) No.

7(a) Import certificates (which are simply exchange authorizations, since importation of the product has been liberalized in terms of quantity) may be prepared by the importer without authority from the administration and in relation to the financial settlement to be made either before shipment or after clearance through the customs.

(b) Yes; this follows from the quantitative liberalization.

(c) No; import certificates are valid for six months from the date when they were lodged with a bank. They must relate to the value of each new consignment.

(d) No; the only control takes place later, when the foreign exchange transferred abroad is checked at the time of importation.