The following notification has been received from the European Communities in response to the Questionnaire on Import Licensing Procedures annexed to document L/5106. The present document describes the licensing systems maintained by the Community and supplements the information on the licensing systems applied in the Benelux Economic Union countries, Denmark and the United Kingdom circulated in documents L/5169 and Add.1.

The information reproduced below replaces the relevant data previously submitted by the European Communities in Annex I of document COM.IND/W/55-COM.AG/W72/Add.59.

**COMMISSION OF THE EUROPEAN COMMUNITIES**

Import Documents for Liberalized Products under Community Surveillance

Import Authorizations for Products under Community Quota

1. **Outline of systems**

For import licensing and similar procedures, the Community has established stock provisions covering products subject to Community import quotas and liberalized products the importation of which may be subject to Community supervision. A description of these systems, which are applicable to both industrial and agricultural products, is reproduced below. Additional information with regard to agricultural sector was originally given in Annex III on page 11 of document COM.IND/W/55-COM.AG/W72/Add.59.
The vast majority of imports of goods into the Community are not subject to a Community licensing régime. Those cases where Community policy, as regards the industrial chapters of the common customs tariff, requires application of a licensing régime are governed by the following texts.

Regulation (EEC) 1023/70 (OJ L 124 of 8.6.70, p. 1)
Common procedure for administering import or export quotas at Community level.

Regulation (EEC) 3059/78 (OJ L 365 of 27.12.78, p. 1)
Common rules for imports of certain textile products originating in third countries. In particular Articles 3(2) and 10.

Regulation (EEC) 925/79 (OJ L 131 of 29.5.79, p. 1)
Common rules for imports from State trading countries. In particular, Titles III and IV.

Regulation (EEC) 926/79 (OJ L 131 of 29.5.79, p. 15)
Common rules for imports from third countries (in general). In particular, Titles III and IV.

Import arrangements in respect of State trading countries. Also annual amendments.

In certain cases these regulations are the subject of more detailed implementation rules which are also published from time to time in the Official Journal of the European Communities.
Recommendation 587/80 (ECSC) (OJ L 65 of 11.3.80, p. 5)
Community surveillance for certain iron and steel products under the ECSC Treaty originating in third countries.

These texts provide for two broad categories of import licensing arrangements: automatic licensing and non-automatic licensing.

Automatic Licensing
Regulations 925/79 and 926/79 (Title III in particular) provide for certain imports into the Community to be subject to surveillance. This requires that importation only be allowed on submission of an "import document". This is issued and, where necessary, endorsed by appropriate authorities in the Member States.

As to the contents of this document, the regulations lay down certain framework provisions, requiring in particular an indication of the price and quantity of the goods to be imported. Within those framework provisions, the Member States are free to decide what the format and lay-out of the document should be, to establish administrative rules for their utilization, or, as is generally the case, to continue to use their traditional documents.

Non-automatic Licensing
The other texts referred to above, together with the provisions of Title IV of Regulations 925/79 and 926/79, govern imports of goods into the Community which are subject to non-automatic licensing. Such imports require a prior import authorization issued by the appropriate authorities of the Member State.

2. Purpose and coverage of the Licensing

Identification of Licensing systems maintained
(See reply No. 1 above.)

Products covered
See texts of regulations referred to above, and where appropriate their annexes.

3. Country of origin of products
See above, reply No. 2 "Products covered".
4. Use of licensing to restrict imports
Where the Community introduces import quotas, the issue of import authorizations within the limits of quotas is designed to restrict or to stabilize the quantity or the value of imports.

On the other hand, the import document established under Regulations (EEC) 926/79 and 925/79 is used exclusively for surveillance purposes.

5. Legal basis of the licensing system
The above-mentioned regulations.

Competence and conditions in the matter of import licensing
- Import document for surveillance of liberalized products: Commission of the European Communities, where developments on the market in respect of a liberalized product threaten to cause injury to Community producers of like or directly competing products.
- Introduction of quantitative import restrictions.
- Council of the European Communities, where there is market disruption within the meaning of Article XIX of GATT, or to allow the exercise of rights or ensure compliance with the obligations of the Community or of its Member States.
- Commission of the Communities, where critical circumstances make immediate action necessary.

Abolition of the system
The Community institutions, i.e. the Council or the Commission as the case may be, are obliged to abolish any measure where the conditions for its application are no longer met.

6. Procedures for licensing imports of products under quota
In cases where the Community has to introduce licensing for pressing economic reasons, the procedures are as follows:
(a) **Publication**
The size of Community quotas, the products to which they apply, and their allocation as among the various Member States are determined by regulations which are required to be published in the Official Journal. Not later than three weeks after each quota allocation, the Member States make known, by official publication, the products which may be imported and the procedure whereby import is to be authorized.

(b) **Period of validity of quotas**
There are no strict rules on this point. It may be taken, however, that as a general rule they are on an annual basis.

(c) **Allocation exclusively to domestic producers**
The regulations contain no rule in this respect.

**Steps taken to ensure that licences allocated are actually used**
In respect of each quota, the Member States notify the Commission, within the first twenty days of each month, of the value for which import authorizations were issued during the preceding month and the quantity of imports effected during the month preceding that month. Where it is found on the basis of that information that the use of the quota should be improved, adjustments can be made in its allocation as between the Member States. Thus, import possibilities not used in one Member State can be transferred to another Member State.

**Reporting to government of exporting countries of names of importers to whom licences have been allocated**
Left to the discretion of the Member States.

(d) **Time allowed for submission of application for licences**
One month, where all applications are to be examined together.

(e) **Time allowed for processing applications**
When applications are examined as and when they are received, the time between the date of receipt of the application and the decision on it may not exceed three weeks. Where all applications are examined together, the decision must be made within two months of submission of the application.
(f) **Time-limits for importing**

None specified.

(g) **Organ competent to process applications for licences**

Determined by Member States.

(h) **Procedure for allocation of licences**

Within the limits of their quota-shares, Member States are in principle at liberty to issue import authorizations either as and when received, or after examination of all applications together.

(i) **Issue of licences under export restraint arrangements**

For purposes of Community restraint a system of dual control is instituted. An import authorization or endorsement is issued automatically by Member States on production of the export permit issued by the exporter countries.

(j) **Double checking**

Does not apply.

(k) **Re-export stipulation**

The Regulation does not make specific provision for this.

7. **Documentary surveillance of liberalized products**

(a) **Time-limit for submission of the document prior to importation**

There is no limit specified in Regulation 926/79 (the duration of validity of the document is, however, determined in each individual case).

(b) **Immediate issue of the document**

This is possible; it is in fact the rule in most of the Member States.

(c) **Timing of applications**

No provision is made in Regulation 926/79.

(d) **Administrative organ competent to consider licence applications**

This is left to the discretion of Member States.
8. **Refusal of a licence and right of appeal**

   The question is left to the discretion of the individual Member States.

9. **Eligibility of importers to apply for a licence**

   The importer must have his place of establishment in the Community.

10. **Information required in applications**

    Import document covering liberalized products placed under surveillance:

    (a) **name and address of importer**

    (b) **description of the product, mentioning:**

    - commercial description
    - tariff heading, or reference number of the product, in the goods nomenclature of the national foreign trade statistics;
    - country of origin;
    - country of consignment;

    (c) **the c.i.f. price free-at-frontier and the quantity of the product in units customarily used in the trade in question.**

    (d) **the proposed date or dates of importation.**

    Member States may request further particulars. Import authorizations for products subject to quota.

    The question is left to the discretion of Member States.

11. **Licensing fee charged**

    No provision in the Community regulations.

13. **Deposit or advance payment requirement**

    No provision in the Community regulations.
14. **Period of validity of Licences**

Left to the discretion of Member States in the case of import authorizations for products subject to quota. Where a liberalized product is under surveillance, the duration of validity of the import document is determined in each individual case.

15. **Penalty for non-utilization of a Licence**

Left to the discretion of Member States.

16. **Transferability of Licences**

Left to the discretion of Member States.

17. **Conditions attached to the issue of a Licence**

No uniform Community procedure as yet.

18. **Administrative procedures apart from import licensing**

Ditto.

19. **Foreign exchange question**

Left to the discretion of Member States.