REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

Poland

The following notification has been received from the delegation of Poland in response to the questionnaire on import licensing procedures annexed to L/5640/Rev.3. The notification updates and replaces information previously provided in documents COM.IND/W/55-COM.AG/W/72, Add.14 and Add.56/Rev.1.

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1 A copy of Decree No.55 of 31 December 1984, referred to in the notification, in the Polish language, is available in the secretariat (Room 3063).
Outline of the system

1. According to Article 11 of the Customs Law of March 26, 1975 exportation and importation of goods are subject to licensing.

The Law authorizes the Minister of Foreign Trade to designate administrative bodies which issue licences, as well as, to lay down principles and administrative procedures of granting licences.

On the basis of the authorization of the Law the Minister of Foreign Trade issued the decree No 55 of December 31, 1984, on export and import licensing within the scope of foreign trade activity. The decree establishes a uniform import licensing system which is applied to all goods, irrespective of their category and country of origin, which are imported by economic units which are authorized to conduct foreign trade operations.

Import licences are granted upon applications which are submitted by importers for every contract. Licences can be modified depending on the actual realization of the contract. Licences are issued by a single administrative body, which is the Ministry of Foreign Trade.

Purposes and coverage of the licensing

2. Within the scope of foreign trade activity there is one import licensing system which is applied to all products and services specified in the decree No 55.

3. The system is applied to goods originating in any country.

4. The system is not aimed at restricting imports of particular products. Its purpose is to ensure an effective supervision of foreign trade turnover and its commodity structure, as well as, to establish the documentation basis for the information system about the conclusion and accomplishment of contracts.
5. The general requirement to obtain licence results from the provisions of Article 11 of the Customs Law and is of statutory character. All imported goods are subject to import licensing. The state administration has no right to limit the scope or to abolish the system without legislative approval. The legal basis is established by the law and decree referred to in par. 1 above.

Procedures

6 (a)-(j) Not applicable, No import quota exists.
6 (k) No.

7 (a) Applications should be submitted within 7 days since the date of concluding a contract. Import licence should be issued not later than within 10 days since the day when the application is submitted. Licences can be obtained within a shorter time-limit, including goods arriving at the border without licence.

7 (b) Yes.
7 (c) There are no limitations as to the period of the year during which applications for licence can be made.

7 (d) Applications are considered by a single administrative body. Licences are issued by the Ministry of Foreign Trade or by plenipotentiaries of the Ministry of Foreign Trade in enterprises in which such plenipotentiaries were established.

8. Regulations do not lay down conditions under which an application for a licence can be refused. In practice it may happen in case of shortages of foreign exchange to meet commitments or in case of application which is submitted by an enterprise which is not authorized to conduct foreign trade operations. Applications filled in erroneously are returned for correction. The reasons for refusal are given to the applicant on request. In accordance with the Code of administrative proceedings, the applicant has the right to present the appeal for reconsideration of the refused application to the Minister of Foreign Trade.
Eligibility of importers to apply for licence

9. Foreign trade enterprises as well as all legal and natural persons which have been granted general concessions to conduct foreign trade operations under the provisions of the law on rights to carry out foreign trade operations of February 26, 1982 are entitled to apply for import licences. There is no registration fee. The list of companies and natural persons authorized to conduct foreign trade operations is published in the Official Gazette of the Ministry of Foreign Trade.

Documentation and other requirements for application of licence

10. The following information is required in applications:
   - name of foreign supplier
   - importer and end-user
   - number of contract
   - terms of delivery
   - mode of transportation
   - conditions and foreign exchange of payment
   - number and kind of packing
   - denomination of goods
   - quantity
   - unit price
   - value in foreign exchange
   - exchange rate
   - FOB or CIF value in zloties
   - cooperation agreement (if any)
   - country of purchase and origin.

11. At the time of clearing goods through the customs a commercial invoice and certificate of origin, if necessary, are required in addition to a valid import licence.

12. There is no licensing fee or administrative charge.

13. No deposit or advance payment requirement is associated with the issue of licences.

Conditions of licensing

14. The licence is issued for the period necessary to accomplish the contract. The time-limit of the licence is that of the date of the last delivery or payment. In justified cases, the time-limit may be extended, but no more than by eighteen months in the case of goods of electrical and engineering industries and by nine months in the case of other goods.

15. There is no penalty for the non-utilization of a licence. In case of the non-utilization of a licence or a portion of a licence, an importer
is obliged to ask immediately, but not later than within fourteen days since the date of finding out this fact, for the full or partial cancelling of the licence. The abovementioned rule is not applied when the difference in the utilization of the licence does not exceed five per cent of the total value or is less than fifty thousand złoties.

16. Licences are not transferable between importers.

17. No other condition is attached to the issue of a licence.

Other procedural requirements

18. No.

19. The granting of the licence is a condition for issuing a payment order by an enterprise. The bank executes payment orders automatically.