

12 November 1955

WORKING PARTY ON BELGIAN-LUXEMBURG REQUESTS

Note by the Belgian Delegation concerning the
import and export system at present in force in Belgium

Under the relevant basic legislation in force in Belgium, all products are legally subject to licence both as regards importation and exportation.

Furthermore, the Belgian Government enjoys the necessary powers to lay down regulations or to institute restrictions in matters pertaining to imports and exports. There is no relationship between the exercise of these two powers except that in practice restrictions are made effective through the licensing system.

The fact that a product may or may not be subject to licence is independent of the question of liberalisation. The Government of Belgium has liberalised many products by making them subject to a system of declaration which has the value of a licence. In respect of those products to which the declaration is applicable, the customs administration accepts to regard as corresponding to a licence a statement containing the data which are normally entered on ordinary licences, which is filled in by the importer or the exporter and stamped by a bank approved by the Belgian Exchange Institute.

Some items remain for various reasons subject to licence even though they may have been liberalised. Such is the case, for instance, of imports or exports which are still subject to control when coming from non-OEEC members or non-GATT countries for the purpose of carrying out bilateral agreements entered into with such countries and also to keep watch over non-commercial payments. In cases where an item remains subject to licence procedure, even though it has been liberalised, unrestricted licences are delivered automatically for items imported from countries to which the liberalisation measure applies.

The liberalisation of an item is effected through a specific decision by the government taken either upon the initiative of the government itself, or pursuant to its international obligations. Liberalisation is never implicit and never results from the mere fact that no autonomous limitations are applied. With the development of the OEEC liberalisation programme, Belgian liberalisation measures have tended to coincide with measures instituted as a result of international commitments entered into by Belgium. To date, the list of Belgian liberalisation has been communicated to OEEC.

Items which do not appear on the liberalisation list remain restricted whether restrictions are strictly applied or licences are liberally issued.

Among such restrictions there are some which are regarded by the Belgian Government as not being in accordance with the General Agreement in respect of which the Belgian Government requests a waiver for the purpose of being authorised to maintain such restrictions during a transitional period.