

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

RESTRICTED
L/5640/Add.48/Rev.1
22 December 1994
Limited Distribution

(94-2913)

Original: English

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

MALTA

Revision

The following revised notification has been received from Malta in response to the Questionnaire on Import Licensing Procedures annexed to L/5640/Rev.10. It updates and replaces documents L/5640/Add.48 and Add.48/Suppl.1.

Outline of System

1. Import licensing is maintained under the Importation (Control) Regulations, 1969, published by Legal Notice in terms of the Supplies and Services Act, 1947 which provides that the Minister responsible for trade may make regulations to control imports. Licensing, therefore, is required by statute. Designation of products to be subjected to licensing is a legislative matter. When a new item is inserted in the list or an existing one taken out, a copy of the relevant amending regulations has to be laid on the table of the House of Representatives. The list of controlled goods can be changed as necessary. The system can be abolished only with legislative approval.

Purposes and Coverage of Licensing

2. An open general licence is granted for the importation of all goods into Malta other than those listed in the Schedule to the above-mentioned regulation. A copy of the current Schedule, published as Legal Notice No. 213 of 1990, is in Annex A.¹

3. The Maltese licensing system does not apply any discriminatory measures as regards countries from which imports are made. Importers are free to import from any source except from countries against which the U.N. Security Council trade sanctions are in force.

4. Whereas in past years licensing was generally intended to restrict the quantity or value of imports in the interests of developing local industry and agriculture, the system is now being regarded mainly as a means of monitoring health, veterinary, security and other similar considerations. Following measures undertaken during recent years, it was found possible to liberalize the importation of all manufactured products, with the exception of handmade lace and jewellery made of silver or gold filigree, which are considered as very sensitive items. Some restrictions still apply in respect of certain agricultural products but these are expected to be removed in 1995 upon the introduction of import levies on such products.

5. See reply 1.

¹ Available for consultation in the Secretariat (Office No. 3013).

Procedures

6. Malta no longer administers a quota system in respect of any imported goods. Such a system has been dismantled in the course of the past seven years.
7. Where no complications exist, licences may be issued on the same day of presentation of application. However, applications for licences should be submitted before the placing of orders abroad.

Eligibility of Importers to Apply for Licence

8. Except in cases where the importation of certain goods is prohibited, licences are not normally refused. Certain conditions, of course, have to be met, e.g. retail price undertaking in certain instances or a grading or type requirement as in the case of fresh fruit and seed potatoes. Reasons for refusal are generally given and applicants may, if they wish, appeal to the Minister responsible for the Trade Department.
9. All Maltese nationals and eligible local companies may apply for import licences.

Documentational and Other Requirements for Application for Licence

10. When applying for a licence prospective importers are required to give the following information:
 - (a) full name and address of applicant;
 - (b) importer's registration number;
 - (c) country of origin of goods;
 - (d) country from which goods are being consigned;
 - (e) approximate total c.i.f. value of orders; and
 - (f) particulars of goods to be imported.
11. A set of import licence application forms DT 127 (in quadruplicate) is in Annex B.¹ No documents are usually required to be supplied with the applications except such information as is necessary to ascertain the nature of the goods in doubtful cases.
12. A licensing fee of Lm1 is charged in the form of a postage stamp which is to be affixed on the Customs copy of licence at the time of presentation of the licence to the Customs authorities prior to release of the imported goods.
13. No deposits or advance payments are required for the issue of licences.

Conditions of Licensing

14. Normally the goods to which a licence relates have to be shipped within eight months from the date of issue of licence. In some special cases, licences are issued with a more limited validity period which, however, is always of a reasonable duration and does not preclude imports from any source. The normal period of validity of a licence of eight months may be extended at the discretion of and on applications to the Director of Trade.

¹Available for consultation in the Secretariat (Office No. 3013).

15. A penalty is imposed for the non-utilization of a licence only in exceptional circumstances as in the case of essential supplies in respect of which a contract had been entered into with the Government by the importer.

16. Licences are not transferable between importers.

17. Conditions aimed mainly to safeguard health, security, environmental and other such interests may be imposed on licences in relation to the goods being imported.

Other Procedural Requirements

18. No other administrative procedures are required.

19. Foreign exchange is automatically provided by the banking authorities for goods which have been imported, on presentation of documentary proof of importation. Since foreign exchange is made available after and not before importation, the facility is extended also to goods which are not subject to licensing control.