

Committee on Import Licensing

**FOURTH BIENNIAL REVIEW OF THE IMPLEMENTATION AND OPERATION
OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES**

*This document has been prepared under the Secretariat's own
responsibility and without prejudice to the positions of Members
and to their rights and obligations under the WTO*

Article 7.1 of the Agreement on Import Licensing Procedures provides that "the Committee shall review as necessary, but at least once every two years, the implementation and operation of this Agreement, taking into account the objectives thereof, and the rights and obligations contained therein". The main objectives of the Agreement are those listed in the preamble of the Agreement.

At its meeting on 24 September 2002, the Committee conducted the fourth biennial review under Article 7.1 of the Agreement on the basis of document G/LIC/W/17. The present document takes into account the points made during that review.

The information contained in this document covers the period from 12 October 2000 to 11 October 2002.

| | | |
|-------------|---|-----------|
| I. | COMMITTEE ON IMPORT LICENSING | 3 |
| A. | OFFICERS, MEMBERS AND OBSERVERS..... | 3 |
| B. | MAIN DEVELOPMENTS IN THE WORK OF THE COMMITTEE DURING THE PERIOD COVERED | 4 |
| II. | NOTIFICATIONS..... | 5 |
| C. | NOTIFICATIONS OF PUBLICATIONS AND/OR LEGISLATION (ARTICLES 1.4(A) AND/OR 8.2(B)) | 5 |
| D. | NOTIFICATIONS OF IMPORT LICENSING PROCEDURES (ARTICLES 7.3 AND 5)..... | 7 |
| III. | CONSULTATION AND DISPUTE SETTLEMENT | 10 |
| | ANNEX I..... | 12 |
| | ANNEX II | 15 |
| | ANNEX III..... | 16 |
| | ANNEX IV | 17 |

I. COMMITTEE ON IMPORT LICENSING

A. OFFICERS, MEMBERS AND OBSERVERS

1. Officers:

| | |
|---------------------------------|------------------------------------|
| <u>Chairperson</u> (2001): | Ms. Simone Rudder (Barbados) |
| <u>Vice-Chairperson</u> (2001): | Ms. Nancy Johnston (United States) |
| <u>Chairperson</u> (2002): | Mr. Hiromichi Matsushima (Japan) |
| <u>Vice-Chairperson</u> (2002): | Ms. Philippa Davies (Jamaica) |

2. Members (144)¹:

| | | | |
|----------------------|------------------|------------------|--------------------------|
| Albania | Dominica | Kyrgyz Rep. | Qatar |
| Angola | Dominican Rep. | Latvia | Romania |
| Antigua & Barbuda | EC | Lesotho | Rwanda |
| Argentina | Ecuador | Liechtenstein | St. Kitts & Nevis |
| Australia | Egypt | Lithuania | St. Lucia |
| Austria | El Salvador | Luxembourg | St. Vincent & Grenadines |
| Bahrain | Estonia | Macau, China | Senegal |
| Bangladesh | Fiji | Madagascar | Sierra Leone |
| Barbados | Finland | Malawi | Singapore |
| Belgium | France | Malaysia | Slovak Republic |
| Belize | Gabon | Maldives | Slovenia |
| Benin | Georgia | Mali | Solomon Islands |
| Bolivia | Gambia | Malta | South Africa |
| Botswana | Germany | Mauritania | Spain |
| Brazil | Ghana | Mauritius | Sri Lanka |
| Brunei Darussalam | Greece | Mexico | Suriname |
| Bulgaria | Grenada | Moldova | Swaziland |
| Burkina Faso | Guatemala | Mongolia | Sweden |
| Burundi | Guinea Bissau | Morocco | Switzerland |
| Cameroon | Guinea, Rep. of | Mozambique | Tanzania |
| Canada | Guyana | Myanmar | Thailand |
| Central African Rep. | Haiti | Namibia | Togo |
| Chad | Honduras | Netherlands | Trinidad & Tobago |
| Chile | Hong Kong, China | New Zealand | Tunisia |
| China | Hungary | Nicaragua | Turkey |
| Chinese Taipei | Iceland | Niger | Uganda |
| Colombia | India | Nigeria | United Arab Emirates |
| Congo | Indonesia | Norway | United Kingdom |
| Costa Rica | Ireland | Oman | United States |
| Côte d'Ivoire | Israel | Pakistan | Uruguay |
| Croatia | Italy | Panama | Venezuela |
| Cuba | Jamaica | Papua New Guinea | Zambia |
| Cyprus | Japan | Paraguay | Zimbabwe |
| Czech Rep. | Jordan | Peru | |
| Dem. Rep. of Congo | Kenya | Philippines | |
| Denmark | Korea | Poland | |
| Djibouti | Kuwait | Portugal | |

¹ Members on 11 October 2002.

3. Observers

Observer Governments (31)²

| | |
|----------------------|--------------------------|
| Algeria | Lebanon |
| Andorra | Nepal |
| Armenia | Russian Federation |
| Azerbaijan | Samoa |
| Bahamas | Sao Tome & Principe |
| Belarus | Saudi Arabia |
| Bhutan | Seychelles |
| Bosnia & Herzegovina | Sudan |
| Cambodia | Tajikistan |
| Cape Verde | Tonga |
| Ethiopia | Ukraine |
| Former Yugoslav | Uzbekistan |
| Rep. of Macedonia | Vanuatu |
| Holy See | Vietnam |
| Kazakhstan | Yemen |
| Lao Dem. Rep. | Yugoslavia, Fed. Rep. of |

Observer organizations

IMF
UNCTAD
World Bank

B. MAIN DEVELOPMENTS IN THE WORK OF THE COMMITTEE DURING THE PERIOD COVERED

4. During the reporting period, the Committee held its thirteenth, fourteenth, fifteenth and sixteenth meetings on 4 April and 9 October 2001, and 14 May and 24 September 2002. The minutes of these meetings are contained in documents G/LIC/M/13-16, respectively.

5. During the period covered, the Committee received notifications of legislation and/or publications submitted by 26 Members, replies to the Questionnaire on Import Licensing Procedures submitted by 58 Members³ and notifications relating to the institution of import licensing procedures or changes in these procedures submitted by 12 Members; carried out the fourth biennial review of the implementation and operation of the Agreement under Article 7.1 on the basis of a factual report prepared by the Secretariat (G/LIC/W/17); adopted its annual reports for 2001 and 2002 to the Council for Trade in Goods in accordance with Article 7.4 of the Agreement (G/L/493 and G/L/573); discussed the matter of the lack of compliance with notification obligations and how this situation could be improved; and agreed that the transitional review of the implementation of China's commitments in the import licensing area pursuant to Section 18 of its Protocol of Accession⁴ would be conducted at the 24 September 2002 meeting (G/LIC/M/15, paragraph 3). The report of the Committee to the Council for Trade in Goods on this review was circulated in document G/LIC/10 (G/LIC/M/16, paragraph 3).

6. The Chair expressed continuing concern over the failure of many Members to submit the required notifications. The Committee was informed of the steps taken by the Chair and the

² Observers on 11 October 2002.

³ The European Communities and its member States counted as one Member.

⁴ WT/L/432.

Secretariat with a view to improving the situation. It was noted that, in spite of numerous reminders and urging from the Committee, the situation had not improved. As at 11 October 2002, 31 Members had not submitted any notifications under the Agreement; only 83 Members⁵ had submitted notifications of laws, regulations and administrative procedures relevant to import licensing under Articles 1.4(a) and/or 8.2(b), only 25 Members⁵ had notified the institution of new licensing procedures or changes in existing procedures under paragraphs 1-4 of Article 5; and a cumulative total of 85 Members⁵ had submitted replies to the Questionnaire under Article 7.3 since the entry into force of the WTO Agreement. Though the Agreement required all Members to provide replies to the Questionnaire on an annual basis, the total notified each year was much less than the Membership of the WTO, accounting for only 11 Members in 1995, 22 in 1996, 25 in 1997, 26 in 1998, 20⁵ in 1999, 32⁵ in 2000, 23⁵ in 2001 and 35⁵ up to now in 2002. Members who had not yet submitted the required notifications were urged to do so without any further delay. Written questions and replies concerning the notifications submitted to the Committee may be found in documents in the G/LIC/Q series.⁶

II. NOTIFICATIONS

C. NOTIFICATIONS OF PUBLICATIONS AND/OR LEGISLATION (ARTICLES 1.4(A) AND/OR 8.2(B))

10. Paragraph 4(a) of Article 1 and paragraphs 3, 4, 5(b), 5(c) and 5(d) of Article 3 require Members to publish certain information "for other Members and traders to know the basis for granting and/or allocating licences", or "in such a manner as to enable governments and traders to become acquainted with them". Article 1.4(a) requires Members to notify to the Committee the sources in which the information concerning import licensing procedures are published, and to make copies of these publications available to the Secretariat.

11. Paragraph 2(a) of Article 8 provides that "each Member shall ensure, not later than the date of entry into force of the WTO Agreement for it, the conformity of its laws, regulations and administrative procedures with the provisions of this Agreement"; paragraph 2(b) states that "each Member shall inform the Committee of any changes in its laws and regulations relevant to this Agreement and in the administration of such laws and regulations".

12. The Committee agreed that in cases where the publications or legislation were not in a WTO official language, Members shall provide, together with such publications or legislation, a summary of the notification in one of the WTO languages. Other Members may ask for a full translation if they so wish, or seek any additional information on a bilateral basis. Any issues that cannot be solved on a bilateral basis may be brought to the attention of the Committee. It was also agreed that the first notification under Article 8.2(b) shall contain the full text of relevant laws and regulations in effect on the entry into force of the WTO Agreement for the Member concerned (G/LIC/M/2 and G/LIC/3).

13. Since the entry into force of the WTO Agreement, notifications pursuant to Articles 1.4(a) and/or 8.2(b) have been received from 83⁷ Members and have been circulated in the G/LIC/N/1/-series. Copies of publications and legislation submitted with these notifications are available for consultation in the Secretariat. The current status of notifications is contained in the table below. Written questions and replies concerning these notifications may be found in documents in the G/LIC/Q series.⁸

⁵ The European Communities and its member States counted as one Member.

⁶ See Annex IV.

⁷ The European Communities and its member States counted as one Member.

⁸ See Annex IV.

| Member | Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication) | Member | Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication) |
|----------------------|--|-----------------------------|--|
| Albania | Not notified | Kyrgyz Rep. | G/LIC/N/1/KGZ/1 (6.1.00) |
| Angola | Not notified | Latvia | G/LIC/N/1/LVA/1 (18.5.99) |
| Antigua & Barbuda | G/LIC/N/1/ATG/1 (8.12.01) | Lesotho | Not notified |
| Argentina | G/LIC/N/1/ARG/1/Rev.1- ARG/2 (19.12.97) | Liechtenstein | G/LIC/N/1/LIE/1-2 (17.10.00) |
| Australia | G/LIC/N/1/AUS/1 & Add.1 (28.4.97) | Macau, China | G/LIC/N/1/MAC/1 & Add.1 (7.2.02) |
| Bahrain | G/LIC/N/1/BHR/1 (27.5.97) | Madagascar | G/LIC/N/1/MDG/1-2 (31.3.00) |
| Bangladesh | G/LIC/N/1/BGD/1 (31.3.00) | Malawi | G/LIC/N/1/MWI/1 (10.5.99) |
| Barbados | G/LIC/N/1/BRB/1 (4.10.96) | Malaysia | Not notified |
| Belize | Not notified | Maldives | Not notified |
| Benin | G/LIC/N/1/BEN/1 (18.12.96) | Mali | G/LIC/N/1/MLI/1 (23.7.01) |
| Bolivia | G/LIC/N/1/BOL/1 (29.5.97) | Malta | G/LIC/N/1/MLT/1 (29.5.96) |
| Botswana | Not notified | Kuwait | Not notified |
| Brazil | G/LIC/N/1/BRA/1 (24.4.98) | Mauritania | Not notified |
| Brunei Darussalam | Not notified | Mauritius | G/LIC/N/1/MUS/1 & Add.1-3 (4.5.98) |
| | | Mexico | Not notified |
| Bulgaria | G/LIC/N/1/BGR/1 (20.3.97) | Moldova | G/LIC/N/1/MDA/1 (9.1.02) |
| Burkina Faso | G/LIC/N/1/BFA/1 (8.1.97) | Mongolia | Not notified |
| Burundi | G/LIC/N/1/BUR/1 (3.4.01) | Morocco | G/LIC/N/1/MAR/1 (3.7.96) |
| Cameroon | G/LIC/N/1/CMR/1 (13.7.01) | Mozambique | Not notified |
| Canada | G/LIC/N/1/CAN/1 (29.1.96) | Myanmar | Not notified |
| Central African Rep. | Not notified | Namibia | G/LIC/N/1/NAM/1 (8.10.02) |
| Chad | G/LIC/N/1/TCD/1-2 (18.7.00) | New Zealand | G/LIC/N/1/NZL/1 (2.8.96) |
| Chile | G/LIC/N/1/CHL/1 (16.7.96) | Nicaragua | G/LIC/N/1/NIC/1 (18.7.96) |
| China | G/LIC/N/1/CHN/1 + Add.1 (19.9.02) | Niger | G/LIC/N/1/NER/1 (10.12.97) |
| Chinese Taipei | G/LIC/N/1/TPKM/1-3 (27.9.02) | Nigeria | G/LIC/N/1/NGA/1 (16.2.98) |
| Colombia | G/LIC/N/1/COL/1 & Add.1 (4.12.00) | Norway | G/LIC/N/1/NOR/1-2 (3.11.97) |
| Congo | Not notified | Pakistan | G/LIC/N/1/PAK/1 (6.5.96) |
| Congo, Dem. Rep. of | Not notified | Panama | G/LIC/N/1/PAN/1-2 (19.10.98) |
| Costa Rica | G/LIC/N/1/CRI/1 (21.11.95) | Papua New Guinea | Not notified |
| Côte d'Ivoire | G/LIC/N/1/CIV/1 (10.1.02) | | |
| Croatia | G/LIC/N/1/HRV/1 (7.1.02) | Paraguay | Not notified |
| Cuba | G/LIC/N/1/CUB/1 (11.1.96) | Peru | G/LIC/N/1/PER/1 (13.2.96) |
| Cyprus | G/LIC/N/1/CYP/1 (30.5.96) | Philippines | G/LIC/N/1/PHL/1 (6.4.98) |
| Czech Republic | G/LIC/N/1/CZE/1+Add.1- CZE/2 (14.3.01)) | Poland | Not notified |
| Djibouti | Not notified | Qatar | G/LIC/N/1/QAT/1 (24.3.98) |
| Dominica | G/LIC/N/1/DMA/1 (8.2.01) | Romania | G/LIC/N/1/ROM/1-2 (1.3.99) |
| Dominican Republic | Not notified | Rwanda | Not notified |
| Ecuador | Not notified | St. Kitts & Nevis | G/LIC/N/1/KNA/1 (17.7.98) |
| Egypt | Not notified | St. Lucia | Not notified |
| El Salvador | Not notified | St. Vincent & Grenadines | Not notified |
| Estonia | G/LIC/N/1/EST/1+Add.1-2 (14.12.01) | Senegal | Not notified |
| European Communities | G/LIC/N/1/EEC/1/Rev.2 + Add.1-2 & EEC/2 + Add.1-3 (18.3.02) | Sierra Leone | Not notified |
| Fiji | G/LIC/N/1/FJI/1 (30.7.97) | Singapore | G/LIC/N/1/SGP/1-3 (23.2.00) |
| Gabon | G/LIC/N/1/GAB/1-2 (5.3.02) | Slovak Republic | G/LIC/N/1/SVK/1 (20.9.02) |
| Gambia | Not notified | Slovenia | G/LIC/N/1/SVN/1 (27.11.96) |
| Georgia | Not notified | Solomon Islands | Not notified |
| Ghana | Not notified | South Africa | Not notified |
| Grenada | G/LIC/N/1/GRD/1 (13.3.02) | Sri Lanka | Not notified |
| Guatemala | G/LIC/N/1/GTM/1-2 (20.1.00) | Suriname | Not notified |

| Member | Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication) | Member | Art. 1.4(a) and/or 8.2(b) publications and/or legislation (date of latest communication) |
|---------------------|--|----------------------|--|
| Guinea, Republic of | Not notified | Swaziland | G/LIC/N/SWZ/1 (19.8.96) |
| Guinea Bissau | Not notified | Switzerland | G/LIC/N/CHE/1-2 (21.9.00) |
| Guyana | G/LIC/N/GUY/1 (5.4.02) | Tanzania | Not notified |
| Haiti | G/LIC/N/HTI/1 (8.10.99) | Thailand | Not notified |
| Honduras | G/LIC/N/HND/1 (31.10.96) | Togo | Not notified |
| Hong Kong, China | G/LIC/N/HKG/1-4 (20.4.98) | Trinidad & Tobago | G/LIC/N/TTO/1 (28.10.98) |
| Hungary | G/LIC/N/HUN/1-5 (23.4.02) | Tunisia | G/LIC/N/TUN/1+Add.1 (21.1.99) |
| Iceland | G/LIC/N/ISL/1 (8.1.99) | Turkey | G/LIC/N/TUR/1- TUR/2/Rev.1, TUR/ 3 + Add.1 (3.7.01)) |
| India | G/LIC/N/IND/1/Rev.1 + IND/2-5 (3.6.02) | Uganda | G/LIC/N/UGA/1 (16.8.96) |
| Indonesia | G/LIC/N/IDN/1 (27.10.98) | United Arab Emirates | G/LIC/N/ARE/1 (19.3.97) |
| Israel | Not notified | United States | G/LIC/N/USA/1 & Rev.1 (1.10.96) |
| Jamaica | G/LIC/N/JAM/1 (1.7.96) | Uruguay | G/LIC/N/URY/1-3 (17.9.01) |
| Japan | G/LIC/N/JPN/1-2/Rev.1 (7.1.97) | Venezuela | Not notified |
| Jordan | G/LIC/N/JOR/1-2 (3.9.01) | Zambia | Not notified |
| Kenya | Not notified | Zimbabwe | G/LIC/N/ZWE/1-2 (21.9.98) |
| Korea | G/LIC/N/KOR/1-3 (3.4.98) | | |
| TOTAL NOTIFIED | 83 Members ⁹ | | |

D. NOTIFICATIONS OF IMPORT LICENSING PROCEDURES (ARTICLES 7.3 AND 5)

14. Article 2.1 of the Agreement defines automatic import licensing as "import licensing where approval of the application is granted in all cases, and in accordance with the requirements of paragraph 2(a)". Paragraph 2(a) of Article 2 states that "automatic import licensing procedures shall not be administered in such a manner as to have restricting effects on imports subject to automatic licensing ...".¹⁰ Article 3 defines non-automatic import licensing as "import licensing not falling within the definition contained in paragraph 1 of Article 2".¹¹

15. Pursuant to Article 7.3 of the Agreement, Members undertake to complete the annual Questionnaire on Import Licensing Procedures¹² promptly and in full. At its meeting in October 1995, the Committee established a time-limit of 30 September each year to submit these notifications (G/LIC/M/2 and G/LIC/3).

16. Article 5.1 of the Agreement requires Members which institute licensing procedures or changes in these procedures to notify the Committee of such within 60 days of publication. Pursuant to Article 5.2, the notifications shall include: the list of products subject to licensing procedures; contact point for information on eligibility; administrative body(ies) for submission of applications; date and name of publication where licensing procedures are published; indication of whether the licensing procedure is automatic or non-automatic according to definitions contained in Articles 2 and 3; in the case of automatic licensing procedures, their administrative purpose; in the case of non-automatic licensing procedures, indication of the measure being implemented through the licensing procedure; and expected duration of the licensing procedure if this can be estimated with

⁹ The European Communities and its member States counted as one Member.

¹⁰ A concordance between the provisions of the Agreement relating to automatic licensing procedures and the Questionnaire on Import Licensing Procedures is contained in Annex II.

¹¹ A concordance between the provisions of the Agreement relating to non-automatic licensing procedures and the Questionnaire on Import Licensing Procedures is contained in Annex III.

¹² The Questionnaire is annexed to document G/LIC/3 and is reproduced in Annex I.

some probability, and if not, reason why this information cannot be provided. Article 5.4 requires Members to notify the Committee of the publications in which the information required in Article 1.4 will be published.

17. In addition, pursuant to Article 5.5 any interested Member which considers that another Member has not notified the institution of a licensing procedure or changes therein in accordance with the provisions of Articles 5.1-5.3 may bring the matter to the attention of such other Member. If notification is not made promptly thereafter, such Member may itself notify the licensing procedure or changes therein, including all relevant and available information.

18. During the period covered, 58 Members¹³ have submitted replies to the Questionnaire pursuant to Article 7.3 of the Agreement and 12 Members have notified the institution of import licensing procedures or changes in these procedures pursuant to paragraphs 1-4 of Article 5 (circulated in the G/LIC/N/3/- and G/LIC/N/2/- series, respectively). So far, the Committee has not received any notifications under Article 5.5. The status of notifications under Articles 7.3 and 5.1-5.4 since the entry into force of the Agreement is as follows. Written questions and replies concerning these notifications may be found in documents in the G/LIC/Q series¹⁴.

| Member | Article 7.3 Replies to Questionnaire – Annual (date of latest communication) | Article 5.1-5.4 – Ad hoc (date of latest communication) |
|----------------------|--|--|
| Albania | G/LIC/N/3/ALB/1 (28.1.02) | G/LIC/N/2/ALB/1 (20.2.02) |
| Angola | Not notified | |
| Antigua & Barbuda | G/LIC/N/3/ATG/1-2 (18.12.01) | |
| Argentina | G/LIC/N/3/ARG/1-ARG/2 + Add.1 (8.2.02) | G/LIC/N/2/ARG/1-6 (26.11.99) |
| Australia | G/LIC/N/3/AUS/1 + Rev.1-AUS/2 (24.5.02) | |
| Bahrain | G/LIC/N/3/BHR/1 (5.9.00) | |
| Bangladesh | G/LIC/N/3/BGD/1 (31.3.00) | |
| Barbados | G/LIC/N/3/BRB/1-2 (8.5.02) | |
| Belize | Not notified | |
| Benin | Not notified | |
| Bolivia | G/LIC/N/3/BOL/1-3 (20.6.00) | |
| Botswana | Not notified | |
| Brazil | G/LIC/N/3/BRA/1-2 (29.1.02) | G/LIC/N/2/BRA/1 (24.4.98) |
| Brunei Darussalam | G/LIC/N/3/BRN/1 (4.3.97) | |
| Bulgaria | G/LIC/N/3/BGR/1-2 (8.5.02) | |
| Burkina Faso | G/LIC/N/3/BFA/1 + Add.1 (24.11.00) | |
| Burundi | G/LIC/N/3/BUR/1-2 (12.10.01) | |
| Cameroon | Not notified | |
| Canada | G/LIC/N/3/CAN/1-4 + Corr:1 (2.1.02) | |
| Central African Rep. | Not notified | |
| Chad | G/LIC/N/3/TCD/1-2 (13.6.01) | |
| Chile | G/LIC/N/3/CHL/1 & Add.1-2 (3.2.99) | |
| China | G/LIC/N/3/CHN/1 (19.9.02) | |
| Chinese Taipei | G/LIC/N/3/TPKM/1 (27.9.02) | G/LIC/N/2/TPKM/1 (7.6.02) |
| Colombia | G/LIC/N/3/COL/1 & Add.1-2 (4.12.00) | |
| Congo | Not notified | |
| Congo, Dem. Rep | Not notified | |
| Costa Rica | G/LIC/N/3/CRI/1-3 (15.12.00) | |
| Côte d'Ivoire | G/LIC/N/3/CIV/1 (10.1.02) | |
| Croatia | G/LIC/N/3/HRV/1 (7.1.02) | |
| Cuba | G/LIC/N/3/CUB/1 (20.12.01) | |

¹³ The European Communities and its member States counted as one Member.

¹⁴ See Annex IV.

| Member | Article 7.3 Replies to Questionnaire – Annual (date of latest communication) | Article 5.1-5.4 – Ad hoc (date of latest communication) |
|----------------------|---|--|
| Cyprus | G/LIC/N/3/CYP/1+ Rev.1-CYP/3 (28.3.02) | |
| Czech Republic | G/LIC/N/3/CZE/1 + Add.1 (1.10.02) | G/LIC/N/2/CZE/1 (27.6.02) |
| Djibouti | Not notified | |
| Dominica | G/LIC/N/3/DMA/1 (8.2.01) | |
| Dominican Rep. | Not notified | |
| Ecuador | G/LIC/N/3/ECU/1 + Add.1 (27.9.02) | |
| Egypt | Not notified | |
| El Salvador | Not notified | |
| Estonia | G/LIC/N/1/EST/1-2 (19.12.01) | |
| European Communities | G/LIC/N/3/EEC/1 + Add.1-EEC/2 + Add.1-27-EEC/3 + Add.1-26-EEC/4 + Add.1-EEC/5 + Add.1 (1.10.02) | G/LIC/N/2/EEC/1-2 (4.7.97) |
| Fiji | G/LIC/N/3/FJI/1 (1.4.97) | |
| Gabon | Not notified | |
| Gambia | G/LIC/N/3/GMB/1 (31.10.97) | |
| Georgia | G/LIC/N/3/GEO/1 (3.7.01) | |
| Ghana | G/LIC/N/3/GHA/1-2 (17.8.01) | |
| Grenada | Not notified | |
| Guatemala | G/LIC/N/3/GTM/1 (20.1.00) | |
| Guinea, Rep. of | Not notified | |
| Guinea Bissau | Not notified | |
| Guyana | G/LIC/N/3/GUY/1 (2.4.02) | |
| Haiti | G/LIC/N/3/HTI/1-2 (27.4.00) | |
| Honduras | Not notified | |
| Hong Kong, China | G/LIC/N/3/HKG/1 + Rev.1-2-HKG/2-3 + Corr.1-HKG/4-6 (27.9.02) | G/LIC/N/2/HKG/1-2 (27.1.98) |
| Hungary | G/LIC/N/3/HUN/1-3 + Add.1-2 (23.4.02) | G/LIC/N/2/HUN/1-2 (23.4.02) |
| Iceland | G/LIC/N/3/ISL/1-2 (5.6.00) | |
| India | G/LIC/N/3/IND/1-5 (15.3.02) | G/LIC/N/2/IND/1-5 (3.6.02) |
| Indonesia | G/LIC/N/3/IDN/1 (27.10.98) | |
| Israel | Not notified | |
| Jamaica | G/LIC/N/3/JAM/1+Add.1-2 (18.9.02) | |
| Japan | G/LIC/N/3/JPN/1 + Corr.1-JPN/2 (31.1.02) | G/LIC/N/2/JPN/1-3 (12.4.01) |
| Jordan | G/LIC/N/3/JOR/1 (2.10.00) | G/LIC/N/2/JOR/1 (1.12.00) |
| Kenya | G/LIC/N/3/KEN/1 (10.11.97) | |
| Korea | G/LIC/N/3/KOR/1-3 (16.5.02) | |
| Kuwait | Not notified | |
| Kyrgyz Rep. | G/LIC/N/3/KGZ/1 (11.4.00) | |
| Latvia | G/LIC/N/3/LVA/1-2 (7.1.02) | |
| Lesotho | Not notified | |
| Liechtenstein | G/LIC/N/3/LIE/1+Add.1-LIE/4 (15.8.02) | G/LIC/N/2/LIE/1-2 (17.10.00) |
| Lithuania | Not notified | |
| Macau, China | G/LIC/N/3/MAC/1-4 (29.10.01) | |
| Madagascar | G/LIC/N/3/MDG/1 (23.8.02) | |
| Malawi | G/LIC/N/3/MWI/1+ Add.1 (11.10.02) | |
| Malaysia | G/LIC/N/3/MYS/1 (4.12.97) | G/LIC/N/2/MYS/1-2 (21.7.99) |
| Maldives | G/LIC/N/3/MDV/1 (21.3.02) | |
| Mali | G/LIC/N/3/MLI/1-2 (27.3.01) | |
| Malta | G/LIC/N/3/MLT/1-3 (6.11.01) | |
| Mauritania | Not notified | |
| Mauritius | G/LIC/N/3/MUS/1-2 + Corr.1 (24.5.02) | |
| Mexico | Not notified | G/LIC/N/2/MEX/1 (16.10.98) |
| Moldova | G/LIC/N/3/MDA/1 (30.1.02) | |
| Mongolia | Not notified | |
| Morocco | G/LIC/N/3/MAR/1-2 +Add.1 (18.2.99) | |
| Mozambique | Not notified | |

| Member | Article 7.3 Replies to Questionnaire – Annual (date of latest communication) | Article 5.1-5.4 – Ad hoc (date of latest communication) |
|------------------------------|--|--|
| Myanmar | Not notified | |
| Namibia | G/LIC/N/3/NAM/1-4 (8.10.02) | |
| New Zealand | G/LIC/N/3/NZL/1 + Add.1 (24.3.98) | |
| Nicaragua | Not notified | |
| Niger | Not notified | |
| Nigeria | G/LIC/N/3/NGA/1-2 (16.2.98) | G/LIC/N/2/NGA/1-2 (16.2.98) |
| Norway | G/LIC/N/3/NOR/1 + Corr.1 & NOR/2 + Add.1-2 (7.4.00) | |
| Oman | G/LIC/N/3/OMN/1 (1.4.01) | |
| Pakistan | Not notified | G/LIC/N/2/PAK/1 (6.5.96) |
| Panama | G/LIC/N/3/PAN/1 (22.1.99) | G/LIC/N/2/PAN/1 (21.7.98) |
| Papua New Guinea | Not notified | G/LIC/N/2/PNG/1 (6.2.98) |
| Paraguay | Not notified | |
| Peru | G/LIC/N/3/PER/1-2 + Add.1 (4.10.99) | |
| Philippines | G/LIC/N/3/PHL/1-4 (10.10.01) | |
| Poland | G/LIC/N/3/POL/1 (7.10.97) | G/LIC/N/2/POL/1-9 (9.8.02) |
| Qatar | G/LIC/N/3/QAT/1 (24.3.98) | |
| Romania | G/LIC/N/3/ROM/1-2 + Add.1 (12.12.00) | G/LIC/N/2/ROM/1-3 (4.2.02) |
| Rwanda | Not notified | |
| St. Kitts & Nevis | Not notified | |
| St. Lucia | Not notified | G/LIC/N/2/LCA/1 (17.1.02) |
| St. Vincent & Grenadines | Not notified | |
| Senegal | G/LIC/N/3/SEN/1 (20.1.97) | |
| Sierra Leone | Not notified | |
| Singapore | G/LIC/N/3/SGP/1-3 (13.10.00) | G/LIC/N/2/SGP/1-2 (23.2.00) |
| Slovak Republic | G/LIC/N/3/SVK/1 (20.9.02) | |
| Slovenia | G/LIC/N/3/SVN/1-2 (4.9.02) | |
| Solomon Islands | Not notified | |
| South Africa | G/LIC/N/3/ZAF/1-4 (11.9.02) | G/LIC/N/2/ZAF/1 (9.7.97) |
| Sri Lanka | Not notified | |
| Suriname | Not notified | |
| Swaziland | Not notified | |
| Switzerland | G/LIC/N/3/CHE/1-4 (18.7.02) | G/LIC/N/2/CHE/1-2 (21.9.00) |
| Tanzania | Not notified | |
| Thailand | Not notified | |
| Togo | Not notified | |
| Trinidad & Tobago | G/LIC/N/3/TTO/1-3 (27.2.01) | |
| Tunisia | G/LIC/N/3/TUN/1-3 + Add.1-2 (4.1.02) | |
| Turkey | G/LIC/N/3/TUR/1-2 + Corr.1-TUR/4 + Corr.1 (3.7.01) | |
| Uganda | G/LIC/N/3/UGA/1 + Add.1 (8.11.00) | |
| United Arab Emirates | G/LIC/N/3/ARE/1 (11.4.00) | |
| United States | G/LIC/N/3/USA/1-3 (6.11.00) | |
| Uruguay | G/LIC/N/3/URY/1+Add.1 (27.1.99) | |
| Venezuela | G/LIC/N/3/VEN/1 (16.5.02) | G/LIC/N/2/VEN/1-4 (5.4.02) |
| Zambia | Not notified | |
| Zimbabwe | G/LIC/N/3/ZWE/1/Add.1-2 (15.2.01) | |
| TOTAL NOTIFIED ¹⁵ | 85 Members ¹⁵ | 25 Members ¹⁵ (58 notifications) |

III. CONSULTATION AND DISPUTE SETTLEMENT

19. During the reporting period, Chile requested consultations with Mexico pursuant to Articles 1, 2 and 5 of the TBT Agreement, Articles 1, 3 and 5 of the Agreement on Import Licensing

¹⁵ The European Communities and its member States counted as one Member.

Procedures, and Article III:4 of the GATT 1994, on a series of Mexican laws and regulations which are alleged to constitute unnecessary barriers to the import of Chilean matches (WT/DS/232, G/LIC/D/32).

20. Ecuador requested consultations with Turkey pursuant to Articles II, III, VIII, X and XI of the GATT 1994; Articles 2.3 and 8 and Annexes B and C of the Agreement on the Application of Sanitary and Phytosanitary Measures, Paragraphs 2, 3, 5 and 6 of Article 1 of the Agreement on Import Licensing Procedures, Article 4 of the Agreement on Agriculture, and Articles VI and XVII of the GATS, concerning certain import procedures applicable to fresh fruits and, in particular, bananas (WT/DS237, G/LIC/D/33).

ANNEX I

QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

The present questionnaire is designed to elicit information on import licensing and similar administrative procedures¹ maintained in and applied to the customs territories to which GATT 1994 applies. If different procedures or methods of licensing or similar administrative procedures are applied to different categories of products, to different countries of supply or to different modes of importation, they should be separately described in respect of each question as relevant.

Outline of systems

1. Give a brief description of each licensing system as a whole and, with respect to each, reply to the following questions as relevant, placing all of the material with respect to a given system in sequence together, and using cross references as appropriate when elements which have already been described are also present in another system.

Purposes and coverage of licensing

2. Identify each licensing system maintained and state what products, appropriately grouped, are covered.

3. The system applies to goods originating in and coming from which countries?

4. Is the licensing intended to restrict the quantity or value of imports, and if not, what are its purposes? Have alternative methods of accomplishing the purposes been considered and if so which? Why have they not been adopted?

5. Cite the law, regulation and/or administrative order under which the licensing is maintained. Is the licensing statutorily required? Does the legislation leave designation of products to be subjected to licensing to administrative discretion? Is it possible for the government (or the executive branch) to abolish the system without legislative approval?

Procedures

6. For products under restriction as to the quantity or value of imports (whether applicable globally or to a limited number of countries or whether established bilaterally or unilaterally):

I. Is information published, and where, concerning allocation of quotas and formalities of filing applications for licences? If not, how is it brought to the attention of possible importers? Of governments and export promotion bodies of exporting countries and their trade representatives? Is the overall amount published? The amount allocated to goods from each country? The maximum amount allocated to each importer? How to request any exceptions or derogations from the licensing requirement?

II. How is the size of the quotas determined: on a yearly, six-monthly or quarterly basis? Are there cases where the size of quota is determined on a yearly basis but licences are issued for

¹ Similar procedures are understood to include technical visas, surveillance systems, minimum price arrangements, and other administrative reviews effected as a prior condition for entry of imports.

imports on a six-monthly or quarterly basis? In the latter case, is it necessary for importers to apply for fresh licence on a six-monthly or quarterly basis?

- III. Are licences allotted for certain goods partly or only to domestic producers of like goods? What steps are taken to ensure that licences allocated are actually used for imports? Are unused allocations added to quotas for a succeeding period? Are the names of importers to whom licences have been allocated made known to governments and export promotion bodies of exporting countries upon request? If not, for what reason? (Indicate products to which replies relate.)
 - IV. From the time of announcing the opening of quotas, as indicated in I above, what is the period of time allowed for the submission of applications for licences?
 - V. What are the minimum and maximum lengths of time for processing applications?
 - VI. How much time remains, at a minimum, between the granting of licences and the date of opening of the period of importation?
 - VII. Is consideration of licence applications effected by a single administrative organ? Or must the application be passed on to other organs for visa, note or approval? If so, which? Does the importer have to approach more than one administrative organ?
 - VIII. If the demand for licences cannot be fully satisfied, on what basis is the allocation to applicants made? First come, first served? Past performance? Is there a maximum amount to be allocated per applicant and, if so, on what basis is it determined? What provision is made for new importers? Are applications examined simultaneously or on receipt?
 - IX. In the case of bilateral quotas or export restraint arrangements where export permits are issued by exporting countries, are import licences also required? If so, are licences issued automatically?
 - X. In cases where imports are allowed on the basis of export permits only, how is the importing country informed of the effect given by the exporting countries to the understanding between the two countries?
 - XI. Are there products for which licences are issued on condition that goods should be exported and not sold in the domestic market?
7. Where there is no quantitative limit on importation of a product or on imports from a particular country:
- (a) How far in advance of importation must application for a licence be made? Can licences be obtained within a shorter time-limit or for goods arriving at the port without a licence (for example, owing to inadvertency)?
 - (b) Can a licence be granted immediately on request?
 - © Are there any limitations as to the period of the year during which application for licence and/or importation may be made? If so, explain.
 - (d) Is consideration of licence applications effected by a single administrative organ? Or must the application be passed on to other organs for visa, note or approval? If so, which? Does the importer have to approach more than one administrative organ?

8. Under what circumstances may an application for a licence be refused other than failure to meet the ordinary criteria? Are the reasons for any refusal given to the applicant? Have applicants a right of appeal in the event of refusal to issue a licence and, if so, to what bodies and under what procedures?

Eligibility of importers to apply for licence

9. Are all persons, firms and institutions eligible to apply for licences:

- (a) under restrictive licensing systems?
- (b) under non-restrictive systems?

If not, is there a system of registration of persons or firms permitted to engage in importation? What persons or firms are eligible? Is there a registration fee? Is there a published list of authorized importers?

Documentational and other requirements for application for licence

10. What information is required in applications? Submit a sample form. What documents is the importer required to supply with the application?

11. What documents are required upon actual importation?

12. Is there any licensing fee or administrative charge? If so, what is the amount of the fee or charge?

13. Is there any deposit or advance payment requirement associated with the issue of licences? If so, state the amount or rate, whether it is refundable, the period of retention and the purpose of the requirement.

Conditions of licensing

14. What is the period of validity of a licence? Can the validity of a licence be extended? How?

15. Is there any penalty for the non-utilization of a licence or a portion of a licence?

16. Are licences transferable between importers? If so, are any limitations or conditions attached to such transfer?

17. Are any other conditions attached to the issue of a licence: (a) for products subject to quantitative restriction? (b) for products not subject to quantitative restriction?

Other procedural requirements

18. Are there any other administrative procedures, apart from import licensing and similar administrative procedures, required prior to importation?

19. Is foreign exchange automatically provided by the banking authorities for goods to be imported? Is a licence required as a condition to obtaining foreign exchange? Is foreign exchange always available to cover licences issued? What formalities must be fulfilled for obtaining the foreign exchange?

ANNEX II

Generally, information concerning the administration of automatic import licensing procedures can be found under the following headings of the replies to the Questionnaire on Import Licensing Procedures:

| | <u>Relevant Article in Agreement</u> | <u>Relevant Question in Questionnaire</u> |
|--|--|---|
| 1. Purposes of maintaining automatic import licensing procedures | Article 2.2(b) | No. 4 |
| 2. Product coverage | Article 1.4(a) | No. 2 |
| 3. Eligibility of importers to apply for automatic licences | Articles 2.2(a)(i) and 1.4(a) | No. 9(b) |
| 4. Period of submission and processing of applications | Articles 2.2(a)(ii) and 2.2(a)(iii) | Nos. 7(a), 7(b) and 7(c) |
| 5. Administrative body to be approached | Article 1.6 | No. 7(d) |
| 6. Refusal of applications | Article 1.7 | No. 8 |
| 7. Application forms and other documents required on application | Article 1.5 | No. 10 |
| 8. Availability of foreign exchange for imports | Article 1.9 | No. 19 |

ANNEX III

Generally, information concerning the administration of non-automatic import licensing procedures can be found under the following headings of the replies to the Questionnaire on Import Licensing Procedures:

| | <u>Relevant Article in Agreement</u> | <u>Relevant Question in Questionnaire</u> |
|---|--|---|
| 1. Purpose | Articles 3.1 and 3.3 | No. 4 |
| 2. Product coverage under each non-automatic licensing system | Article 1.4(a) | No. 2 |
| 3. Distribution of licences among supplying countries | Articles 3.5(a)(iii) and 3.5(c) | No.3 |
| 4. Size of quotas | Articles 3.5(h), 3.5(i) and 3.5(l) | Nos. 6(I), 6(II) and 6(III) |
| 5. Eligibility of importers to apply for non-automatic licences | Article 3.5(e) | No. 9(a) |
| 6. Allocation of licences to applicants | Article 3.5(j) | Nos. 6(III) and 6(VIII) |
| 7. Period of processing of applications | Article 3.5(f) | Nos. 6(V) and 6(VIII) |
| 8. Period of licence validity | Article 3.5(g) | Nos. 6(VI) and 14 |
| 9. Application forms and other documents required on application | Article 1.5 | No. 10 |
| 10. Administrative body to be approached | Article 1.6 | No. 6(VII) |
| 11. Refusal of applications | Article 1.7 | No. 8 |
| 12. Availability of foreign exchange for imports | Article 1.9 | No. 19 |

ANNEX IV

Questions and replies received under the review procedures agreed by the Committee¹⁶

| | Questions | Replies | |
|--------------------------------|--|--------------------------|-------------------------------------|
| G/LIC/Q/ATG/1(23.10.01) | Questions from US to Antigua & Barbuda | | |
| G/LIC/Q/ARE/1 (25.10.00) | Questions from US to UAE | | |
| G/LIC/Q/BGD/1 (25.10.00) | Questions from US to Bangladesh | | |
| G/LIC/Q/BHR/1 (25.10.00) | Questions from US to Bahrain | | |
| G/LIC/Q/BOL/1 (25.10.00) | Question from US to Bolivia | G/LIC/Q/BOL/2 (13.3.02) | Replies from Bolivia to US |
| G/LIC/Q/BRB/1 (18.3.96) | Questions from Australia to Barbados | | |
| G/LIC/Q/BRB/2 (8.3.96) | Questions from US to Barbados | | |
| G/LIC/Q/BGR/1 (22.4.97) | Questions from New Zealand to Bulgaria | | |
| G/LIC/Q/CAN/1 (18.3.96) | Questions from Australia to Canada | | |
| G/LIC/Q/CAN/2 (11.3.96) | Questions from EC to Canada | | |
| G/LIC/Q/CAN/3 (8.3.96) | Questions from US to Canada | | |
| G/LIC/Q/CHN/1 (6.8.02) | Comments & questions from EC to China | | |
| G/LIC/Q/CHN/2 (26.8.02) | Questions from US to China | | |
| G/LIC/Q/CHN/3 (27.8.02) | Questions from Japan to China | | |
| G/LIC/Q/CRI/1 (11.3.96) | Question from EC to Costa Rica | | |
| G/LIC/Q/CRI/2 (18.3.96) | Question from Australia to Costa Rica | | |
| G/LIC/Q/CRI/3 (8.3.96) | Questions from US to Costa Rica | | |
| G/LIC/Q/CRI/4/Corr.1 (15.5.02) | Questions from US to Costa Rica | | |
| G/LIC/Q/DMA/1(10.5.01) | Questions from US to Dominica | G/LIC/Q/DMA/2 (3.6.02) | Replies from Dominica to US |
| G/LIC/Q/ECU/1 (8.3.96) | Questions from US to Ecuador | G/LIC/Q/ECU/2 (27.9.02) | Replies from Ecuador to US |
| G/LIC/Q/EEC/1 (15.5.02) | Question from US to EC | | |
| G/LIC/Q/GHA/1(23.10.01) | Questions from US to Ghana | | |
| G/LIC/Q/HTI/1 (25.10.00) | Questions from US to Haiti | | |
| G/LIC/Q/IND/1 | Questions from Australia to India | G/LIC/Q/IND/1 (5.8.96) | Replies from India to Australia |
| G/LIC/Q/IND/2 | Questions from EC to India | G/LIC/Q/IND/2 (5.8.96) | Replies from India to EC |
| G/LIC/Q/IND/3 | Questions from US to India | G/LIC/Q/IND/3 (5.8.96) | Replies from India to US |
| G/LIC/Q/IND/4 (24.4.98) | Questions from Japan to India | | |
| G/LIC/Q/IND/5 | Questions from Canada to India | G/LIC/Q/IND/5 (30.3.01) | Replies from India to Canada |
| G/LIC/Q/IND/6 (10.5.01) | Questions from US to India | G/LIC/Q/IND/7 (30.6.02) | Replies from India to US |
| G/LIC/Q/ISL/1 (25.10.00) | Questions from US to Iceland | G/LIC/Q/ISL/2 (26.6.01) | Replies from Iceland to US |
| G/LIC/Q/JPN/1 (22.4.97) | Questions from New Zealand to Japan | | |
| G/LIC/Q/JOR/1(10.5.01) | Questions from US to Jordan | G/LIC/Q/JOR/2 (14.5.02) | Replies from Jordan to US |
| G/LIC/Q/KOR/1 (8.4.97) | Questions from Japan to Korea | G/LIC/Q/KOR/3 (8.10.97) | Replies from Korea to Japan |
| G/LIC/Q/KOR/2 (22.4.97) | Questions from New Zealand to Korea | G/LIC/Q/KOR/4 (7.10.97) | Replies from Korea to New Zealand |
| G/LIC/Q/MDG/1 (25.10.00) | Questions from US to Madagascar | | |
| G/LIC/Q/MLT/1 | Questions from Australia to Malta | G/LIC/Q/MLT/1 (31.5.96) | Replies from Malta to Australia |
| G/LIC/Q/MLT/2 (25.10.00) | Questions from US to Malta | G/LIC/Q/MLT/3 (6.11.00) | Replies from Malta to US |
| G/LIC/Q/MUS/1 | Questions from Australia to Mauritius | G/LIC/Q/MUS/1 (17.7.96) | Replies from Mauritius to Australia |
| G/LIC/Q/MUS/2 | Questions from US to Mauritius | G/LIC/Q/MUS/2 (17.7.96) | Replies from Mauritius to US |
| G/LIC/Q/MYS/1(19.10.98) | Questions from US to Malaysia | G/LIC/Q/MYS/2 (5.1.00) | Replies from Malaysia to US |
| G/LIC/Q/NOR/1 | Question from EC to Norway | G/LIC/Q/NOR/1 (8.7.96) | Reply from Norway to EC |
| G/LIC/Q/NOR/2 | Questions from US to Norway | G/LIC/Q/NOR/2 (9.7.96) | Replies from Norway to US |
| G/LIC/Q/OMN/1 (10.5.01) | Questions from US to Oman | | |
| G/LIC/Q/PHL/1 (17.4.00) | Questions from Canada to Philippines | | |
| G/LIC/Q/POL/1 (10.5.01) | Questions from US to Poland | | |
| G/LIC/Q/ROM/1(15.5.02) | Questions from US to Romania | G/LIC/Q/ROM/2 (29.5.02) | Replies from Romania to US |
| G/LIC/Q/TCD/1 (25.10.00) | Questions from US to Chad | | |
| G/LIC/Q/TUR/1 (15.5.02) | Questions from US to Turkey | | |
| G/LIC/Q/URY/1 (23.10.01) | Question from US to Uruguay | | |
| G/LIC/Q/VEN/1 | Questions from Uruguay to Venezuela | G/LIC/Q/VEN/1 (18.10.00) | Replies from Venezuela to Uruguay |
| G/LIC/Q/VEN/2 (10.5.01) | Questions from US to Venezuela | | |
| G/LIC/Q/VEN/3(15.5.02) | Questions from US to Venezuela | | |

¹⁶ See G/LIC/4 for the Understanding reached by the Committee on Procedures for the Review of Notifications.