

REPLIES TO THE QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

Notification under Article 7.3 of the Agreement on Import Licensing Procedures

EUROPEAN COMMUNITIES

Addendum

Import Licensing Procedures for WTO Tariff Quotas for
Bran, Sharps and Other Residues

Outline of systems

1. The object of the import licensing system is to ensure a sound administration of the EC's WTO tariff rate quota for 475,000 tonnes of bran, sharps and other residues of wheat and cereals other than maize and rice falling within tariff headings 2302 30 10, 2303 30 90, 2302 40 10 and 2302 40 90. The relevant legislation related to the import licensing system for this tariff quota is mentioned in the reply to question 5. As regards the requirements for applicants for import licences see reply to question 6.

Purpose and coverage of licensing

2. See answer to question 1.

3. The system applies in the European Community to the products mentioned in answer to question 1 originating in third countries.

4. See answer to question 1. As referred to in the answer to question 1, the licensing system covers the relevant WTO tariff quota. The EC considers the method adopted to be the most appropriate to administer this tariff rate quota.

5. The relevant legislation for the administration of import licences for the tariff quota mentioned in the answer to question 1 is:

Commission Regulation (EC) No 1897/94 of 27 July 1994 (OJ L 194), as last amended by Commission Regulation (EC) 1335/95 of 13 June 1995 (OJ L 129).

The licensing is statutorily required. The legislation does not leave designation of products to be subjected to licensing to administrative discretion. The system cannot be abolished without legislative approval.

¹ See G/LIC/3, Annex, for the Questionnaire.

Procedures

6. Answer to questions 6.I to VIII and to 6.XI. Questions 6.IX and 6.X are not relevant.

The information related to the allocation of the quota and the formalities for licence application is published in the Official Journal of the European Communities (see answer to question 5). There is no derogation from the licensing requirement.

The tariff quota is an annual tariff quota.

Applications for import licences have to be submitted to the competent authorities in the Member States on the first Monday of each month. On the same day, the competent authorities in the Member States inform the Commission of applications submitted. If the quantities applied for exceed the available quota quantity, the Commission fixes not later than the third working day following the submission of the applications for import licences a single coefficient for reducing the quantities applied for. Import licences are issued on the fifth day following the day on which applications are lodged. Imports are only known to the competent authorities in the Member States to which the import licence applications have been submitted and to the Commission. Importers must only approach one administrative organ.

7. Question 7 related to no quantitative limits is not relevant in the present case.

8. The application for an import licence can only be refused if the relevant criteria are not fulfilled. Applicants can appeal to courts in the Member States according to the legislation in force in the respective Member States.

Eligibility of importers to apply for licence

9. See answer to question 6. Applicant must be entered in a VAT register and there is no registration fee.

Documentational and other requirements for application for licence

10. A specimen of the import licence is included in the EC Regulations set out in answer to question 10 of the main notification for 2000. Regarding the information required, see the import licence and Commission Regulation (EC) No 1897/94 of 27 July 1994 (published in OJ L 194, page 4), as last amended by Commission Regulation (EC) 1335/95 of 13 June 1995 (published in OJ L 129, page 3).

11. The import licence.

12. No.

13. The issuance of import licence is subject to a security in order to guarantee that the undertaking to import will be fulfilled during the period of validity of the licence. The security is released when the obligation to import has been fulfilled.

Conditions of licensing

14. Import licences are valid until the end of the third month following that of issue. However, licences are not valid beyond 31 December each year. The period of validity cannot be extended.

15. In case of non-utilisation of an import licence, the security is not released. In the case of partial use of the import licence, the security is partially released.

16. Import licences are not transferable.

17. No.

Other procedural requirements

18. No.

19. Not relevant.
