

**REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES**

Notification under Article 7.3 of the Agreement  
on Import Licensing Procedures

**TUNISIA**

The following notification, dated 21 January 1999, has been received from the Permanent Mission of Tunisia.

Outline of system

1. Tunisia's foreign trade is governed by Law No. 94-41<sup>1</sup> of 7 March 1994 which establishes the treatment applicable to importation and exportation. This Law embodies the principle of freedom of foreign trade, with the exception of a list of products affecting in particular security, public order, health and protection of the cultural heritage (Article 2 of Law No. 94-41 of 7 March 1994). Tunisia does not apply any quantitative or other restrictions on imports to which the free-trade regime applies. Importers of products covered by this regime have to domicile a commercial invoice through an approved intermediary, which delivers in return an import certificate enabling the importer to clear the product in question. Products excluded from the free-trade regime<sup>1</sup> are imported under cover of a prior import authorization issued by the Ministry of Trade.

Purposes and coverage of licensing

2. The import authorization required for products not included in the free-trade regime falls under the definition of non-automatic licensing within the meaning of Article 2 of the Agreement on Import Licensing Procedures. This procedure applies to the products mentioned in Article 2 of the above-mentioned Foreign Trade Law and published by decree.

3. The import authorization regime applies to all countries without discrimination.

4. The import authorization procedure enables the administration to apply restrictions on the quantity of imports.

5. The import authorization regime is established by legislative provision (law). This legislation does not permit the administration to draw up the list of products subject to import authorization. Only the Executive Power may establish this list by decree. The import authorization regime may be abolished only by the legislature.

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<sup>1</sup>Available for consultation in the Secretariat (Market Access Division) (French only).

## Procedures

6, 7, 8. The import authorization procedures are set out in Articles 24 to 35 of Decree No. 94-1743<sup>2</sup> of 29 August 1994, as amended by Decree No. 97-1934 of 29 September 1997 (attached).

## Eligibility of importers to apply for a licence

9. Any person, enterprise or institution established in accordance with the current national regulations is eligible to apply for an import authorization.

## Documentational and other requirements for application for licence

10. The information to be included in the import authorization application (as it is titled) concern in particular the enterprise, products to be imported, suppliers, country of origin and provenance, and means of transport. Under Article 5 of the above-mentioned Decree No. 94-1743 of 29 August 1994, the foreign trade documents must be accompanied by the commercial contract or some other document replacing such contract and, as the case may be, whatever documents the Ministry of Trade considers necessary to examine the application and grant the authorization.

11. When the goods are actually imported, the importer must attach to his customs declaration the original copy of the import authorization which is in his possession, the invoice used for domiciliation and the final invoice.

12. A fiscal stamp of one Tunisian Dinar is levied on each import authorization.

13. No deposit or advance payment is required in order to obtain an import authorization.

## Conditions of licensing

14. The period of validity of an import authorization is 12 months from the date of the decision by the Ministry of Trade. However, for certain sensitive products a period of validity shorter than 12 months but no shorter than two months may be indicated on the authorization.

15. There is no penalty for the non-utilization or partial utilization of an import authorization.

16. The import authorization is an administrative document issued personally to the beneficiary and may not be transferred.

## Other procedural requirements

18. There are no other procedural requirements.

19. Under the current foreign exchange legislation, payments for import transactions are not subject to restriction.

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<sup>2</sup>Available for consultation in the Secretariat (Market Access Division) (French only).