

REPLIES TO 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 Quality Wheat

Outline of system

1. The object of the import licensing system is to ensure a sound administration of the EC's WTO tariff rate quota for 300,000 tonnes of quality wheat of tariff headings ex 1001 10 50 and ex 1001 90 95. The relevant legislation related to the import licensing system for this tariff quota is mentioned in reply 5. As regards the requirements for applicants for import licences see reply 6.

Purpose and coverage of licensing

2. See reply 1.

3. The system applies in the European Community to the product mentioned reply 1, originating in third countries.

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

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

Commission Regulation (EC) No 529/97 of 21 March 1997 (OJ L 82), as last amended by Commission Regulation (EC) No 778/99 of 15 April 1999 (OJ L 101).

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 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 reply 5). There is no derogation from the licensing requirement.

The tariff quota is an annual tariff quota.

Applicants for import licences must be natural or legal persons, who at the time applications are submitted, prove to the satisfaction of the competent authorities of the Member States that they have been operating commercially in the cereals sector for twelve months at least and that they are registered in the Member State where the application is made. Furthermore, applicants must submit:

- proof, in the form of the original of the document issued only once by the customs authorities of the place of release for free circulation, that the goods to which the import licence application relates are held by the applicant in the Community and are ready for importation during the period fixed in advance by the Commission and
- proof that the quality of the goods meets the criteria laid down in the annex to Regulation (EC) No 778/1999, in the form of an analysis certificate drawn up by a surveillance company demonstrating that the wheat concerned is of adequate quality or a quality certificate recognised by the Commission in accordance with Article 6 of Regulation (EC) No 1249/96.

Imports are only known to the competent authority in the Member States to which the import licence application has been submitted and to the Commission.

The applicant for an import licence must approach only one administrative organ.

The competent authorities in the Member States have to notify to the Commission within two working days from the last day for submitting an application (ending a period of at least 45 days). Applications are examined simultaneously by the Commission. If the quantities in respect of which licences have been applied for exceed the quantities available, the Commission notifies the Member States within three working days of the end of the application period by what percentage(s) they must scale down the quantities applied for when issuing the licences. Import licences are issued by the competent authorities in the Member States.

7. Question 7 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 reply 6. Applicants must be entered in a VAT register and there is no registration fee.

Documentational and other requirements for application for licence

10. The application for an import licence has to be submitted to the competent authorities in the Member States conforming to the specimen set out at Annex XI to the Community's general Article 7.3 notification for 1999 (G/LIC/N/3/EEC/2). Regarding the information required in

applications, see the application form and Commission Regulation (EC) No 529/97 of 21 March 1997 (published in OJ L 82, page 44), as last amended by Commission Regulation (EC) No 850/97 of 13 May 1997 (published in OJ L 122, page 10).

11. The import licence.

12. No.

13. The issuance of import licence is subject to a security in order to ensure that the imported wheat meets the relevant criteria for quality wheat as laid down in the relevant legislation. If this proof has been submitted the security is released.

Conditions of licensing

14. Import licences are valid seven days and the period of validity cannot be extended.

15. In case that the imported wheat does not meet the required quality and that it is not processed within the time limit, the security is not released. The security is only release for the volume of imported wheat that complies with the relevant quality criteria.

16. Import licences are not transferable.

17. No.

Other procedural requirements

18. No.

19. Not relevant.
