

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 Cane or Beet Sugar

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 1,304,700 tonnes of cane or beet sugar of tariff heading 1701. 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 in reply 1 originating in India and ACP 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 this tariff rate quota.

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

Commission Regulations (EC) No 2782/76 of 17 November 1976 (OJ L 318) and No 1464/95 of 27 June 1995 (OJ L 144).

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.X and 6.XI. Question 6.IX is 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 person entered in a VAT register. Import licences are issued by the competent authorities in the Member States. The allocation of import licences for the quota volume allocated to India is subject to the submission of a certificate of authenticity issued by the exporting country and the allocation of import licences for the quota volume reserved for the ACP countries is subject to the submission of a movement certificate EUR 1 issued by the exporting countries. Imports are only known to the competent authority in the Member States to which the import licence application has been submitted, to the exporting country and to the Commission.

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. 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 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, see the import licence and Commission Regulations (EC) No 2782/76 of 17.11.76 (published in OJ L 318, page 13) and No 1464/95 of 27.6.95 (published in OJ L 144, page 14).

11. See reply 6.

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 three months and their 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.
