

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

Notification under Article 7.3 of the Agreement on
Import Licensing Procedures

SENEGAL

The following communication, dated 20 January 1997, has been received from the Permanent Mission of Senegal.

In implementation of its economic policy, the Government of the Republic of Senegal has abolished almost all of its licensing system.

The following are still subject to licensing:

- Imports of gold;
- imports of pharmaceutical products;
- imports of substances classified in table B, drugs, narcotics, hallucinogenic products;
- imports of weapons and ammunition.

Outline of system

1(A) Gold: Pursuant to Decree 95-778 of 18 September 1995, the import of gold is subject to prior authorization by the Ministry for the Economy, Finance and Planning.

An application has to be submitted to the Currency and Credit Department for examination and transmission to the Minister for signature.

(B) Pharmaceutical products: The import of medicines is not subject to restriction for commercial reasons but for health reasons.

An importer of medicines must meet the following three conditions:

- (1) Be a pharmacist.
- (2) The imported product must have received approval giving authorization to market it in Senegal (Article 601 of the Law Containing the Public Health Code). An application for approval, together with samples and documents proving that the product has curative

properties and is not dangerous to human health, is usually submitted by the manufacturing laboratory to the Pharmacies Department, which transmits it to the Technical Approval Committee.

The approval is renewable every five years.

- (3) If the importer wishes to benefit from the tax concessions available for medicines, the invoices must be stamped by the Pharmacies Department.

(C) Substances classified in table B: Because of the danger they represent for human health, they can only be imported by the National Supply Pharmacy (PNA) on its own behalf or for industries in the pharmaceutical sector.

Pursuant to a decree of 1951, the import of table B substances is subject to a special authorization by the Director of Pharmacies.

An application is filed with the Pharmacies Department for examination by the Narcotics Bureau.

(D) Weapons and ammunition: The system regarding weapons and ammunition is set out in Law 66-03 of 18 January 1966, with the exception of weapons and ammunition for the armed forces and police force.

Under this Law, the import of weapons for land, naval or air warfare, and equipment accompanying them or used to transport them, as well as equipment for protection against war gases is prohibited.

The import of other weapons, except collectors' items, is subject to prior authorization by the Minister for the Interior.

Authorization may be granted to approved professionals or individuals (non-professionals), provided that they have a gun licence.

Purposes and coverage of licensing

2. The various types of licence and the products concerned are listed below.
3. There is no discrimination under these systems as to country of origin.
4. None of the systems has as its main objective restrictions on the quantity or value of imports.

Import restrictions are justified either for currency reasons (gold), or for safety reasons (weapons and ammunition), or lastly to protect human physical or mental health.

5. The Executive may amend the decrees without referring them to the Legislative; it may therefore amend the licensing system for gold, narcotics and substances in table B.

For weapons and ammunition and pharmaceutical products, for which the law lays down the import requirements, the Executive must obtain the agreement of the Legislative before modifying the system.

Procedures

6. I, II, III, IV - Not applicable.

V. Two to ten days except for pharmaceutical products. For the latter, technical approval lasting five years is only given for new products.

Moreover, it is given by an Approval Committee in which academics take part. In these circumstances, the length of time may exceed 15 days.

VI. Not fixed.

VII. Applications are considered by a single organ. However, this organ differs according to the product.

VIII, IX, X, XI - Not applicable.

7. (a) No compulsory time-limit is fixed;

(b) Rapidly, but respecting the procedure;

(c) No;

(d) Yes. The importer only approaches one body.

8. None. If a licence application is refused, the applicant may go to court if he considers his rights have been infringed or he may bring the matter to the attention of the Mediator of the Republic.

Eligibility of importers to apply for licence

9. - Yes, for gold.

- No, for pharmaceutical products: the applicant must be a pharmacist or a pharmaceutical laboratory.

- No, for substances in table B: National Supply Pharmacy and industrialists in the pharmaceutical sector.

- No, for weapons and ammunition: the applicant must be an authorized professional or an individual possessing a gun licence.

Documentational and other requirements for application for licence

10. There is no single harmonized form. Certain information must always be given, for example, the exact identity of the applicant, the precise designation of the product, including the quantity and value, and its origin and provenance. However, because of the specificities of the licensing system for each product, other information is specific to each system.

11. The documents required upon actual importation are those usually required, in addition to the licence. These include the customs declaration, the bill of lading, the air waybill, the manifest.

12-13. No.

Conditions of licensing

14. With the exception of approval of pharmaceutical products, which is valid for five years, licences are valid for six months to one year. If they are not used, they may be extended. An application for extension must be made, accompanied by the previous non-utilized licence.

15-17. No.

Other procedural requirements

18. In order to allow the Société Générale de Surveillance (SGS) to control the quality and value of imports, the importer must deposit with his authorized bank a prior import declaration for any import whose value exceeds CFAF 1 million. The bank transmits this declaration to the SGS.

If the import value exceeds CFAF 3 million, the importer must obtain an acceptance certificate, issued by the SGS after verification of the imports, in order to proceed with customs clearance.

In addition, if payment of the import has to be made to a foreign country (other than France, Monaco, French overseas departments or territories, member countries of the West African Monetary Union (WAMU) States whose bank of issue has an operations account with the French Treasury), the importer must request a transfer authorization from the Currency and Credit Department.

19. Once the transfer authorization has been obtained and the domicile with an authorized bank has been indicated, the bank may make the transfer for payment of the imports.