

Committee on Import Licensing

MINUTES OF THE MEETING
HELD ON 8 MARCH 1996

Chairman: Mr. Calson Mbegabolawe (Zimbabwe)

The agenda proposed for the meeting, circulated in WTO/AIR/280, was adopted as follows:

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1. The Chairman noted that in accordance with the agreement reached at the first meeting held on 3 May 1995 (G/LIC/M/1, paragraph 10), the IMF, UNCTAD and the World Bank had been invited to this meeting. He proposed that pending agreement on the criteria and conditions for observer status for international intergovernmental organizations in the WTO, the same organizations be invited to its next meeting.

2. The Committee so agreed.

A. **Invocation of footnote 5 to Article 2.2 (delayed application of certain provisions by developing countries)**

3. The Chairman informed the Committee that two more developing-country Members - Bolivia and the Dominican Republic - had invoked the delayed application provisions of the Agreement since the last meeting, thus bringing the number of developing countries invoking these provisions to 22 (G/LIC/1/Add.2). He proposed that the Committee take note of these invocations.

4. The representative of the United States, noting that neither Bolivia nor the Dominican Republic had fulfilled their notification requirements under the Agreement, stated that invoking the provisions

of footnote 5 to Article 2.2 did not exempt them from the obligation to notify. He hoped, therefore, that their notifications would be forthcoming as soon as possible.

5. The Chairman confirmed that the invocation of this provision did not exempt any Member from complying with the notification requirements.

6. The Committee took note of the invocation of delayed application provisions by Bolivia and the Dominican Republic.

(a) **Review procedures in general**

7. Before turning to the notifications submitted under the Agreement, which were listed in the Airgram, the Chairman raised the question of how to deal with such notifications in general. He noted that there was no specific provision in the Agreement for reviewing such notifications. Article 4 of the Agreement provided that the Committee shall meet as necessary "for the purpose of affording Members the opportunity of consulting on any matters relating to the operation of this Agreement or the furtherance of its objectives". As concerned the matter of substantive issues arising from notifications, it would seem logical that since there were requirements for notification under Articles 1.4(a), 8.2(b) and 7.3 relating to publications, legislation and replies to the Questionnaire, that Members should have a possibility to express views or request clarifications with respect to such notifications, as may be necessary, from other Members concerned. Following informal consultations with a number of delegations concerning this matter, he wished to put before the Committee a proposal for an understanding to which he hoped Members would be able to agree, as follows (the text of the proposal was circulated in the meeting room):

"The Committee discussed the matter of substantive issues arising from notifications of import licensing procedures which could be raised by Members and reached the following understanding: "On the basis of Article 4 of the Agreement, it was recognized that Members could express views on notifications of import licensing procedures as required under various Articles of the Agreement, and request clarifications, as may be necessary, from other Members on matters related to the Agreement on Import Licensing Procedures. It was, however, agreed that such views, and requests for clarification, should be communicated, in writing, to the Secretariat at least ten working days in advance of the meeting at which they would be raised.""

The main reason for such an understanding was to facilitate the deliberations of the Committee. As Members were aware, meetings of this Committee were often attended by delegates coming from the capitals. If queries concerning notifications were communicated in advance, those delegates would be able to come prepared to respond to them at the meeting at which they would be raised. Moreover, since the Committee normally met twice a year, an understanding in the Committee as was being proposed by him would minimise any delays in providing clarifications or responses concerning such queries. He wished also to inform the Committee that a similar understanding had been reached in the Committee on Rules of Origin at its meeting on 1 February 1996.

8. A number of delegations, i.e. India, the United States, the European Communities, Argentina and Hungary, said that they would like to revert to the matter at the next meeting after consulting their capitals.

9. The Committee agreed to revert to this matter at the next meeting on the basis of a revised draft text for an understanding.

(b) Notifications pursuant to Articles 1.4(a) and/or 8.2(b) (publications and/or legislation)

10. The Chairman said that since the last meeting, the Secretariat had received notifications under Articles 1.4(a) and/or 8.2(b), from Argentina, Canada, Colombia, Costa Rica, Cuba, Japan, Mauritius and Peru. The notifications were circulated in the G/LIC/N/1/- series. In addition, the Secretariat had also received a notification under Articles 1.4(a) and 8.2(b) from the European Communities. Copies of publications and laws and regulations referred to in the notifications were available for consultation in the Secretariat. To date, only these nine Members had made notifications on their publications and/or legislation.

11. The Chairman recalled in this connection the agreement reached by the Committee at its last meeting that the first notifications under these two provisions should be made by 12 January 1996 and expressed concern that a vast majority of Members had not yet complied with this requirement. He also urged Members which did not apply import licensing procedures or had no such laws and regulations to notify the Committee of this fact so that a complete picture could be obtained.

12. The Committee took note of the notifications.

(c) Notifications pursuant to Article 7.3 (Replies to the Questionnaire on Import Licensing Procedures)

13. The Chairman informed the Committee that since the last meeting, 12 Members had submitted replies to the Questionnaire. In addition to the replies listed in the Airgram, the Committee had also received a notification from Cyprus, which had been reviewed by the Committee at its last meeting. To date, a total of 14 Members had submitted notifications under this provision, i.e. Argentina, Barbados, Canada, Colombia, Costa Rica, Cyprus, Ecuador, Hong Kong, India, Malta, Mauritius, Norway, Trinidad and Tobago, and the United States. He recalled that all Members were obliged to submit these notifications on an annual basis by 30 September each year.

14. The representative of the United States, noting that many Members had not yet complied with the notification obligation, hoped that those Members who had not yet done so would submit their notifications as soon as possible. He raised a number of questions concerning the replies to the Questionnaire provided by Barbados, Canada, Costa Rica, Cyprus, Ecuador, Hong Kong, India, Mauritius, Norway, and Trinidad and Tobago. He said that the questions and comments on these notifications would be provided, in writing, to the delegations concerned as well as, for information, to the Secretariat.

15. The representative of Australia said that her delegation too had questions with respect to a number of notifications, including that of India, and reserved the right to come back to this matter at the next meeting. The questions would be submitted, in writing, before the next meeting.

16. The representative of the European Communities stated that her delegation also had questions concerning the notifications from Canada and Norway. Her delegation reserved the right to revert to all notifications listed under this agenda item at the next meeting, before which the questions would be submitted, in writing, to the delegations concerned.

17. The representatives of Canada, Hong Kong, India and Norway took note of the queries concerning their notifications and undertook to provide the necessary clarifications and responses. They requested the Members concerned to submit their queries in writing.

18. The Chairman noted that the Members which had raised issues concerning replies to the Questionnaire had indicated their intention to submit the questions in writing directly to the delegations

concerned, with copies for information to the Secretariat. Responses to the questions should also be forwarded to the delegations having raised the questions, in writing, with copies for information to the Secretariat. The questions and responses thus received would be available in the Secretariat for consultation by other Members, upon request.

19. The Committee took note of the statements made.

C. Other business

(a) Date of the next meeting

20. The Committee agreed to hold its next meeting on 23 October 1996.

(b) Election of officers

21. The Committee re-elected Mr. Calson Mbegabolawe (Zimbabwe) as Chairman and Mr. Jan Michalek (Poland) as Vice-Chairman of the Committee for 1996.