

MINISTERIAL DECISION

No /99

ON IMPORT LICENSING PROCEDURES

Based on the Ministerial Decision No 11/85 by the executive regulation of the Royal Decree No 26/1977.

And in accordance with the requirements of the provisions of the WTO Agreement on Import Licensing Procedures.

In pursuance of the public interest.

Decided as follows:

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Article (1):

The following entities or persons shall be eligible to apply for import licences to import products which may require issuance of a licence as a condition for importation into the territory of the Sultanate of Oman:

(a) Companies, whether Omani, foreign or joint - ventures, registered in Oman under the Companies Commercial Law and with registration in the Commercial Register at the Ministry of Commerce and Industry.

(b) Omani nationals with registration in the Commercial Register.

(c) Omani nationals and foreign nationals holding residence permits, who are not registered in the Commercial Register, provided they import goods for their personal use and not for resale or distribution.

Article (2):

Applicants covered by Article 1 (i) and 1 (ii) shall be eligible to apply for and import goods in accordance with the scope of their activity as inscribed in the Commercial Register.

Article (3):

(i) Applications for automatic licences may be made on any working day prior to the customs clearance of goods.

(ii) Applications for non-automatic licences may be made prior to placing orders for imports. Where there is a closing date for receipt of applications, these may be made within a period of 30 days prior to the closing date. However, if insufficient applications have been received by the closing date, it may be extended by 10 days.

Article (4):

Applications for import licences shall not be refused for minor documentation errors. There shall be no penalty for documentation errors, which are without fraudulent intent or gross negligence.

Article (5):

Licensed imports shall not be refused for minor variations in value, quantity or weight from the amount designated on the licence.

Article (6):

Applications for import licences for all goods other than alcohol and beer shall be submitted to the Ministry of Commerce and Industry. That Ministry shall

coordinate with other Ministries, as necessary. Applications for import of alcohol and beer shall be submitted to the Royal Oman Police.

Article (7):

Applications for import of goods subject to automatic licensing shall be processed and licences issued within a maximum period of ten days.

Article (8):

Non-automatic import licences shall be required for the import of goods in the following categories :

(a) Goods subject to quantitative restrictions in accordance with safeguard actions under the WTO Agreement on Safeguards.

(b) Goods subject to quantitative restrictions in accordance with the provisions of Article XII or Article XVIII of GATT 1994.

(c) Goods that are sensitive for reasons of national security, religion, health, safety, public order or environment. The list of such goods shall be published in the Official Gazette.

Article (9):

The following provisions shall apply in case of non - automatic import licenses:

(a) For goods subject to quantitative restrictions, the amount of quotas in value and or volume, the opening and closing dates of quotas, and any changes thereof, shall be published in the Official Gazette at least 30 days prior to the opening dates.

(b) In the case of quotas allocated among supplying countries, all WTO members having an interest in supplying the products concerned shall be informed of the shares in quotas allocated to member countries, by quantity or value. This information shall also be published in the Official Gazette at least 30 days before the opening dates for receiving applications for licences.

(c) Where an early opening date for quotas is provided, the information to that effect will be published in the Official Gazette at least 21 days before the new opening date.

(d) Licence applications shall be processed and final decision to issue or refuse a licence shall be taken within a period of 30 days of the receipt of applications, save for exceptional reasons which may make it difficult to adhere to the 30 - day limit.

(e) In case of refusal of a licence, the applicant shall, upon request, be informed in writing of the reasons for refusal. The applicant shall have the right, within 15 days of the refusal, to submit an appeal to the Minister concerned. The applicant shall also have the right of appeal to the Commercial Court in accordance with the rules of procedure of the Court.

(f) Import licences shall be valid for a period of six months from the date of issue.

(g) In case of licences for quotas not allocated among supplying countries, the licencees shall be free to import goods from any source. In the case of quotas allocated among supplying countries, the licences shall specify the country of origin.

(h) Licences to importers shall be issued on the basis of past performance, during the preceding three years. However, each year a certain specified percentage of licences may be issued to new importers.

(i) Where imports have exceeded the level specified in a licence for a particular year, compensating adjustment may be made in the licence for the following year.

Article (10) :

The following information shall be published in the Official Gazette , in accordance with the time schedule as indicated :

(a) The rules and procedures for submission of licence applications, the eligibility of persons, firms or institutions to make licence applications and the Ministries or Departments to whom to submit applications. Such rules, procedures etc. will become effective 30 days after publication in the Official Gazette.

(b) The list of products subject to automatic licensing and subject to non-automatic licensing. These lists will be effective 30 days from the date of publication.

(c) Any changes to the rules and procedures and to the lists of products subject to licensing requirements. These changes shall take effect 30 days after publication.

(d) Any exceptions or derogations from the rules concerning licensing procedures or the list of products subject to licensing requirements. Such exceptions or derogations shall take effect 30 days after publication.

(e) WTO members which wish to make comments in writing may make such comments within 15 days of the publication of information in (a) to (d) above, and if they so request they would be given an opportunity to discuss the comments with competent Omani authorities. The competent authorities shall give due consideration to the comments and results of discussion.

Maqbool Bin Ali Sultan
Minister of Commerce and Industry
Sultanate of Oman