

Nov 8, 2017
2:42pm



REPUBLIC OF LIBERIA
MINISTRY OF COMMERCE & INDUSTRY
MONROVIA



Office of the **DEPUTY**
MINISTER

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MOCI/DMC-STM/236/'17

7 November 2017

Mr. Charles Ananaba
PRESIDENT
Liberia Chamber of Commerce (LCC)
Queens Avenue
Monrovia, Liberia

RE: INVITATION FOR PRESENTATION OF DRAFT IPD REGULATION

Dear Mr. President:

I present my compliments and wish to invite you to stakeholder meeting aimed at presentation of a draft Administrative Regulation on Thursday, 9 November 2017 at 1:30 PM in the Multi-Purpose Conference Room on the 4th floor, Ministry of Commerce and Industry.

The presentation of the draft Administrative Regulation is aimed at getting your inputs on the draft regulations prior to the introduction of the new Import Permit Declaration (IPD) Administration Regulation predicated on the provisions in the Executive Order No. 89.

For further information regarding this meeting, please do not hesitate to contact Mr. Richard Pratt, Deputy Director of Domestic Trade, on his coordinates: prattrichardj@gmail.com and +231 886 552 402.

Kindly accept sentiments of highest esteem.

Sincerely,


Steve Marvis

Deputy Minister for Commerce and Trade Services

MINISTRY OF COMMERCE AND INDUSTRY



ADMINISTRATIVE REGULATION

*UPDATED LIST OF SPECIFIC PRODUCTS AND COMMODITIES
REQUIRING IMPORT PERMIT DECLARATIONS (IPDs)*

ADMINISTRATIVE NOTICE MCI/NO.013/11/2017

NOVEMBER 07, 2017

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**ADMINISTRATIVE NOTICE MCI/NO.013/10/2017
UPDATED LIST OF SPECIFIC PRODUCTS AND COMMODITIES
REQUIRING IMPORT PERMIT DECLARATIONS (IPDs)**

1.0 GENERAL RULE

WHEREAS, Part II, Executive Branch Generally; Chapter 10, General Provisions; Section 10.5 of Title 12 Liberia Code of Laws Revised (Executive Law); grants authority to the head of each ministry or independent agency in the Executive Branch, subject to the approval of the President, the power to prescribe regulations not inconsistent with the law of the operation of the ministry or agency, the accomplishment of its lawful functions;

WHEREAS, Chapter 29, Section 29.2(a) of the Executive Law mentioned supra, grants the Minister of Commerce and Industry the power to establish trade and commodity standards;

WHEREAS, Executive Order No. 89 exempts all companies, sole proprietorships and partnerships importing goods into Liberia for resale from seeking permits to import from the Ministry of Commerce and Industry with the exception of goods that pose a threat to national security or public health;

WHEREAS, Article III of the World Trade Organization Agreement on Import Licensing Procedures establishes that non-automatic licensing shall not have trade-restrictive or -distortive effects on imports additional to those caused by the imposition of the restriction and shall be no more administratively burdensome than absolutely necessary to administer the measure;

WHEREAS, the Ministry of Commerce and Industry (MoCI) issued an Administrative Notice on December 1, 2015 (MCI/No.002/12/2015) limiting the application of Import Permit Declarations (IPDs) to products listed in the notice, and

WHEREAS, the MoCI wishes to further strengthen Liberia's trade facilitation regime;

NOW THEREFORE, issues an Administrative Notice on the following:

2.0 PURPOSE

The Purpose of this Regulation is to reduce the list of products contained in the Administrative Notice (MCI/No.002/12/2015) from ELEVEN (11) to TEN (10) products as set below Effective, November 10, 2017. IPDs shall apply only to the products listed below with HS Codes in **TABLE 1 HARMONIZED SYSTEM (HS) CUSTOMS CODE OF RELEVANT PRODUCTS:**

- i. Fresh or frozen meat and meat products
- ii. Fresh and frozen fish and crustaceans
- iii. Bottled water
- iv. Products of the milling industry including rice and flour
- v. Prescription medicines/pharmaceuticals and biological substances
- vi. Crude and refined petroleum and petroleum gases
- vii. Explosives, pyrotechnics, fireworks, and combustible liquid or gas preparations
- viii. Military tanks and weapons, arms and ammunition
- ix. Hazardous waste

3.0 NOTICE

The public is also put on notice that products listed above which, after testing or analysis, are found to be non-compliant with nationally adopted or internationally accepted quality standards, as well as food fortification standards for flour, and other subsequent food fortification regulations, shall be treated as prohibited imports and subject to confiscation or destruction action by the Ministry of Commerce and Industry and the Liberia Revenue Authority. Additionally, any products imported without English label shall be subject to seizure or destruction action by the Ministry of Commerce and Industry; and the Ministry will also institute fines against both Inspection Company and business for such violation.

4.0 REQUIREMENT FOR THE PROCESSING OF IPD'S

As of the effective date of this Regulation, all importers are to present the original *pro forma* invoices to obtain pre-shipment inspection approval and original final invoices for final signature in addition to items listed in **Table 2.0 CHECKLIST OF REQUIRED DOCUMENTS.**

5.0 DURATION OF PERMITS

Effective November 10, 2017, all Imports Permit Declarations (IPDs) for all products

will be valid for six (6) months from the date of the opening of the permits and will not be extended after the six (6) months. Importers are advised to exhaust their shipment(s) within the six-month lifespan of the IPD.

6.0 ADMINISTRATIVE ACTION

The Ministry shall ensure administrative actions are taken against anyone violating the importation of the above listed products using any other means, other than the IPD process. Violators shall face actions ranging from suspension of business registration certification, imposition of appropriate fines, or closure of business, consistent with the relevant provisions of the General Business Law, Foreign Trade, Competition Law and the Intellectual Property Law of 2014.

7.0 CAUSE FOR REJECTION OF IPD APPLICATION

Additionally, the Ministry reserves the right to reject an IPD on the following grounds:

- a. The products are harmful to human, animal and plant health and environment;
- b. If the application was not made through the MoCI Customer Service Center;
- c. If the procedures were not followed by the importers;
- d. If the sectoral regulatory requirements were not met (Ref: Import Restrictions/
<http://www.moci.gov.lr/doc/MoCI.Conditional.Imports040714.v2.pdf>)
- e. If the values of the products are falsely declared;
- f. If the products have inappropriate language;
- g. If the importer fails to disclose the full technical descriptions of the products;
- h. If the number of containers or container size was altered, without notification, after the granting of pre-shipment inspection;
- i. If the name of the consignee was altered, without notification, after the granting of pre-shipment inspection;
- j. If the quantity of products in the container or on the shipment (loose cargo, air freight, etc.) was altered without the Ministry's approval; and
- k. If the products are the designated trademarks of other importers
- l. If the importer does not ensure fairness and transparency in the publication of size, weight and the appropriate unit of measurement to protect consumers

EFFECTIVE DATE

This regulation shall become effective on the ____ day of ____ A.D. 2017.

SIGNED BY:

**MR. AXEL M. ADDY
MINISTER
MINISTRY OF COMMERCE & INDUSTRY**

WITNESSED BY:

**CLLR. FEDERICK CHERUE
MINISTER/ATTORNEY GENERAL R.L.
MINISTRY OF JUSTICE**

APPROVED BY:

**MRS. ELLEN JOHNSON SIRLEAF
PRESIDENT
REPUBLIC OF LIBERIA**

ANNEX I: TABLES

Table 1: CORRESPONDING HARMONIZED SYSTEM (HS) CUSTOMS CODES FOR PRODUCTS REQUIRING IPDs	
(1) Fresh or frozen meat and meat products, including poultry, and eggs	<ul style="list-style-type: none"> • Fresh and Frozen Meat concerns Chapter 2 of the tariff, '<i>Meat and Edible Meat Offal</i>'. It covers all HS codes under Headings 02.01 through 02.09 • Eggs cover HS Code 04.07.
(2) Fresh and frozen fish and crustaceans	<ul style="list-style-type: none"> • This concerns Chapter 3 of the tariff, '<i>Fish and Crustaceans</i>' • It covers all HS codes under Headings 03.01, 03.02, 03.03, 03.04, 03.06, 03.07, and 03.08
(3) Bottled water	<ul style="list-style-type: none"> • This concerns Chapter 22.01 of the tariff '<i>Beverages and Spirits</i>'
(4) Products of the milling industry, including rice and flour	<ul style="list-style-type: none"> • This concerns Chapter 10.06 for rice. • This concerns HS Code 11.01.0000 for wheat flour
(5) Prescription medicines/pharmaceuticals and biological substances	<ul style="list-style-type: none"> • This concerns Chapter 30 of the tariff, '<i>Pharmaceutical Products</i>' • It covers all HS codes under the Headings 30.01 thru 30.06
(6) Crude and refined petroleum and petroleum gases	<ul style="list-style-type: none"> • This concerns Chapter 27 of the tariff, '<i>Mineral Fuels and Mineral Oils</i>' • It covers the specific HS codes noted below: <ul style="list-style-type: none"> ◦ 27.10.19.11.00 (JET), 27.10.19.21.00 (GASOIL), 27.11.13.00.00 and 27.11.12.00.00 (LPG), 27.09.00.00.00 (Crude Oil)
(7) Explosives, pyrotechnics, fireworks, and combustible liquid or gas preparations	<ul style="list-style-type: none"> • This concerns Chapter 36 of the tariff, '<i>Explosives and Pyrotechnic Products</i>' • It covers all HS codes under Headings 36.01, thru 36.06
(8) Military tanks and weapons, arms and ammunition	<ul style="list-style-type: none"> • This concerns Chapters 93 and 87, '<i>Arms and Ammunition and Vehicles</i>' • It covers all HS codes in Chapter 93 under Headings 93.01, 93.02, 93.03, 93.04, 93.05, and 93.06, as well as one HS code in Chapter 87 under Heading 87.10: HS code 8710.00.00.00
(9) Hazardous waste (including clinical waste, municipal waste, sewage sludge, and other wastes)	<ul style="list-style-type: none"> • This concerns Chapter 38 of the tariff, '<i>Miscellaneous Chemical Products</i>' • It covers all HS codes under Heading 38.25

#	Table 2: CHECKLIST OF REQUIRED DOCUMENTS
1	<input type="checkbox"/> Verify if the products are for Import Permit Declaration, Import Request Form or License
2	<input type="checkbox"/> Valid Business Registration and Tax Identification Number (TIN)
3	<input type="checkbox"/> Business line of activity, the International Standard Industrial Classification (ISIC) Code, to match goods and services on the invoice
4	<input type="checkbox"/> Original Pro Forma Invoices to be presented for Pre-Shipment Inspection Approval and Original Final Invoices, Packing List, Bill of Lading, Certificate of Analysis (Quality), to be Presented for Final Signature
5	<input type="checkbox"/> Is the product a conditional import, requiring permit from another government agency/ministry? If yes, please reference MoCI Conditional Imports/Exports on www.moci.gov.lr - check the Import Page
6	<input type="checkbox"/> NGO (Letter of Accreditation from the Ministry of Finance and Development Planning)
7	<input type="checkbox"/> Vehicles (Submit Title document)
8	<input type="checkbox"/> Personal effects (valid passport or identification card, along with the packing list)
9	<input type="checkbox"/> Final Signature for IPD (IPD has to be valid – check expiration date, include the following documents: Original Final invoice, Bill of Lading, Clean Report of Findings (CRF)
10	<input type="checkbox"/> Non-Negotiable Report of Findings will not be processed.
11	<input type="checkbox"/> Destination Inspection (Invoice, Bill of Lading)
12	<input type="checkbox"/> Certificate of Analysis for all consumables, where necessary (cold storage food, rice, used clothing)
13	<input type="checkbox"/> Specification of brands to be imported (Intellectual Property Rights/Trademarks)