

### **Section 11: Prohibited Imports**

- 11.1 Goods shall not be imported into Liberia for any purpose if their importation is prohibited under this Act or any other Act.
- 11.2 Without limiting the generality of section 11.1, the Minister may prohibit the import of goods if the export, transportation or delivery of such goods is prohibited under the laws of the country of export or the country of origin of such goods or by the laws of the country to which the goods are destined prior to being imported into Liberia.

### **Section 12: International Trade Sanctions**

- 12.1 The Minister may, for the purpose of implementing a decision, resolution or recommendation of an international organization of states or association of states, of which Liberia is a member, that calls on its members to take measures against a foreign state, or where the Minister is of the opinion that a grave breach of international peace and security has occurred that has resulted or is likely to result in a serious international crisis,
- (a) recommend to the President that he or she issue such Executive Orders with respect to any of the activities referred to in section 12.2 in relation to a foreign state as the Minister considers necessary; and
  - (b) recommend to the President that he or she by Executive Order cause to be seized, frozen or sequestered in the manner set out in the Executive Order any property situated in Liberia that is held by or on behalf of (i) a foreign state, (ii) any person in that foreign state, or (iii) a national of that foreign state who does not ordinarily reside in Liberia.
- 12.2 Executive Orders may be made pursuant to section 12.1(a) with respect to the restriction or prohibition of any of the following activities, whether carried out in or outside Liberia, in relation to a foreign state:
- (a) any dealing by any person in Liberia or by a Liberian citizen outside Liberia in any property wherever situated held by or on behalf of that foreign state, any person in that foreign state, or a national of that foreign state who does not ordinarily reside in Liberia;
  - (b) the exportation, sale, supply or shipment by any person in Liberia or by a Liberian citizen outside Liberia of any goods or services wherever situated to that foreign state, or any other dealing by any person in Liberia or by a Liberian citizen outside Liberia in any goods or services wherever situated destined for that foreign state or any person in that foreign state; and
  - (c) the importation, purchase, acquisition or shipment by any person in Liberia or by any Liberian citizen outside Liberia of any goods or services that are exported, supplied or shipped from that foreign state after a date specified in the Executive Order, or any other dealing by any person in Liberia or by a Liberian citizen outside Liberia in any such goods or services.

## PART IV – FOREIGN TRADE IN SERVICES

### Section 13: National Treatment

13.1 Notwithstanding any other Act of the Legislature, foreign services and foreign persons supplying services in Liberia shall be accorded National Treatment as required by international agreements to which Liberia is a party and by which it is bound.

### Section 14: Most Favored Nation Treatment

14.1 Foreign services and foreign persons supplying services in Liberia shall be accorded Most Favored Nation Treatment as required by international agreements to which Liberia is a party and by which it is bound.

## PART V – QUANTITATIVE RESTRICTIONS AND QUOTAS

### Section 15: Quantitative Restrictions

15.1 The Minister may impose Quantitative Restrictions on exports, in line with Article XI.2 of the General Agreement on Tariffs and Trade 1947:

- (a) in the case of critical shortages of goods essential to Liberia and its citizens, or for the relief of the consequences of such shortages; or
- (b) in order to protect the long-term supply and sustainability of exhaustible natural resources.

15.2 The Minister may impose Quantitative Restrictions on imports of goods, in line with Articles XIX and XX of the General Agreement on Tariffs and Trade 1947 and the WTO Agreement on Safeguards, if:

- (a) the Minister determines that the particular goods are being imported into Liberia at such prices, in such quantities and under such conditions as may cause or are likely to cause material or serious injury to domestic persons who produce like or directly competitive goods; or
- (b) the Minister determines that such Quantitative Restrictions are necessary to protect the national security of Liberia, or human, animal or plant life, health or safety in Liberia.

15.3 Any Quantitative Restrictions imposed pursuant to this section 15 shall remain in effect only for so long and to such an extent as is necessary to achieve the purpose or purposes for which they were imposed.

### Section 16: Quotas

16.1 If the Minister determines to impose Quantitative Restrictions on exports or imports of certain goods pursuant to sections 15.1 or 15.2, the Minister shall give public notice of any such determination, which notice shall specify the period of time during which the Quantitative Restrictions shall apply. Any such public notice shall be given in the same manner as is provided for in section 6.

- 162 If the Minister makes a determination under sub-sections 16.1, the Minister may, subject to sub-sections 16.2 and 16.3, require that quotas be obtained in order to import or export any goods which are the subject of such determination. In that event, the Minister shall invite the public to submit applications therefor, which invitation shall set out what is required to be contained in an application, the criteria for granting an application and the terms and conditions on which an application may be granted.
- 163 The Minister shall grant quotas on the basis of objective and commercially reasonable criteria, as set out in the invitation to the public, and in accordance with principles of fairness, impartiality and transparency. Without limiting the generality of the foregoing, any criteria adopted by the Minister for the purpose of granting quotas shall not be for the purpose of protecting domestic persons and shall not have a distorting effect on trade.
- 164 In the case of Quantitative Restrictions imposed on imports of goods pursuant to section 15.2, quotas may be granted under this section and in line with Article XIII:2 of the General Agreement on Tariffs and Trade 1947 in such manner as to approximate as closely as possible the respective shares which WTO members had in respect of the importation of such goods prior to the Quantitative Restriction being imposed, such shares to be determined based on a reasonable and representative period of time taking into account any special factors which may have affected trade in those goods during such period.
- 165 A decision to grant a quota to a particular person shall specify the terms and conditions upon which it is made and the time period during which the quota may be utilized.
- 166 The Minister may revoke a quota granted to a particular person at any time and may grant the quota to another person, if the person to whom the quota was originally granted did not adhere to the terms and conditions to which it was subject or if such person did not utilize the quota.
- 167 Except as provided in section 16.6, a quota granted to one person may not be transferred or assigned to, or used by, any other person.

## PART VI – LICENSES

### Section 17: License Requirements

- 17.1 The Minister may, in accordance with the provisions of this Part VI, require that licenses be obtained for the import or export of certain goods. Any licenses shall be issued on the basis of objective and commercially reasonable criteria, conditions and procedures and in accordance with the principle of National Treatment.
- 17.2 Except as otherwise provided in this or any other Act, no goods for which a license is required under this section 17 shall be released from customs except upon presentation of a valid license that has been duly issued in accordance with the provisions of this Act.
- 17.3 The Minister may require that licenses be obtained for certain goods if in his or her opinion it is necessary to achieve any of the purposes prescribed in sections 18.1 and 18.2.
- 17.4 In addition to the authority contained in section 17.3, the Minister may require that

licenses be obtained for the import or export of certain goods for informational and statistical purposes or for the purpose of monitoring the level of trade in those goods.

- 17.5 Prior to requiring that a license be obtained under section 17.3, the Minister shall determine that licensing will not have any restrictive or distortive effects on trade in such goods, other than those caused by the requirement to obtain a license.
- 17.6 Prior to requiring that a license be obtained under section 17.4, the Minister shall determine that the required information is not otherwise available or cannot reasonably be obtained by other means that are less burdensome to the license holders.
- 17.7 The Minister shall review at least annually the lists of goods requiring a license under sections 17.3 and 17.4, respectively, and shall remove from such lists any goods which the Minister determines no longer need to be licensed because the purposes for which the licensing requirement was initially imposed no longer exist or have changed or because those purposes can be achieved by other, less burdensome means. The Minister shall give public notice of such review in the manner provided in section 6 above and shall allow any interested persons a reasonable opportunity to make representations regarding the goods on those lists, either in writing or in person.
- 17.8 The Minister may prescribe by regulation from time to time those circumstances in which a license will not be required in respect of goods which are specified pursuant to sections 17.3 and 17.4.
- 17.9 Any import or export permit, license, approval or other similar document that was issued under an Act that was in force prior to the coming into force of this Act shall remain valid until it expires in accordance with its terms.

#### **Section 18: Criteria for Licenses**

- 18.1 For the purposes of section 17.3, the Minister may require that import licenses be obtained when it is necessary to:
- (a) protect human, animal or plant life, health or safety;
  - (b) protect the national security of Liberia;
  - (c) protect the security and safety of food supply in Liberia;
  - (d) protect the environment or exhaustible natural resources;
  - (e) restrict or prohibit trade in controlled or restricted drugs and pharmaceutical products;
  - (f) implement sanitary or phytosanitary measures;
  - (g) protect public morals;
  - (h) protect intellectual property rights; or
  - (i) enforce any special rules relating to trade in timber or diamonds.

- 18.2 For the purposes of section 17.3, the Minister may require that export licenses be obtained when it is necessary to:
- (a) protect national treasures of artistic, cultural, historic or archeological value;
  - (b) protect endangered species or plants;
  - (c) protect the security of food supply in Liberia;
  - (d) protect human, animal or plant life, health or safety;
  - (e) protect the national security of Liberia;
  - (f) protect the environment or exhaustible natural resources;
  - (g) protect intellectual property rights; or
  - (h) enforce any special rules relating to trade in timber and diamonds.

**Section 19: Issuance, Renewal and Cancellation of Licenses**

- 19.1 The Minister shall have the sole authority to issue licenses pursuant to this section 19 to any person who is otherwise eligible to obtain a license under this or any other Act.
- 19.2 In making any determination to issue licenses pursuant to this section 19, the Minister may seek information or advice from such other ministries, bodies or agencies if and only to the extent that he or she considers necessary or advisable.
- 19.3 The Minister shall prescribe by regulation the form of application for a license, any supporting documents that are required to be filed with an application, and the fees, if any, that are payable upon submission of an application.
- 19.4 An application for a license under section 17.3 or for the renewal of such a license shall be considered as expeditiously as possible and shall be issued, if the Minister deems appropriate to do so, no later than 30 days after the date on which an application was submitted. If the Minister determines not to issue any particular license, the Minister shall give notice of such determination to the applicant together with the reason or reasons therefor. The decision to issue non-automatic licenses shall be in line with applicable rules of international agreements.
- 19.5 A license pursuant to section 17.4 shall be issued automatically by the Minister, upon receipt of a duly completed application form, to each and every applicant within five (5) business days of receiving an application therefor. Such license shall expire on the first anniversary of its issuance and shall be automatically renewed within five (5) business days of the holder filing a duly completed application for renewal. No fee shall be payable for the issuance or renewal of such a license.
- 19.6 The Minister shall not refuse to issue a license by reason only that the application therefor contains minor documentation errors which do not affect the remainder of the information set out in the application.

- 19.7 The Minister shall prescribe by regulation the terms and conditions on which licenses may be issued, including whether they may be issued for more than one type or kind of good, for a single consignment of goods or for multiple consignments of goods over a period of time specified in the license.
- 19.8 The Minister may cancel any license on one or more of the following grounds:
- (a) the goods to which the license applies have subsequently been prohibited from being imported or exported in accordance with the provisions of this Act;
  - (b) the holder of the license has contravened one or more of the terms or conditions of the license;
  - (c) the license was issued in error or in contravention of this Act or any applicable law; or
  - (d) the application for the license contained incorrect, inaccurate, false or misleading information.
- 19.9 Any license issued pursuant to section 17.3 for a period of time shall be valid only for the period specified in the license. Any such license may be renewed for further periods, from time to time, upon the submission of a duly completed renewal application by the license holder.
- 19.10 Goods imported into Liberia pursuant to a license issued under this section 19 shall not be refused entry for minor variations in value, quantity or weight from the amount (if any) designated in the license due to differences occurring during shipment, differences incidental to bulk loading or other minor differences consistent with normal commercial practices.
- 19.11 Any license which is issued pursuant to this section 19 may only be used by the person to whom it was issued and, for greater certainty, may not be transferred or assigned to, or used by, any other person.

## **PART VII – ADMINISTRATION, APPEALS AND ENFORCEMENT**

### **Section 20: Delegation**

- 20.1 The Minister may, at any time and from time to time, delegate any of his or her powers, duties or responsibilities under this Act to any person or persons in, or any department, bureau or division of, the Ministry of Commerce and Industry designated by the Minister, and any reference to the Minister in this Act shall, and shall be deemed to, include a reference to his or her delegate or delegates designated under this section 20.1.