



AN ACT AMENDING THE GENERAL BUSINESS LAW, TITLE 14 OF THE
LIBERIA CODE OF LAWS REVISED, BY ADDING THERETO CHAPTER 14
THE FOREIGN TRADE LAW OF LIBERIA TO PROVIDE FOR AN EFFICIENT
FREE MARKET SYSTEM IN LINE WITH THE OBLIGATIONS OF THE
WORLD TRADE ORGANIZATION

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PREAMBLE

WHEREAS it is in the best interests of Liberia to encourage free, open and fair trade with other nations;

RECOGNIZING that such trade is essential for the enhancement of the Liberian economy and for securing the competitiveness of and long-term sustainable development and growth for Liberia; and

CONVINCED that the expansion of trade creates jobs for Liberians, achieves higher standards of living, offers greater choices for consumers and strengthens the Liberian economy;

NOW THEREFORE it is hereby enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature assembled.

PART I – INTERPRETATION AND APPLICATION

Section 1: Short Title

This Act shall be known as the *Foreign Trade Law*.

Section 2:

Definitions

In this Act, unless the context otherwise requires:

- 21 “Business organization” means any corporation, company, body corporate, partnership, joint venture, association, foundation, trust or other organization or entity, whether for profit or not for profit, incorporated, created, formed or established under the laws of any jurisdiction.
- 22 “Court” means the Commercial Court of Liberia sitting in Montserrado County.
- 23 “Country” means any customs territory or foreign state, whether it is a member of the World Trade Organization or not, as well as a political subdivision, dependent territory, or possession of a foreign state, and two or more foreign states, political subdivisions, dependent territories, or possessions of foreign states in a customs union.
- 24 “Domestic person” means:
- (a) any natural person who is ordinarily resident in Liberia; or
 - (b) any business organization whose head or principal office is in Liberia and conducts or carries on business in Liberia ; and
 - (c) any business organization whose head or principal office is outside Liberia but which maintains an office in Liberia from which it conducts or carries on business in Liberia.

25 "Foreign person" means:

- (a) any natural person who is ordinarily resident outside Liberia; and
- (b) any business organization that does not have an office or does not conduct business in Liberia.

26 "Foreign Trade" means any trade, commerce, agreement, arrangement, transaction or other activity involving the movement of goods and services between Liberia and other countries.

27 "Goods" means tangible property (other than real property) of every kind or description, including any rights thereto or interests therein.

28 "Minister" means the Minister of Commerce and Industry.

29 "Most Favored Nation Treatment" or "MFN Treatment" means:

(a) concerning trade in goods:

with respect to ordinary customs duties and other charges or levies imposed on or in connection with the export or import of goods out of or into Liberia to or from any WTO member, and with respect to all rules and formalities in connection with such exports or imports, including internal taxes and other charges, laws, regulations, rules and requirements affecting the internal sale, offering for sale, purchase, transportation, distribution or use of goods, any advantage, favor, privilege or immunity granted by Liberia to any product originating in or destined for any other country shall be accorded immediately and unconditionally to the like product originating in or destined for the territories of all other WTO Members; and

(b) concerning trade in services:

with respect to measures affecting services as defined by the General Agreement on Trade in Services, Liberia shall accord immediately and unconditionally to services and service suppliers of any other WTO Member treatment no less favorable than that it accords to like services and service suppliers of any other country, unless such treatment is listed in, and meets the conditions of, the Annex to that Agreement on Article II Exemptions or is otherwise in accordance with that Agreement.

210 "National Treatment" means:

(a) concerning trade in goods:

that imported goods from any WTO member shall not be subject, directly or indirectly, to any internal taxes or other charges or levies of any kind in excess of or different than those imposed on like products of Liberian origin;

- i. that all laws, regulations, rules and requirements affecting the internal sale, offering for sale, purchase, transportation, distribution or use of goods shall accord treatment no less to products of any other WTO Member as to like products of Liberian origin;
- ii. that no internal quantitative regulation shall be maintained which relates to the

mixture, processing or use of products in specified amounts or proportions

which requires, directly or indirectly, that any specified amount or proportion of any product which is the subject of the regulation must be supplied from domestic sources;

- iii. that no internal quantitative regulation relating to the mixture, processing or use of products in specified amounts or proportions shall be applied in such a manner as to allocate any such amount or proportion among external sources of supply; and
- iv. that none of the above referenced internal taxes or other charges, laws, regulations, rules or requirements shall be imposed or applied on imported goods from any WTO member in order to afford protection to like domestic goods or domestic suppliers of like goods; and

(b) concerning trade in services:

with respect to services sectors inscribed in Liberia's Schedule of Specific Commitments annexed to Liberia's Protocol of Accession and subject to any conditions and qualifications set out therein, Liberia shall accord to services and service suppliers of any other WTO Member, in respect of all measures affecting the supply of services, treatment no less favorable than that it accords to its own like services and service suppliers, either by according formally identical treatment or formally different treatment that does not modify the conditions of competition in favor of services or service suppliers of one WTO Member compared to like services or service suppliers of any other WTO Member..

- 211 "Person" means any natural person or business organization.
- 212 "Quantitative Restriction " means the highest total value or maximum quantity of specified goods that may be exported from or imported into Liberia within a prescribed period of time, including a ban on the export or import of specified goods.
- 213 "Quota" means a share in the total value or maximum quantity of exported or imported goods which is allocated to a certain person or group of persons.
- 214 "Restrictive Measure" means any prohibition, quantitative restriction, quota, special charge, duty, levy, tax, condition, license, approval, permit or other requirement or measure imposed by Liberia that has a restrictive effect on Foreign Trade.
- 215 "Service" means a service of any kind whether industrial, trade, professional or otherwise.
- 216 "Tribunal" means the Foreign Trade Tribunal as constituted in accordance with the provisions of section 22 of this Act.
- 217 "WTO member" means any country that is a member of the World Trade Organization.

Section 3: Application

This Act applies to all Foreign Trade except as otherwise specifically provided herein.

PART II – GENERAL PRINCIPLES

Section 4: Right to Import and Export

- 4.1 Subject to the provisions of this Act and to any other applicable laws of Liberia relating to Foreign Trade, any person, domestic or foreign, may import or export goods and services into or from Liberia, as the case may be.
- 4.2 The provisions of this Act and of any other applicable laws of Liberia shall be interpreted and administered in such a manner as to have the least restrictive effect on Foreign Trade and so as not to constitute or provide indirect protection to domestic persons who are suppliers of goods or services.

Section 5: Restrictive Measures

- 5.1 The Minister may establish a Restrictive Measure under this Act provided that:
- (a) such measure is specifically authorized by this Act;
 - (b) the measure is necessary to achieve a particular purpose prescribed by this Act; and
 - (c) the type and scope of the Restrictive Measure are limited to the minimum extent necessary to achieve that purpose.
- 5.2 A Restrictive Measure established pursuant to section 5.1 shall be abolished or its scope shall be reduced to the extent that the reasons requiring its establishment have ceased to exist or have changed such that it is no longer required.

Section 6: Transparency

- 6.1 The Minister shall publish in the Official Gazette or in such manner or by such means that will, in the Minister's opinion, bring the following lists to the attention of interested parties, and shall make available to any interested party a copy of any or all of the following lists at no charge:
- (a) a list of Restrictive Measures that are imposed from time to time pursuant to section 5.1;
 - (b) a list of all fees charged pursuant to section 7.1;
 - (c) a list of goods which may not be imported into Liberia pursuant to sections 11.1 and 11.2;
 - (d) a list of Quantitative Restrictions imposed on exports and imports pursuant to sections 15.1 and 15.2;
 - (e) a list of goods which are subject to quotas pursuant to section 16.2; and
 - (f) a list of import licenses and export licenses that must be obtained pursuant to section 17.

- 62 The Minister shall publish in the Official Gazette or in such manner or by such means that will, in the Minister's opinion, bring to the attention of interested parties any rules, regulations or guidelines prescribed by the Minister under this Act, such publication to be made at least 21 days before any such rules, regulations or guidelines come into force. During such 21-day period, interested parties may make submissions in writing to the Minister regarding such rules, regulations or guidelines.

Section 7: Fees

- 7.1 No fees shall be imposed or levied under this Act or any other Act relating to Foreign Trade except as are related to, and are required to compensate for, the services actually rendered, and any fees or charges that are imposed in connection with Foreign Trade, including on or in respect of imports and exports of goods or services, shall be limited to the approximate cost of the services rendered, and shall not represent an indirect protection of domestic goods or services or a taxation of imports or exports of goods or services levied for the purposes of obtaining revenue for fiscal purposes.
- 7.2 For greater certainty, this section 7 does not apply to customs duties, excise taxes, tariffs and other similar charges and levies.

PART III – FOREIGN TRADE IN GOODS

Section 8: National Treatment

- 8.1 Notwithstanding any other Act of the Legislature imported goods, other than those which are prohibited by law, shall be entitled to National Treatment as required by international agreements to which Liberia is a party and by which it is bound.
- 8.2 Foreign persons who are involved in the import or export of goods into or from Liberia shall, provided they comply with the provisions of this Act, be accorded treatment equivalent to that accorded to domestic persons.

Section 9: Importer of Record

- 9.1 A foreign person shall be permitted to import goods into Liberia solely as the importer of record, provided the person does not engage in any further or other activities in respect of such goods, without having to comply with the internal laws of Liberia regarding licensing, registration or other similar requirements applicable to persons who conduct or carry on business in Liberia.
- 9.2 Notwithstanding section 9.1, foreign persons who are involved in the sale, offering for sale, purchase, transportation, storage, distribution or use of goods in Liberia must comply with the applicable laws of Liberia with respect to such activities in the same manner as domestic persons.

Section 10: Most Favored Nation Treatment

- 10.1 Notwithstanding any other Act of the Legislature, imported and exported goods shall be accorded Most Favored Nation Treatment as required by international agreements to which Liberia is a party and by which it is bound.