

WORLD TRADE ORGANIZATION

G/AG/W/61
17 October 2003

(03-5501)

Committee on Agriculture

Original: English

CHINA'S TRANSITIONAL REVIEW MECHANISM

The following communication which was made available as an informal document at the meeting of the Committee on Agriculture on 25 September 2003, is being circulated to Members as a working document at the request of the delegation of the People's Republic of China.

Reference is made to the Committee on Agriculture meeting scheduled to be held on 25 September 2003 (WTO/AIR/2165), at which the Transitional Review under Paragraph 18 of the Protocol on the Accession of the People's Republic of China is on the agenda. For the purpose of this review, I hereby, on instructions from my authorities, submit relevant information to the Committee of Agriculture as provided in paragraph IV:3 of Annex 1A to the Protocol on the Accession of the People's Republic of China. The information includes:

- "Implementing Rules on the Allocation of Tariff Rate Quota for Import of Important Agricultural Products for 2003" (attached);
- "The Pronouncement on the Re-allocation of the Important Agricultural Products Import Tariff Quota for the Year 2003" (attached); and
- "Implementing Rules on the Administration of Tariff Rate Quota for Import on Wool and Wool Tops for 2003" (attached).

**Pronouncement of the State Development and Planning Commission
No. 4, 2002¹**

The "Implementing Rules on the Allocation of Tariff Rate Quota for Import of Important Agricultural Products for 2003" is formulated in accordance with the "Interim Measures on TRQ Administration for Imports of Agricultural Products" and is hereby announced.

State Development and Planning Commission
30 September 2002

**Implementing Rules on the Allocation of Tariff Rate Quota for Import of Important
Agricultural Products for 2003**

In accordance with the "Interim Measures on TRQ Administration for Imports of Agricultural Products", the quantity, application requirements and allocating methods of TRQ on wheat, maize, rice, palm oil, soybean oil, colza-oil, sugar and cotton are hereby published.

1. The respective imports TRQ for agricultural products for 2003 is as follows: 9.052 million tonnes for wheat, including 90 per cent subject to state trading, 6.525 million tonnes for maize, including 64 per cent subject to state trading, 4.655 million tonnes for rice (among which: 2.3275 million tonnes for long-shaped rice or polished rice and 2.3275 million tonnes for the remainder, i.e. medium and short-shaped rice) including 50 per cent subject to state trading, 2.6 million tonnes for palm oil (including 26 per cent subject to state trading), 2.818 million tonnes for soybean oil (including 26 per cent subject to state trading), 1.0186 million tonnes for colza-oil (including 26 per cent subject state trading), 1.852 million tonnes for sugar (including 70 per cent subject to state trading), and 0.85625 million tonnes for cotton (including 33 per cent subject to state trading).

2. The import TRQs for agricultural products are categorized into Type A and Type B. Type A shall apply to the imports quota through general trade (including imports through various trading modes except processing trade). Type B shall apply to the imports quota through processing trade. Commodities, which are subject to import TRQs administration and are imported to bonded areas and export-processing zones for processing trade, shall be exempted from applying for the certificate of import TRQs for agricultural products.

3. The basic requirements for applicants for import TRQs for agricultural products are registered with state commercial and industrial administration authorities prior to 1 October 2002 (a duplicate of the business licence for business entity is required); sound financial conditions and tax paying record (relevant information for 2001 and 2002 is required); no records of unlawful acts at the Customs, authorities for industry and commerce administration, authorities for inspection and quarantine and taxation authorities during 2000-2002; annual examination of 2001 passed. No record of violation of Interim Measures on TRQ Administration for Imports of Agricultural Products. In addition to the forgoing conditions, applicants applying for import TRQs through general trade shall meet one of the requirements set forth below:

- 1) In the case of wheat:
 - a) State trading enterprises;
 - b) national enterprises with the function of state reserve;
 - c) enterprises with actual import through general trade in 2002; or
 - d) producing enterprises with the capacity of processing wheat of or above 400 tonnes per day.

¹ This document is authentic only in the Chinese language and the English version is only for reference.

- 2) In the case of maize:
 - a) State trading enterprises;
 - b) national enterprises with the function of state reserve;
 - c) enterprises with actual import through general trade in 2002;
 - d) enterprises producing mixed feeds with an annual demand of or above 50,000 tonnes of maize as a material per year; or
 - e) other enterprises with an annual demand of or above 100,000 tonnes of maize as a material per year.

- 3) In the case of paddy and rice (polished rice or other rice shall be applied separately):
 - a) State trading enterprises;
 - b) national enterprises with the function of state reserve;
 - c) enterprises with actual import through general trade in 2002;
 - d) grain producer with grain retailing and wholesaling credentials and with an annual sale of or above RMB 0.1 billion yuan; or
 - e) trading enterprise with an annual import and export value of or above US\$25 million of grains.

- 4) In the case of palm oil
 - a) State trading enterprises;
 - b) National enterprises with the function of state reserve;
 - c) Enterprises with actual import through general trade in 2002 ;
 - d) Food producing enterprises using palm oil as the direct materials with an annual demand of or above 3,000 tonnes.

- 5) In the case of soybean oil:
 - a) State trading enterprises;
 - b) national enterprises with the function of state reserve;
 - c) enterprises with actual import through general trade in 2002; or
 - d) enterprises processing refined soybean oil with daily processing capacity of or above 200 tonnes of raw soybean oil.

- 6) In the case of colza-oil:
 - a) State trading enterprises;
 - b) national enterprises with the function of state reserve;
 - c) enterprises with actual import through general trade in 2002; or
 - d) enterprises processing refined colza-oil with daily processing capacity of or above 200 tonnes of raw colza-oil.

- 7) In the case of sugar:
 - a) State trading enterprises;
 - b) national enterprises with the function of state reserve;
 - c) enterprises with actual import through general trade in 2002; or
 - d) sugar producing enterprises with daily processing capacity of or above 600 tonnes of raw sugar.

- 8) In the case of cotton:
 - a) State trading enterprises;
 - b) national enterprises with the function of state reserve;
 - c) enterprises with actual import through general trade in 2002; or
 - d) cotton spinning enterprises with spinning equipments of or above 50,000 spindles.

4. Import TRQs for general trade (Type A) shall be allocated basically according to applicants' recorded performances, processing capacities as well as experience and capacity in production, importation, sale or providing services in international markets.

- 1) In the event that the total volume of import TRQs for non-state trading (Type A) is sufficient to satisfy the demand of all eligible applicants, the amount of import TRQ shall be allocated as they had applied for.
- 2) In the event that the total volume of import TRQs for non-state trading (Type A) is not sufficient to satisfy the demand of all eligible applicants, applicants with actual import shall enjoy priorities in acquiring import TRQs (Type A). For those applicants without actual import, import TRQs (Type A) shall be allocated to them proportionally mainly based on their processing capacities or business scale. If the applied amount is less than that to be allocated proportionally, then the TRQs will be allocated as they have applied.

5. Applicants applying for import TRQs for processing trade (Type B) shall apply to local agencies authorized by SDPC in light of the Approval Certificate for Processing trade issued by MOFTEC, and obtain the Certificate of Import Tariff Rate Quotas for Agricultural Products (Type B) from such agencies in accordance with territorial jurisdiction.

6. The application period for import TRQs for agricultural products through general trade of 2003 is 15-31 October 2002. Applicants applying for Type A TRQs shall get from agencies authorized by SDPC (or download from the web site of China Economic Information \ copy) and fill out the Application Form for Import Tariff Rate Quotas for Agricultural Products, Type A (see the attachments). Agencies authorized by SDPC are responsible for accepting applications by enterprises within their territorial mandates. Agencies authorized by SDPC shall submit eligible applications to SDPC prior to 30 November 2002. SDPC will send the Notice on the Arrangements for Import Tariff Rate Quotas for Agricultural Products to end-users prior to 1 January 2003.

7. The principle of "first-come, first-served" shall apply to the allocation of TRQs for wool and wool tops. For detailed requirements and procedures of applications, please see the Implementing Rules for Import Tariff Rate Quota for Wool and Wool Tops of 2003.

Attachment 1: Application Form for Import TRQs for Agricultural Products, Type A

Seal of the applicant

Signature of the corporate representative of the applicant

Name of the requested agricultural import	Requested Quantity	
Mode of Trade	<input type="checkbox"/> With recorded import performance in 2002	<input type="checkbox"/> Without recorded import performance in 2002
Region:	Name of the Applicant	
Registered Address:		
Telephone:	Fax number:	E-mail:
Address of the Business:		Customs code:
Registered capital:	Registration number with the industrial and commercial authority:	National tax registration number:
Nature of the Business	<input type="checkbox"/> State-owned <input type="checkbox"/> Collective-owned <input type="checkbox"/> Private-owned <input type="checkbox"/> Foreign Invested <input type="checkbox"/> Other	
Type of the Business	<input type="checkbox"/> Manufacturing <input type="checkbox"/> Trading/Circulating <input type="checkbox"/> Other	
The following is filled by a manufacturing business		
Product(s) and production capacity of the business in 2002	Product Name(s)	Name(s) of the Raw Material(s) Required
	Production per day (in tonnes):	Required amount per day (in tonnes):
	Production per year (in tonnes):	Required amount per year (in tonnes):
	Annual Sales (in 10,000 RMB):	
The following is filled by a trading/circulating business		
1. Sales of the requested agricultural product(s) (in tonnes)	2000	Import quantity
	2001	Import quantity
2. Sales of the business for 2001 (in 10,000 RMB):		
The following is filled by a business with recorded import performance (excluding brokered imports)		
Allocated quota for 2001 (in tonnes)	Actual import volume under Type A quota (in tons)	
Allocated quota for 2002 (in tonnes)	Estimated Import volume under Type A quota (in tonnes)	
Notes:		
Opinions of the authorized review and approval agency		

- Instructions:
- "Name(s) of the Raw Material(s) Required" refer to the requested agricultural imports. "Product Name(s)" refer to the main products made with the requested material imports as direct raw materials.
 - In filling the "Production per day/year" and "Required amount per day/year" blanks, identify the full production capacity of wheat, maize, bean oil, colza-oil, and sugar and required amount of raw material(s).
 - Applicant for cotton quota should provide the number of spindles of the spinning equipment when filling the "required amount per day" blank.

Attachment 2: Application Form for Import TRQs for Agricultural Products, Type B

Seal of the applicant

Signature of the corporate representative of the applicant

Region:	Number of the "Approval Certificate for Processing Trade Operation"	
Name of the applicant:	Customs code:	
Registered Address:	Registration number with the industrial and commercial authority:	
Contact person:	Telephone:	Fax number:
Nature of the Business	<input type="checkbox"/> State-owned <input type="checkbox"/> Collective-owned <input type="checkbox"/> Private-owned <input type="checkbox"/> Foreign Invested <input type="checkbox"/> Other	
Name of the Processing Business	Address of the Processing Business	
Types of processing trade	Deadline for the buyback of exporting finished product(s)	
Export destination of the processed product(s)	Name(s) of the exporting processed product(s)	
Name of the imported commodity	Code of the imported commodity	Requested amount
Port for imports	Place of origin	Importing trading country (region)
Total value	Total value in US dollars	Unit price
Opinions of the authorized review and approval agency		

**Pronouncement of the State Development and Reform Commission,
Ministry of Commerce P.R.C.
No. 16, 2003²**

The Pronouncement on the Re-allocation of the Important Agricultural Products Import Tariff Quota for the Year 2003, formulated in accordance with the Interim Measures on TRQ Administration for Imports for Agricultural Products, is hereby publicized.

State Development and Reform Commission,
Ministry of Commerce
11 August 2003

**The Pronouncement on the Re-allocation of the Important Agricultural Products
Import Tariff Quota for the Year 2003**

In accordance with the relevant provisions of the "Interim Measures on TRQ Administration for Imports for Agricultural Products" (Decree No. 19, State Development and Planning Commission, hereinafter referred to as "Interim Measures"), the "Implementing Rules on the Allocation of the Important Agricultural Products on Import Tariff Quota for the Year 2003" (Pronouncement No. 4, 2002, State Development and Planning Commission, hereinafter referred to as "Allocation Rules") and the "Implementing Rules on the administration of Tariff Rate Quota for Import on Wool and Wool Tops for 2003" (Notice No. 6, 2002, State Development and Planning Commission, hereinafter referred to as "Implementing Rules"), as well as the principles of official duty adjustment through State Council agencies reform, the issues concerning the re-allocation of the tariff rate quota on the import of important agricultural products for the year 2003 are hereby announced as follows:

1. Any enterprises who hold the general trade import tariff quota of wheat, corn, paddy and rice, soy-bean oil, rape oil, palm oil, sugar and cotton and, by estimate, cannot sign the import contracts amounting to the acquired quota volume by 31 December 2003, or, cannot start out by the end of this year from the departure port though having signed such contracts, shall return the un-performed portion of the acquired quota volume by 15 September to the local provincial (autonomous regions, municipalities directly under the State Council and the municipalities at the provincial level) planning commissions (the agencies authorized by the former State Planning Commission). The State Development and Reform Commission and the Ministry of Commerce will re-allocate the returned quota. Where the end-users fail in returning the quota as required by 15 September and still fail in exhausting the acquired quota by the end of this year, the State Development and Reform Commission and the Ministry of Commerce will make a corresponding deduction in proportion when allocating the agricultural products import tariff quota for the year 2004.

2. Any end-users who have acquired and exhausted such acquired general trade tariff quota for the year 2003 (i.e. those who have submitted the copies of the import declaration forms to the local provincial (autonomous regions, municipalities directly under the State Council and the municipalities at the provincial level) planning commissions), and any new users who satisfy the requirements for application provided in the "Allocation Rules" but did not apply for the general trade tariff quota for the year 2003 before the beginning of this year, may submit an application for the re-allocation of the agricultural products general trade import tariff quota to the local provincial (autonomous regions, municipalities directly under the State Council and the municipalities at the provincial level) planning

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commissions, and simultaneously send a duplicate of such application to the foreign trade and economic cooperation authorities at the same level.

3. The applicants shall submit the application for the re-allocation of the tariff quota (except for wool and wool tops, the same in the following cases) in writing to the local provincial (autonomous regions, municipalities directly under the State Council and the municipalities at the provincial level) planning commissions during 1-15 September, and simultaneously send a duplicate of such application to the foreign trade and economic cooperation authorities at the same level. The application form shall be filled out in accordance with the requirements provided in the "Allocation Rules".

4. After having examined and approved the applications preliminarily, the local provincial (autonomous regions, municipalities directly under the State Council and the municipalities at the provincial level) planning commissions shall, from 1 September, make the declaration of the qualified applicants respectively through the computer management system for the agricultural products import, and collect such applications in sequence of time before 20 September, and then jointly with the local foreign trade and economic cooperation authorities report in writing to the State Development and Reform Commission and the Ministry of Commerce.

5. The State Development and Reform Commission and the Ministry of Commerce shall re-allocate the returned quota according to the sequence of the declaration made through internet. The results of the re-allocation of the tariff quota shall be notified to the end-users by 30 September. Where the sum of the applied volume is less than the volume of tariff quota subject to the re-allocation, the application of each applicant will be satisfied. Where the sum of the applied volume is more than the volume of tariff quota subject to the re-allocation, re-allocation shall be made in accordance with the principles provided in Article 4 of "Allocation Rules", i.e. the re-allocation shall be made based on the enterprises' previous import performance, manufacture capability and the experience in and capability of production, import, sales or supplying service on the international market.

6. Where the applicants for the wool and wool tops general trade import tariff quota are qualified according to the provisions of Article 2 of this Pronouncement, they may, for a second time, submit the application, according to the provisions concerning the application volume in the "Implementing Rules" and based on the import contracts, to the local provincial (autonomous regions, municipalities directly under the State Council and the municipalities at the provincial level) planning commissions. Other issues shall be dealt with by the local provincial (autonomous regions, municipalities directly under the State Council and the municipalities at the provincial level) planning commissions in accordance with the relevant provisions in the "Implementing Rules".

7. Other issues such as the period of validity of the re-allocated tariff quota shall be governed by the "Interim Measures" and the "Implementing Rules".

**Pronouncement of the State Development and Planning Commission
No. 6, 2002³**

The "Implementing Rules on the Administration of Tariff Rate Quota for Import on Wool and Wool Tops for 2003" is formulated in accordance with the "Interim Measures on the Administration of TRQ for Imports on Agricultural Products" and is hereby announced.

State Development and Planning Commission
30 September 2002

Article 1. The Implementing Rules on the Administration of Tariff Rate Quota for Import on Wool and Wool Tops for 2003 is formulated in line with the Interim Measures for the Administration of Import Tariff Rate Quota on Agricultural Products with a view to implementing the administration of import tariff rate quotas of wool and wool tops (hereinafter referred to as "WWP TRQs").

Article 2. WWP TRQs shall be categorized into two types as Type A and Type B. Type A is the TRQs for general trade and shall apply to wool and wool tops imported through general trade, donations, barter trade and small-amount frontier trade (processing trade excluded); Type B is the TRQs for processing trade and shall apply to wool and wool tops imported by means of processing trade. Wool and wool tops imported to bonded zones and export-processing zones under processing trade programme shall be exempt from the Certificate of Import TRQs on Agricultural Products.

Article 3. The principle of "first-come, first-served", upon the presentation of import contract, shall be applied on a trial basis in the allocation of WWP TRQs in 2003. Applicants shall apply for WWP TRQs by presenting import contracts and related materials. Under the principle of "first-come, first-served", SDPC shall grant the Certificate of Import Tariff Rate Quotas for Agricultural Products, Type A (hereinafter referred to as "Certificate A") or the Certificate of Import Tariff Rate Quotas for Agricultural Products, Type B (hereinafter referred to as "Certificate B", and "the Certificates" refer to both Certificate A and Certificate B) to eligible applicants according to the specific conditions of such applications. Once the allocated amount accumulates up to the total amount of WWP TRQs for 2003, applications shall not be accepted anymore.

Article 4. The total amount of TRQs for wool in 2003 is 275,750 tonnes, including 95,000 tonnes subject to processing trade. The total amount of TRQs for wool tops in 2003 is 76,250 tonnes, including 34,000 tonnes subject to processing trade.

Article 5. Eligibility for applicants for WWP TRQs through general trade:

- 1) Producing enterprises and traders who have acquired WWP TRQs and had actual imports performance in 2002 (hereinafter referred to as "Applicants with Actual Performance");
- 2) producing enterprises who use wool and wool tops as raw materials and have achieved an annual sale of or above RMB 50 million yuans but had no actual import performance on wool and wool tops in 2002, as well as enterprises designated by MOFTEC to engage in import of wool and wool tops (hereinafter referred to as "Applicants without Actual Performance").

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Article 6. Application Requirements (for Type A and Type B):

- 1) Enterprises that have registered with the state administration of industry and commerce prior to 1 January 2003;
- 2) having sound financial situations and good record of tax payment;
- 3) having no records of unlawful acts at the customs and the authorities responsible for the administration of industry and commerce, taxation and product inspection and quarantine during 2000-2002;
- 4) having passed the 2001 annual examination; and
- 5) having no recorded violation of the "Interim Measures on TRQ Administration for Imports on Agricultural Products" and the "Implementing Rules on the administration of Tariff Rate Quota for Import on Wool and Wool Tops for 2003".

Article 7. Pursuant to the territorial jurisdiction, applicants shall present import contract of wool and wool tops to apply for WWP TRQs of Type A to local authorized agencies (hereinafter "the Authorized Agencies"). Applicants shall fill out the Application Form for Import Tariff Rate Quotas of Type A for Wool and Wool Tops (see the attachment) and provide relevant proof and materials.

Article 8. Applicants applying for WWP TRQs of Type A may submit more than one application successively within one calendar year but shall be subject to the quantity restrictions set forth below:

- 1) In the case of Applicants with Actual Performance, the accumulated amount of WWP TRQs applied for before 30 September 2003 shall not exceed the amount of their actual imports in 2002 (excluding imports through agents). Applicants whose actual import failed to reach 200 tonnes may apply for 200 tonnes at most.
- 2) In the case of Applicants without Actual Performance, the accumulated amount of WWP TRQs applied for before 30 September 2003 shall not exceed 200 tonnes.

Article 9. End-users, which have acquired WWP TRQs of Type A and completed the import of the restricted quantity specified in Article 8 prior to 30 September may apply to SDPC for additional WWP TRQs after 30 September 2003.

Article 10. After receiving the applications for WWP TRQs of Type A, the Authorized Agencies shall promptly report those applications meeting the requirements set forth in Articles 5 and 6 to SDPC by linking to the computer network of SDPC. Sequences of the applications shall be identified in accordance with the time shown on the network terminal of SDPC. Further applications shall not be accepted once the remaining WWP TRQs become zero as shown on the terminal.

Article 11. SDPC shall notify the Authorized Agencies the result of each application provided by them within five working days.

Article 12. Upon receiving the approval notice of WWP TRQs of Type A, the Authorized Agencies shall grant Certificate A to the applicants in accordance with the amount approved by SDPC.

Article 13. The Certificate is valid for 6 months as from the date of issuance.

Article 14. The validity of the Certificates shall be expired on 31 December 2003. For the shipment dispatching from the departure port prior to 31 December 2003, but arriving at the destination port in

the subsequent year, end-users shall, prior to 31 December 2003, apply for extension of the Certificates to the Authorized Agencies that initially granted the Certificates by presenting relevant proofs. The extended expiration date should be no later than 15 February of the subsequent year.

Article 15. Enterprises engaging in processing trade shall apply for Certificate B to the agencies authorized by SDPC located in their regions by presenting Certificate of Approval for Processing Trade issued by provincial foreign trade and economic authorities together with other relevant materials prescribed in Article 6.

Article 16. The agencies authorized by SDPC shall grant Certificate B to eligible applicants within 5 working days, provided that after examining and inquiring by the authorized agencies the WWP TRQs for imports under processing trade are still available. The duration of validity and its expiring date of Certificate B shall be defined in accordance with Articles 13 and 14.

Article 17. In the event that end-users fail to make use of the granted WWP TRQs within the period of validity, SDPC shall revoke such WWP TRQs and add them to the remaining WWP TRQs in its possession.

Article 18. In the event that end-users fail to import wool and wool tops within the period of validity of the Certificates, SDPC shall not accept their further applications for WWP TRQs within the current year.

Article 19. Enterprises who have acquired the Certificates by fabricating contracts or proofs shall be penalized pursuant to applicable provisions set forth in the Interim Measures for the Administration of Import Tariff Rate Quota of Agricultural Products.

Article 20. Within 20 working days upon completion of the customs formalities of shipment, end-users shall submit a photocopy of the first copy (for handling the customs formalities by consignee) of the Certificates endorsed by the Customs and a photocopy of the Customs Declaration to the authorized agencies which initially granted the Certificate. Article 18 shall apply to those who failed to submit the above-mentioned documentation within the prescribed time.

Article 21. The import of wool and wool tops shall be managed and administered pursuant to the relevant provisions of MOFTEC.

Article 22. This Rule shall be subject to interpretation by SDPC.

Attachment: Application Form for Import TRQs for Wool and Wool Tops of Type A

Seal of the applicant

Region	Name of the applicant	
Registered Address:	Registration number with the industrial and commercial authority:	
Tax registration number:	Type of TRQ Requested	<input type="checkbox"/> With recorded import performance <input type="checkbox"/> Without recorded import performance
Business Contact:	Telephone:	Fax number:
Nature of the Business	<input type="checkbox"/> State-owned <input type="checkbox"/> Collective-owned <input type="checkbox"/> Private-owned <input type="checkbox"/> Foreign Invested <input type="checkbox"/> Other	
Type of the Business	<input type="checkbox"/> Manufacturing <input type="checkbox"/> Trading/Circulating <input type="checkbox"/> Other	
Production capacity of the business		Total sales (in 10 thousands RMB):
		Required amount per year (in tonnes):
Allocated TRQ in (in tonnes)	Actualized imports within the TRQ amount (in tonnes)	
Allocated TRQ in 2002 (in tonnes)	Actualized imports within the TRQ amount (in tonnes)	
Requested amount of TRQ this time (in tonnes)	Total amount of TRQ obtained this year (in tonnes)	
Contract 1:		
Contractual Amount (in tonnes)	Name of the commodity	Commodity code
Importer	Customs code of the importer	
Contract number	Date of signature	
Mode of Trade	Source of foreign exchange	Port of customs declaration
Shipment period	Place of origin	Trading nation (region)
Total value	Value in dollars	Unit price
Contract 2:		
Contractual Amount (in tonnes)	Name of the commodity	Commodity code
Importer	Customs code of the importer	
Contract number	Date of signature	
Mode of Trade	Source of foreign exchange	Port of customs declaration
Shipment period	Place of origin	Trading nation (region)
Total value	Value in dollars	Unit price
Opinions of the authorized review and approval agency		

- Notes:
1. Separate applications for wool and wool top imports.
 2. The relevant details of each contract should be supplied in the form.
