

EXPORT AND IMPORT (RESTRICTIONS ON IMPORTATION OF SELECTED STRATEGIC PRODUCTS) REGULATIONS, 2023

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EXPORT AND IMPORT (RESTRICTIONS ON IMPORTATION OF SELECTED STRATEGIC PRODUCTS) REGULATIONS, 2023

In exercise of the power conferred on the Minister responsible for Trade by section 12 and paragraph (a) of section 13 of the Export and Import Act, 1995 (Act 503), these Regulations are made this day of 2023.

Preliminary Provisions

Purpose of Regulations

1. The purpose of these Regulations is to
 - (a) establish a special import management mechanism for regulating and monitoring the importation, for commercial purposes, of the selected strategic products set out in the First Schedule, for the economic development of the country;
 - (b) streamline and rationalise the import bill of the country to improve balance of payments and economic stabilisation; and
 - (c) provide measures to conserve foreign exchange, safeguard critical imports and contribute to sustainable consumption.

Application of Regulations

2. These Regulations apply to the importation into the country of the selected strategic products set out in the First Schedule.

Selected Strategic Products Import Permit Committee

Establishment of Selected Strategic Products Import Permit Committee

3. (1) There is established by these Regulations, a Selected Strategic Products Import Permit Committee.
 - (2) The Import Permit Committee consists of a representative each of
 - (a) the Ministry responsible for Trade and Industry not below the rank of a Deputy Minister as chairperson, nominated by the Minister;
 - (b) the Ministry responsible for Food and Agriculture not below the rank of a Director, nominated by the Minister responsible for Food and Agriculture;

- (c) the Ministry responsible for Finance not below the rank of a Director, nominated by the Minister responsible for Finance;
 - (d) the Ministry responsible for Employment and Labour Relations not below the rank of a Director, nominated by the Minister responsible for Employment and Labour Relations;
 - (e) the Ministry responsible for the Interior not below the rank of a Director, nominated by the Minister responsible for the Interior;
 - (f) the Bank of Ghana not below the rank of a Director, nominated by the Governor of the Bank of Ghana;
 - (g) the Customs Division of the Ghana Revenue Authority not below the rank of a Director, nominated by the Commissioner-General of the Ghana Revenue Authority;
 - (h) the Food and Drugs Authority not below the rank of a Director, nominated by the Chief Executive Officer of the Food and Drugs Authority;
 - (i) an expert in international trade nominated by the Minister;
 - (j) the Association of Ghana Industries nominated by the Association of Ghana Industries;
 - (k) the Ghana National Chamber of Commerce and Industry nominated by the Ghana National Chamber of Commerce and Industry;
 - (l) the Ghana Union of Traders' Association nominated by the Ghana Union of Traders' Association; and
 - (m) the Food and Beverages Association of Ghana nominated by the Food and Beverages Association of Ghana Food.
- (3) The Minister shall appoint the members of the Import Permit Committee.

Functions of the Import Permit Committee

4. The Import Permit Committee shall

- (a) advise the Minister on
 - (i) matters related to the establishment and operationalisation of an import management mechanism for the selected strategic products;
 - (ii) the issuance and renewal of import permits to importers of the selected strategic products;
- (b) implement these Regulations in respect of the following:
 - (i) using import data obtained from the Integrated Customs Management System and local production data obtained from the Statistics Research and Information Directorate of the Ministry of Food and Agriculture to track and forecast the importation, local production and projected demand of the selected strategic products;
 - (ii) using the permit system to monitor related demand for foreign exchange and the import bill;
 - (iii) where necessary, bridging significant projected shortfalls and price hikes by facilitating the importation of the selected strategic products;
 - (iv) monitoring and assessing the impact of and feedback on the implementation of these Regulations, particularly on consumers, local producers, importers and retailers;
- (c) make recommendations to the Minister on the matters referred to under paragraph (b);
- (d) assess the impact of the importation of the selected strategic products on the economy;
- (e) report to the Minister, at least once in every three months, on matters in relation to the importation into the country of selected strategic products; and

- (f) perform any other function as may be directed by the Minister for the implementation of these Regulations.

Tenure of office of members of the Import Permit Committee

5. (1) A member of the Import Permit Committee shall hold office for a period of three years and is eligible for re-appointment for another term only.

(2) A member of the Import Permit Committee may, by letter addressed to the Minister, resign at any time from office.

(3) A member of the Import Permit Committee who is absent from three consecutive meetings without sufficient cause ceases to be a member of the Import Permit Committee.

(4) The Minister may, by a letter addressed to a member of the Import Permit Committee, revoke the appointment of that member for stated reasons.

(5) Where a member of the Import Permit Committee is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(6) Where there is a vacancy

(a) under subregulation (2), (3), (4) or subregulation (2) of regulation 7,

(b) as a result of a declaration under subregulation (5), or

(c) by reason of the death of a member,

the Minister shall, within fourteen days after being notified of the vacancy, appoint a person to fill the vacancy from the institution in which the vacancy occurred for the unexpired term.

Meetings of the Import Permit Committee

6. (1) The Import Permit Committee shall meet at least once every three months for the conduct of business at a time and in a place determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than four members of the Import Permit Committee, convene an extraordinary meeting of the Import Permit Committee at a time and in a place determined by the chairperson.

(3) The quorum at a meeting of the Import Permit Committee is seven members of the Import Permit Committee.

(4) The chairperson shall preside at meetings of the Import Permit Committee and in the absence of the chairperson, the members of the Import Permit Committee present at a meeting shall elect a member present to preside.

(5) Matters before the Import Permit Committee shall be decided by a simple majority of the members present and voting and in the event of an equality of votes the person presiding shall have a casting vote.

(6) The Import Permit Committee may co-opt a person to attend a meeting of the Import Permit Committee but that person shall not vote on a matter for decision at the meeting.

(7) The Import Permit Committee shall regulate the manner and procedure for the meetings of the Import Permit Committee.

Disclosure of interest

7. (1) A member of the Import Permit Committee who has an interest in a matter for consideration by the Import Permit Committee

(a) shall disclose in writing the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) is disqualified from being present at or participating in the deliberations of the Import Permit Committee in respect of that matter.

(2) A member ceases to be a member of the Import Permit Committee if that member has an interest in a matter before the Import Permit Committee and

(a) fails to disclose that interest; or

(b) is present at or participates in the deliberations of the Import Permit Committee in respect of that matter.

(3) Without limiting any further cause of action that may be instituted against the member, the Import Permit Committee shall recover the benefit derived by a member who contravenes subregulation (1) in addition to the revocation of the appointment of the member.

Allowances

8. (1) A member of the Import Permit Committee shall be paid an allowance for attending meetings.

(2) The Minister, in consultation with the Minister responsible for Finance, shall determine the allowance to be paid under subregulation (1) to members of the Import Permit Committee.

General Provisions on Import Permit

Requirement for import permit

9. (1) A person shall not

- (a) import, or
- (b) cause to be imported

into the country, a selected strategic product without an import permit issued by the Minister on the written recommendation of the Import Permit Committee.

(2) A person shall not facilitate the

- (a) importation of a selected strategic product, or
- (b) shipment of a selected strategic product

into the country without an import permit issued by the Minister on the written recommendation of the Import Permit Committee.

Qualification for import permit

10. A person qualifies to apply for an import permit in respect of a selected strategic product if that person has

- (a) a valid order with a seller; and
- (b) satisfied the requirements for licences and certification from the relevant authorities.

Application for import permit

11. (1) A person who intends to import a selected strategic product into the country, shall submit an application to the Ministry of Trade and Industry for an import permit.

(2) An application for an import permit under subregulation (1) shall be made in writing or online as set out in the Second Schedule.

(3) The application for an import permit shall be accompanied with

(a) documentation as set out in the Third Schedule; and

(b) evidence of the following:

(i) that the applicant is registered as an importer of a selected strategic product on the Integrated Customs Management System;

(ii) the digital address of the company or firm;

(iii) the particulars of the principal officers, directors and partners of the company or firm;

(iv) the business plan or profile of the company or firm;

(v) the location and source of supply of the selected strategic products to be imported;

(vi) the quantity of the selected strategic products to be imported;

(vii) payment of the prescribed application fee; and

(viii) source of foreign exchange funding.

Vetting of application for import permit

12. (1) The Import Permit Committee established under subregulation (1) of regulation 3 shall vet an application for an import permit for the importation of selected strategic products.

(2) The Import Permit Committee shall, within fifteen days after vetting an application for the import permit, make a written recommendation to the Minister to grant or refuse an import permit.

(3) The Import Permit Committee shall, in making the recommendation under subregulation (2), take cognisance of the nationwide production of the selected strategic product and sufficiency for local consumption.

Grant of import permit

13. (1) The Minister may grant or refuse to grant an import permit after consideration of the written recommendation of the Import Permit Committee under subregulation (2) of regulation 12.

(2) The Minister shall, within seven days after receipt of the written recommendation of the Import Permit Committee, inform the applicant in writing of the decision of the Minister.

(3) Where the Minister refuses to approve an application for an import permit, the Minister shall communicate to the applicant, the reason for the refusal to grant the import permit.

(4) The Minister shall, on an annual basis, publish a list of registered importers who have been issued with an import permit for the importation of selected strategic products

- (a) in at least one daily newspaper of nationwide circulation; and
- (b) on the website of the Ministry.

Conditions of import permit

14. (1) An import permit granted under these Regulations shall state

- (a) the terms and conditions under which the import permit is granted;
- (b) the name of the import permit holder;
- (c) the quantity of selected strategic products approved for import; and
- (d) the period of validity of the import permit.

(2) An import permit granted under these Regulations is valid for a period of one year and may be renewed.

(3) An import permit holder shall not use an import permit for a purpose other than the purpose for which the import permit was granted.

(4) An import permit holder shall not import a consignment of any selected strategic product contrary to the quantity of the selected strategic product indicated in the import permit.

Renewal of import permit

15. (1) An import permit issued under these Regulations is subject to renewal at the end of the period of validity indicated under paragraph (d) of subregulation (1) of regulation 14.

(2) A person who wishes to renew the import permit shall submit an application for renewal to the Minister not later than one month before the expiry of the import permit.

(3) The procedure for the renewal of the import permit is the same as that for the grant of the original import permit and is subject to the payment of the prescribed renewal fee.

(4) A person who fails to renew the import permit issued or whose application for renewal is rejected by the Minister shall cease to import selected strategic products into the country.

Non-transferability of import permit

16. A person granted an import permit under these Regulations shall not transfer that import permit to another person.

Suspension of import permit

17. (1) The Minister may suspend an import permit where the Minister is satisfied that the import permit holder

- (a) is not complying with or has not complied with any of the terms or conditions of the import permit;
- (b) has contravened any of the provisions of these Regulations or any other relevant enactment; or
- (c) no longer meets the requirements for which the import permit has been granted.

(2) The Minister shall not suspend an import permit under subregulation (1), unless the Minister has

- (a) given the import permit holder at least fourteen days' written notice of the decision to suspend the import permit and specified in the notice the nature of the defect, omission or breach; and

(b) requested the import permit holder to remedy the defect, omission or breach within ten days from the date of the written notice.

(3) Where the import permit holder fails to take the necessary action to remedy the defect, omission or breach, the Minister shall suspend the import permit.

(4) The suspension of an import permit is effective from the day that the applicant receives the decision of the Minister in writing to suspend the import permit.

Cancellation of import permit

18. (1) The Minister shall, by notice in writing, cancel the import permit of a person where the person has continually breached the conditions attached to the import licence.

(2) The Minister shall not cancel an import permit unless the Minister has given the holder of the import permit at least thirty days' written notice of the intention to cancel the import permit.

(3) The notice under subregulation (2) shall state

(a) the reason for the cancellation of the import permit; and

(b) that the holder of the import permit is required to rectify the breached obligation within the thirty days.

(4) The Minister shall consider a representation made by the holder of the import permit before cancelling the import permit.

Review of decision of Minister

19. (1) A person who is aggrieved by

(a) the refusal of the Minister to

(i) grant an import permit;

(ii) renew an import permit; or

(b) the suspension or cancellation of an import permit by the Minister

may, within seven days after the receipt or notification of the decision of the Minister, apply to the Minister in writing for a review of the decision of the Minister.

(2) The Minister shall, within fourteen days after receipt of an application for a review of the decision of the Minister,

- (a) take a decision on the application; and
- (b) communicate the decision in writing to the aggrieved person.

(3) A person dissatisfied with the decision of the Minister under subregulation (2) may seek redress in Court.

Miscellaneous Provisions

Offences and penalties

20. (1) A person who

- (a) imports or causes to be imported, or
- (b) facilitates the importation

into the country, of a selected strategic product without an import permit commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than two years or to both and the selected strategic product in respect of which the offence was committed may be seized and forfeited to the Republic.

(2) An import permit holder who

- (a) uses an import permit for a purpose other than the purpose for which the import permit was granted; or
- (b) imports a quantity of selected strategic products

contrary to subregulations (3) and (4) of regulation 14 commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than two years or to both.

(3) A person who transfers an import permit contrary to regulation 16 commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty

penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than two years or to both.

(4) A person who provides false information in an application for an import permit commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than two years or to both.

Interpretation

21. In these Regulations, unless the context otherwise requires,

“import permit” means a document issued by the Minister granting an importer of a selected strategic product permission to import the selected strategic product into the country;

“Import Permit Committee” means the Selected Strategic Products Import Permit Committee established under regulation 3;

“relevant authorities” mean statutory bodies or government agencies that are stakeholders at any given time;

“selected strategic product” means a product listed in the First Schedule; and

“unforeseen event” includes an event not occasioned by the importer or not within the immediate contemplation of the importer in the nature of

(a) a delay in the arrival of a shipment;

(b) a breakdown in the operation of customs clearance software; or

(c) a circumstance not reasonably within the direct or indirect control of an importer and which, despite the exercise of reasonable diligence, cannot be prevented, avoided or dealt with by the importer.

Transitional provisions

22. (1) A person engaged in the importation of a selected strategic product before the coming into force of these Regulations, shall within three months after the coming into force of these Regulations, apply for an import permit in accordance with these Regulations.

(2) Despite subregulation (1), the Minister may extend the period under subregulation (1) for another three months if the Minister is satisfied that the importer has suffered an unforeseen event rendering it impossible to meet the deadline under subregulation (1).

FIRST SCHEDULE
(regulations 1(a), 2 and 20)

LIST OF SELECTED STRATEGIC PRODUCTS

1. Rice
2. Guts, bladders, stomach and intestines of animals
3. Poultry
4. Frozen cuts and offal of fowl
5. Animal, vegetable, coconut and palm oil
6. Margarine
7. Fruit juices
8. Soft drink
9. Mineral water
10. Noodles and pasta
11. Ceramic tiles
12. Corrugated paper and paper board
13. Mosquito coil and insecticides
14. Soaps and detergents
15. Motor cars
16. Iron and steel
17. Diaper
18. Polymers (plastics and plastic products)
19. Fish
20. Sugar
21. Clothing and apparel
22. Biscuits
23. Canned tomatoes
24. Aluminium products

SECOND SCHEDULE
(regulation 11(2))

APPLICATION FOR SELECTED STRATEGIC PRODUCTS IMPORT PERMIT

1. Identity of Enterprise

- (a) Business Name
- (b) Tax Identification Number
- (c) Headquarters Address:
- (d) P. O. Box
- (e) Telephone Number
- (f) Fax Number
- (g) Electronic Mail Address
- (h) Website

2. Advanced Notification of Plan to Import Selected Strategic Product

- (a) Products to be imported
- (b) Quantity to be imported (in metric tonnes)
- (c) Estimated values to be imported
- (d) Name/sources of supply
- (e) Location of sources of supply
- (f) Grade of selected strategic product to be imported, if any

3. Ownership and Location of Business

- (a) Names and nationality of owners
- (b) Names of directors/partners
- (c) Shareholding percentage of owners
- (d) Exact location of business
- (e) Number of employees
- (f) Contact person.....

Name:

Signature:

THIRD SCHEDULE
(regulation 11(3)(a))

DOCUMENTATION FOR IMPORTATION OF SELECTED STRATEGIC PRODUCTS

1. Application to be accompanied with the underlisted particulars

- (a) Business registration documents from the Office of the Registrar of Companies;
- (b) SSNIT Clearance Certificate;
- (c) Tax Clearance Certificate; and
- (d) Relevant certification as may be applicable to the selected strategic product.

2. Submission of pro-forma invoices indicating

- (a) Quantity to be imported;
- (b) Values and volume of the product;
- (c) Country of origin; and
- (d) Name and particulars of consignees.

KOBINA TAHIR HAMMOND (MP)
Minister responsible for Trade and Industry