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REPORT OF WORKING PARTY 1

ON

RESOLUTIONS OF THE INTERNATIONAL CHAMBER OF COMMERCE

when!
The Working Party appointed by the Contracting Parties to which were referred resolutions III, IV, VI, contained in the Brochure "International Trade and Governmental Regulations" (No. 153), submitted by the International Chamber of Commerce, was composed of representatives of Brazil, France, Greece, India, Italy, Netherlands, New Zealand, Pakistan, Sweden, United Kingdom and United States, and was presided over by Mr. Ashford (United Kingdom). The terms of reference required them to examine, and make recommendations on, the International Chamber of Commerce resolutions regarding:

- (i) the customs treatment of samples and advertising material;
- (ii) the simplification of documentary requirements for the importation of goods;
- (iii) consular formalities.

The Working Party decided to invite the International Chamber of Commerce to send representatives to one meeting of the Working Party to make a statement regarding the contents of these three resolutions and to answer questions on points which after a preliminary examination by the Working Party might require clarification. The President of the Chamber of Commerce, Mr. Rolf von Heidenstam, and Mr. R. Barton, Director, stated their views and gave the Working Party the benefit of their experience in this field.

The meetings were attended by the representatives of the European Customs Union Study Group, M. Roux and Mr. F. E. Smith, the question of the Customs Treatment of Samples and Advertising Material having been the subject of study by their organization.

In the course of numerous meetings the Working Party made a full study of the problems referred to them and submits herewith to the Contracting Parties:

- (i) a draft Convention for the Purpose of Facilitating the Importation of Commercial Samples and Advertising Material (Annex A);

- (ii) draft Recommendations on Documentary Requirements for the Importation of Goods (Annex B);
- (iii) draft Recommendations on Consular Formalities (Annex C).

The Working Party recommends that the Contracting Parties should consider de-restricting this document at an early date in order that it may be used to inform interested parties of the purposes of the draft Convention and the draft Recommendations.

I. DRAFT CONVENTION FOR THE PURPOSE OF FACILITATING
THE IMPORTATION OF COMMERCIAL SAMPLES AND
ADVERTISING MATERIAL (ANNEX A)

1. The Working Party agreed to recommend to the Contracting Parties that the text of the draft Convention herewith submitted be noted and circulated to their Governments and to the International Chamber of Commerce for comments prior to the Seventh Session. Copies might also be sent for information to the European Customs Union Study Group, and to the Secretary-General of the United Nations for the guidance of the Economic and Social Council, which in its resolution E/1943 of 8 March 1951 referred the matter to the Contracting Parties and expressed the hope that they would give it consideration.

In view of the numerous problems raised it was felt that sufficient time should be given for a mature consideration of the text. It is therefore recommended that any comments, suggestions or proposed amendments be addressed to the Executive Secretary not later than 1 March 1952, or two months prior to the opening of the Seventh Session, whichever is the later, in order that they may be collated and circulated to all contracting parties for their information. At the Seventh Session the Contracting Parties would then be in a position to give the draft definitive form and to open the Convention for signature.

2. In accordance with the International Chamber of Commerce Resolutions and the Economic and Social Council's recommendations, the Working Party took as its starting point the draft Convention of 1935, and the present draft represents a more up-to-date and somewhat expanded version of the 1935 proposals. The Working Party wishes particularly to call attention to the following points:

(a) Article II

- (1) The Working Party considered that the expression "no saleable value" in the 1935 draft Convention was not entirely satisfactory, since all samples could be said to have some saleable value. A more accurate concept was that the samples were of such a character that the Contracting Parties were prepared to ignore their value for customs purposes. Accordingly the formula "negligible value" was adopted.

- (ii) The majority of the members of the Working Party considered that the wording of paragraph 1 could be interpreted by customs authorities to mean that, in considering whether samples were, or were not, of "negligible value", they were at liberty to take into account either the value of each individual sample or the aggregate value of samples forming part of one consignment, in the light of all the circumstances of the importation.

The United States representative considered that the text as it stood was ambiguous and felt that it should explicitly state that customs authorities were given the option between the two criteria.

(b) Annex to Article II

- (i) In the discussion of this Annex the Working Party was almost equally divided on the question whether it should, or should not, be included in the draft Convention. The views for and against are set out below. In the circumstances the Working Party decided to place the Annex in square brackets and to ask governments to direct their comments in particular to this question.
- (ii) It was contended by those representatives who opposed the incorporation of a list of products benefiting from the provisions of Article II, that such an enumeration was contrary to the logic of the Convention. Either an exhaustive list should be drawn up of the products whose samples would be covered by Article II, in which case a general definition in Article II was unnecessary, or the Convention should provide as clear a general definition as possible in Article II, in which case a list of examples would be redundant and misleading. The discussion in the Working Party and the proposed additions to the list show clearly the difficulties which would have to be overcome if an attempt were made to arrive at an enumeration which would satisfy all parties. It was clear that each country would favour the inclusion of its products and oppose the insertion of those products the samples of which could not for various reasons easily be granted the benefits in question. Furthermore, if products were enumerated, the minimum quantities for duty-free admission would have to be fixed precisely whereas the text of Article II provided the clear criterion of "negligible value" which was elastic enough to cope with any practical difficulties.

While agreeing that no list could be exhaustive, the representatives holding the other point of view recalled that the principle of duty-free admission had long been admitted by the majority of countries, but that, in fact, the practical application of the principle differed very widely. It was

with the aim of achieving a more uniform application of the general principles that the Economic Committee of the League of Nations had devised the list appearing in Article 2 of the 1935 draft Convention (E. 726 L. o. N. 2 July 1931). In view of the difficulty of reaching a precise definition of samples of negligible value, the representatives of the International Chamber of Commerce have pointed out the advantages of such a list. For these reasons certain members of the Working Party favoured the retention of a list which, though not exhaustive, would give, by way of example, indications for the duty-free admission of certain samples and, in particular, samples of agricultural products and foodstuffs. They felt that such a list would allow customs authorities to decide other cases by analogy. These representatives thought that if the Convention contained no such indications it would do no more than give sanction to a principle which had been long admitted but which would continue to be applied by each country in a widely different manner. While not denying the difficulties which would be met in drawing up this list, it was felt by them that they were not such as should deter the Working Party from attempting the task.

- (iii) Having regard to the facts set out in the preceding paragraphs the Working Party did not deal with the provisions of the Annex in detail but left the wording of paragraphs 1 to 12 of Article 2 of the 1935 draft Convention unchanged. Governments are invited to supply information as to the limits of weight, quantity or value of their present exemptions for articles covered by these paragraphs and to indicate to what extent they would be prepared to modify those limits in the event that the proposal for the retention of the Annex in the Convention were generally accepted.

(c) Article III

This Article, which was not included in extenso in the 1935 draft Convention, has been based on Article 10 of the 1923 Convention on the Simplification of Customs Formalities. Care was taken to depart as little as possible from the substance of that Article. There was general agreement on the usefulness of these provisions, and that it would be advantageous to include the Article and thus extend the field of its application to those governments which had not signed the 1923 Convention but were likely to sign the one which was being prepared.

The United States representative pointed out that, in view of the organisation of their customs administration and of the general system controlling all governmental disbursements, they would find difficulty in applying the provisions of paragraph 6 of this Article as at present drafted.

Attention is called to the square brackets in paragraphs 3, 7 and 8. The passages in question relate to the question of identity cards for commercial travellers and the comments of governments on this subject are particularly desired. It appeared from the discussion that by far the largest number of governments represented on the Working Party did not require an identity card for commercial travellers operating in their countries. A number of observers from other contracting parties who were present at the discussions also said that no such document was required in their countries. One representative said that identity cards were required nationally in order to ensure conformity with the 1923 Convention on the Simplification of Customs Formalities which had inaugurated the principle of an international identity card for commercial travellers, although in fact that card was introduced as an optional, not a compulsory requirement.

Two members of the Working Party (and also one observer) announced that identity cards were required under their legislation. One of them explained that this obligation derived not from the customs laws but from the domestic status of commercial travellers, which required national travellers to hold a professional card; that the identity card took the place of the professional card; that if the identity card were abolished, foreign travellers would be obliged to apply to the competent authorities of the importing country for a special permit corresponding to the national commercial travellers' card, which would be more complicated than the existing system; and that it was precisely in order to avoid these complications that optional production of international identity cards had been permitted under the 1923 Convention.

On the basis of the information thus given the majority of the Working Party considered that to make a reference to such a document in the present draft Convention, would be to perpetuate a formality which was shown to be required by very few governments, a formality, which if maintained by any one contracting party would require all contracting parties to institute machinery for the issue of identity cards.

(d) Article IV

The scope of the corresponding Article in the 1935 draft Convention has been slightly widened, to conform to actual commercial needs. It now covers:

- (i) a single copy of a catalogue, price list or trade notice;
- (ii) an assortment of several different catalogues etc., provided there is not more than one copy of each.
- (iii) an assortment of catalogues etc., in which there may be more than one copy of each document, provided that a reasonable weight limit is not exceeded. The weight limit has been left

in square brackets in paragraph 1(b). No decision was taken on the limit pending consideration by governments prior to the Seventh Session of the Contracting Parties.

The present draft does not limit the concession to catalogues etc., imported by post, since it was envisaged that there might be circumstances in which catalogues might be sent by air, or by surface transport across frontiers. It was also felt that the weight would make a restriction as to the method of transmission unnecessary.

(e) Article V

This Article was introduced on the proposal of the United Kingdom Delegation in order to bring the text into closer conformity with present commercial needs. Cinematograph films are today increasingly employed to show the nature or operation of products whose qualities cannot be easily demonstrated by samples or catalogue. It will be noted that the time limit for re-exportation has not been fixed; some delegations favoured a shorter period than that for products which fell under the provisions of Article III. It is therefore requested that governments should submit definite suggestions as to the appropriate period to be fixed.

(f) Article VI

In accordance with the views expressed during the Plenary Session and by the representatives of the International Chamber of Commerce, the Working Party addressed itself to the question of the application of quantitative restrictions to the products covered by the draft Convention.

The Working Party considered that the items covered by the draft Convention, when not involving payment, should be admitted free of quantitative restrictions, subject to the usual exceptions on health, etc. grounds.

(g) Articles VII to XIV

No major changes of substance have been made in these articles.

With regard to Article VIII the Italian Delegation disagreed with the majority of the Working Party on the exclusion of a paragraph which was contained in Article 9 of the 1935 draft and worded as follows: "This Article shall not apply to the decisions of customs administrations provided for in Article 1". The majority view was that the Article referred to disputes between governments, not disputes between importers and national governmental authorities, and that the additional paragraph was unnecessary.

Attention is called to the square brackets in Article XI relating to the number of ratifications required for the entry into force and in Article XII relating to the duration of the Convention.

(h) Reciprocity Treatment

The Working Party took note of the fact that the operation of the most-favoured-nation clause may result in the extension of the benefits of the present Convention to contracting parties to the General Agreement who do not sign the Convention. This, however, is a general problem which did not fall within the competence of the Working Party.

(i) Other Matters

The Article in the 1935 draft Convention relating to the treatment of commercial travellers was not included as it was considered that the Convention should be limited to the treatment of goods, as distinct from persons.

The Working Party considered that it was unnecessary to include an Article on tourist propaganda material, since this was adequately covered by the UNESCO Convention on the Importation of Educational, Scientific and Cultural material, and the Touring Convention.

The French Delegation submitted a proposal for the study of the possibility of setting up a system of Carnet de Passages to facilitate the movement of samples of more than negligible value (CP.6/W/6). This system would relieve commercial travellers of the obligation to deposit considerable sums for the temporary admission of such samples. The payment of duties would be guaranteed by approved national organizations which would mutually guarantee each other through an international organization also approved by governments.

The Working Party recognized the importance of this suggestion and mentioned it to the representatives of the International Chamber of Commerce who said that they would look into it.

In the circumstances, it was decided that it would be preferable to await the result of the International Chamber of Commerce's consideration of the matter before pursuing it any further.

II. DRAFT RECOMMENDATIONS ON DOCUMENTARY REQUIREMENTS FOR THE IMPORTATION OF GOODS

The subject matter of this resolution of the International Chamber of Commerce appeared to be best covered by a set of recommendations to be issued by the Contracting Parties to governments for their guidance. It was agreed however that the Working Party would not recommend immediate adoption by the Contracting Parties, but that the draft should be circulated to governments for study and comments with a view to further consideration at the Seventh Session. Such comments should reach the Secretariat by 1 March 1952 or two months prior to the opening of the Seventh Session, whichever is the later in order that they might be given full circulation. Substantial agreement

was found in the Working Party on the main lines of the International Chamber of Commerce proposals.

On the question of the abolition of transit manifests, the scope of this suggestion was not very clear, and additional information promised by the International Chamber of Commerce had not arrived. The Working Party therefore decided not to include this matter amongst its draft recommendations. It could, of course, be taken up again at the Seventh Session in the light of any further information received.

The Working Party unanimously agreed that since the Contracting Parties had deferred consideration of the International Chamber of Commerce Resolution I on the subject of valuation for customs purposes it would not be appropriate for the Working Party to discuss Section F of Resolution III, which is connected with this subject.

III. CONSULAR FORMALITIES

As in the matter of documentary requirements, the Working Party recommended that their draft recommendations on consular formalities might be submitted to governments for study and comment with a view to further consideration at the Seventh Session of the Contracting Parties. Comments should reach the Secretariat by 1 March 1952 or two months prior to the opening of the Seventh Session, whichever is the later, in order that they may be given full circulation.

One of the rules which the International Chamber of Commerce recommended should be followed in cases where governments find it impossible to dispense with consular formalities stated that "additional documents such as certificates of origin should not be required". The meaning and implications of this point were not clear to the Working Party and it was decided not to incorporate it in the draft.

ANNEX A

To the Report of Working Party 1 on Resolutions
of the International Chamber of Commerce

DRAFT INTERNATIONAL CONVENTION FOR THE PURPOSE OF
FACILITATING THE IMPORTATION OF
COMMERCIAL SAMPLES AND ADVERTISING MATERIAL

The Governments signatories to the present Convention

Believing that the adoption of uniform regulations regarding the importation of samples and advertising matter would promote the expansion of international trade,

Have agreed as follows:

ARTICLE I

For the purposes of the present Convention:

- (a) the term "import duties" means customs duties and all other duties and taxes payable on or in connection with importation, such as internal taxes, excise duties, statistical taxes and import taxes, but not including fees and charges which are limited in amount to the approximate cost of services rendered and do not represent an indirect protection to domestic products or a taxation of imports for fiscal purposes; and
- (b) references to the territory of a Contracting Party include its metropolitan territory and any territory for whose international relations it is responsible and to which the Convention extends in accordance with Article XIII.

ARTICLE II

1. Each Contracting Party shall exempt from import duties samples of goods of all kinds imported into its territory, provided such samples are of negligible value and are only to be used for soliciting orders.

2. The Customs authorities of the territory of importation may require that, as a condition of their being exempted from import duties in accordance with paragraph 1 of this Article, samples shall be made useless by tearing, perforation or other treatment, but not, however, so as to destroy their value as samples.

3. This Article shall not apply to samples made up on behalf of a manufacturer or trader established in the territory into which they are imported.

ANNEX TO ARTICLE II

[Without prejudice to the generality of Article II, samples of the following goods in particular shall be entitled to exemption from import duties in accordance with that Article, subject to the limitations specified therein and provided that the weight or volume of each consignment does not exceed the limits, if any, laid down by the importing country as compatible with the character of samples;

1. Foodstuffs and beverages, including wine, spirits, cider, beer, mineral waters, juice of grapes or other fruits, edible oils, margarine and other edible fats, etc., provided that not more than one sample of each kind or quality is included in every consignment and that the weight or volume of these products does not exceed the limits laid down by the importing country as compatible with the character of samples.

2. Base metals, skins, leather, rubber, wood, cork and similar substances, also materials plaited or spun, in sheets, bundles, sets or individual pieces, of a shape precluding the possibility of any other use than as samples, or in threads, bars, tubes, cables or cords of a maximum length of 10 cm., affixed or not on cards and not capable of any use than as samples.

3. Sets of papers, envelopes, notepaper and picture postcards, rendered useless by being pasted on sheets, cancelled by a stamp, etc., wallpapers, mounted on stands or not, sent by a foreign supplier to customers and bearing his name or mark, and also single portions of paper or wallpaper suitable for showing an entire design but not usable for any other purpose.

4. Samples of threads of all kinds arranged on cards in order of size, quality or colour, sent by a supplier to a customer.

5. Woven textiles of all kinds and felt cloths made into sets or bundles, bearing the name or mark of the supplier, or imported in separate pieces, provided that owing to their size and nature they can be used only as samples or are rendered useless for other purposes; for example by cuts or perforations.

6. Coloured samples containing specimens of woven textiles, leather or other materials to show the nature and colour effect, provided that, owing to their size and nature, they can be used only as samples or are rendered useless for other purposes; for example by cuts or perforations.

7. Samples of manufactured goods such as shawls, handkerchiefs, ties, stockings, footwear, gloves, gaiters, serviettes, hats, etc., with deep cuts, or forming only half or a quarter of the article and

not capable of being used.

8. Samples of wood, stone, pottery, earthenware, china or glass, bearing several kinds of design, sculpture, etc., on one article, which cannot be put to any other use.

9. Screws, rivets, nails, etc., buttons, buckles, hooks and, generally speaking, small articles serving as ornaments or accessories in the clothing trade, affixed to cards containing a single sample of each size and of each kind and constituting genuine collections of samples.

10. Small samples of essence of turpentine, colophony, tartar, wax or other products in the raw state.

11. Samples of fruit essences, artificial dyes, etheric oils and chemical products, provided there is only one sample of each kind and quality in every consignment and that the weight or volume of these products does not exceed the limits fixed by the importing country as compatible with the character of samples.

12. Samples of colours and inks for painting and drawing, in small tubes or bottles of such small content that there is no possibility of their being sold. 7

ARTICLE III

1. For the purposes of this Article, the term "samples" means objects representative of a particular category of goods already produced and examples of objects the production of which is contemplated by the sender, provided:

- (a) that they are such that they can be duly identified on re-exportation;
- (b) that they are not of such quantity or value that, taken as a whole, they no longer constitute samples; and
- (c) that they have not been produced abroad on behalf of a manufacturer or trader established in the territory of importation.

2. Samples which are chargeable with import duties shall, when imported from the territory of another Contracting Party, with or without the intervention of a commercial traveller, by a manufacturer or trader established in the territory of any Contracting Party, be temporarily admitted into the territory of any of the Contracting Parties free of import duties, subject to the import duties and any other amount that may be payable being deposited or security being given for payment if necessary.

3. To obtain this privilege manufacturers, traders and commercial

travellers must comply with the relevant laws, regulations and customs formalities prescribed by the authorities of the territory into which samples are imported. [These laws and regulations may require the manufacturer, trader or commercial traveller concerned to be in possession of an identity card as provided in paragraphs 7 and 8.]

4. The customs authorities of any of the Contracting Parties shall recognise as sufficient for the future identification of samples the customs marks which have been affixed by the customs authorities of any other Contracting Party, provided that the said samples are accompanied by a descriptive list certified by the customs authorities of the latter Contracting Party. Additional marks may, however, be affixed to the samples by the customs authorities of the territory into which they are imported in all cases in which the latter consider this additional guarantee indispensable for ensuring the identification of the samples on re-exportation.

5. The period allowed for re-exportation shall be not less than six months, and may be prolonged by the customs authorities of the territory into which the samples have been imported. When this period has expired, import duties and any other amount due shall be payable on samples which have not been re-exported.

6. The refund of duties and any other amount paid on importation, or the release of the security for payment of duties and any other amount, shall be effected without delay at any of the customs offices situated at the frontier or in the interior of the territory which possesses the necessary authority, and subject to the deduction of the duties and other amount payable on samples not produced for re-exportation. Each Contracting Party shall publish a list of the customs offices on which the said authority has been conferred.

[7. Where identity cards are required for the purposes of this Convention they must conform to the specimen annexed to this Convention, and be delivered by an authority designated for this purpose by the Contracting Party in whose territory the manufacturer or trader has his business headquarters. Subject to reciprocity, no consular or other visa shall be required on identity cards unless a Contracting Party shows that such a requirement is rendered necessary by special or exceptional circumstances. When a visa is required its costs shall be as low as possible and shall not exceed the cost of the service.]

[8. Each Contracting Party shall, as soon as possible, communicate direct to other Contracting Parties, and also to the Secretary-General of the United Nations, a list of the authorities recognised as competent to issue identity cards.]

ARTICLE IV

1. Each Contracting Party shall exempt from import duties catalogues, price lists and trade notices imported into its territory from the territory of another Contracting Party

- (a) in a single copy of each of any number of different documents, whatever their weight; or
- (b) in several copies (whether of the same or different documents), provided that the total weight of the copies does not exceed 200 grams

and relating to goods offered for sale by a manufacturer or trader established in the territory of another Contracting Party. Simultaneous but separate dispatch of catalogues, price-lists or trade notices from the place of origin to different addresses in the territory of importation shall not debar such documents from this exemption provided the above conditions are met in the case of each consignee.

2. Notwithstanding paragraph 1 of this Article, a Contracting Party shall not be obliged to exempt from import duties on importation into its territory:

- (a) catalogues, price-lists and trade notices printed abroad on behalf of a manufacturer or trader established in the territory of importation;
- (b) catalogues, price-lists and trade notices which do not clearly indicate the name of the foreign concern manufacturing or selling the goods to which such catalogues, price-lists or trade notices relate; or
- (c) catalogues, price lists and trade notices which arrive at the frontier of the territory of importation in packets grouped together for subsequent dispatch to separate addresses in that territory.

ARTICLE V

Each Contracting Party shall accord the facilities (except as regards the period allowed for re-exportation) provided by Article III of the present Convention, subject to the conditions laid down in that Article, to developed cinematograph films of a width not exceeding 16 mm. shown to the satisfaction of its Customs authorities to consist essentially of photographs (with or without sound track) showing the nature or operation of products or equipment whose qualities cannot be adequately demonstrated by samples or catalogues, provided that the films:

- (a) relate to products or equipment offered for sale by a manufacturer or trader established in the territory of another Contracting Party; and
- (b) are of a kind suitable for exhibition to prospective customers but not for general exhibition to the public; and
- (c) are imported in a packet which contains not more than one

copy of each film and which does not form part of a larger consignment.

The period allowed for re-exportation in the case of such films must be not less than [].

ARTICLE VI

1. No Contracting Party shall apply import prohibitions or restrictions (other than import duties), whether made effective through quotas, import licences or other measures, on the importation from the territory of another Contracting Party of products

- (a) which qualify for exemption from import duties by virtue of the provisions of Article II or Article IV of this Convention; or
- (b) which qualify for temporary duty-free admission by virtue of the provisions of Article III or Article V of this Convention;

provided that the importation of such products involves no payment.

2. The provisions of this Article shall not prevent the authorities of the importing country from applying in the case of non re-exportation of products accorded the facilities of Article III or Article V of the present Convention such measures as would have been applicable had not the products been temporarily admitted under the provisions of the said Article III or Article V. To ensure re-exportation or the application of these measures the authorities of the importing country may require appropriate guarantees such as the deposit of special security over and above that deposited against any duty and other amount that may be payable.

3. The provisions of this Convention shall not prevent a Contracting Party from applying import prohibitions or restrictions:

- (a) necessary to protect public morals;
- (b) necessary to protect human, animal or plant life or health;
- (c) relating to the importation of gold or silver;
- (d) necessary to secure compliance with laws or regulations relating to customs enforcement, the enforcement of State monopolies, the protection of patents, trade marks and copyrights;
- (e) necessary to prevent deceptive practices;
- (f) relating to the products of prison labour;

- (g) necessary to the application of standards or regulations for the classification, grading or marketing of commodities in international trade.

ARTICLE VII

1. Each Contracting Party shall grant the greatest possible facilities when determining the formalities required in respect of the matters covered by the present Convention.
2. Each Contracting Party shall publish promptly all regulations introduced in this respect in such a manner as to enable persons concerned to become acquainted with them and to avoid the prejudice which might result from the application of formalities of which they are ignorant.

ARTICLE VIII

1. Any dispute between any two or more Contracting Parties concerning the interpretation or application of the present Convention shall so far as possible be settled by negotiation between them.
2. Any dispute which is not settled by negotiation shall be referred to a person or body agreed between the Contracting Parties in dispute, provided that if they are unable to reach agreement, any of these Contracting Parties may request the President of the International Court of Justice to nominate an arbitrator.
3. The decision of any person or body appointed under paragraph 2 of this Article shall be binding on the Contracting Parties concerned.

ARTICLE IX

1. The present Convention shall be open for signature untilby the Governments contracting parties to the General Agreement on Tariffs and Trade and by the Governments of all States members of the United Nations, or of any State not a member of the United Nations, which the General Assembly of the United Nations may declare to be eligible.
2. This Convention shall be subject to ratification by the signatory Governments in accordance with their constitutional procedures, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE X

1. This Convention shall be open for accession by the Governments of any of the States referred to in paragraph 1 of Article IX.
2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

ARTICLE XI

1. When [] of the Governments referred to in Article IX have deposited their instruments of ratification or accession, the present Convention shall come into force between them on the thirtieth day after the date of the deposit of the [] instrument of ratification or accession. It shall come into force for each other Government on the thirtieth day after the deposit of its instrument of ratification or accession.

ARTICLE XII

1. After the present Convention has been in force for [] years any Contracting Party may denounce it by notification of denunciation to the Secretary-General of the United Nations.

2. Denunciation shall take effect six months after the date of receipt by the Secretary-General of the United Nations of the notification of denunciation.

ARTICLE XIII

1. Any Government may at the time of the deposit of its instrument of ratification or accession or at any time thereafter by notification addressed to the Secretary-General of the United Nations declare that the present Convention shall extend to all or any of the territories for the international relations of which it is responsible, and the Convention shall extend to the territories named in the notification as from the thirtieth day after the date of receipt of the notification by the Secretary-General of the United Nations or on the date on which the Convention comes into force under Article XI whichever is the later.

2. Any Government which has made a declaration under paragraph 1 of this Article extending the present Convention to any territory for whose international relations it is responsible may denounce the Convention separately in respect of that territory in accordance with the provisions of Article XII.

ARTICLE XIV

The Secretary-General of the United Nations shall notify all signatory and acceding States of all signatures, ratifications and accessions of the present Convention and of the date on which the Convention comes into force and of every notification received by him under Article XII or XIII.

In witness whereof the undersigned plenipotentiaries have signed in the present Convention

Done at : this in English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations shall transmit certified copies thereof to all signatory and acceding States.

ANNEX B

To the Report of Working Party 1 on Resolutions
of the International Chamber of Commerce

DRAFT RECOMMENDATIONS ON DOCUMENTARY REQUIREMENTS
FOR THE IMPORTATION OF GOODS

The large number of documents which traders, forwarding agents and carriers are required to compile for different authorities constitute an appreciable obstacle to the smooth flow of goods between countries. Not only is additional expense and clerical work imposed on the parties to an international commercial transaction but the misplacement of one of these documents or an error of compilation may result in severe hardship wholly out of proportion to the usefulness of the document.

The Contracting Parties have therefore agreed to submit to governments the following draft code of Standards for study with a view to further consideration at the Seventh Session of the Contracting Parties.

DRAFT

Standards as to Documentary Requirements

1. Number of Documents required

Facts relating to imported goods which are required for customs or other governmental purposes should, to the greatest possible extent, be ascertained from the commercial documents relating to the transaction in question. In principle the following commercial documents should suffice to meet governmental requirements:

- (i) transport document (bill of lading, consignment note);
- (ii) commercial invoice, accompanied where necessary by a packing list.

The specification of these documents does not mean that documents such as manifests, customs entry or declaration forms or import licences can be dispensed with. It is also to be understood that in certain circumstances the production of other documents such as certificates of origin, consular invoices, freight or insurance papers, sanitary certificates etc. may be required.

2. Combined Standard Invoice Form

Where governments require consular invoices and/or certificates of origin in addition to the commercial invoice, they should attempt to establish a combined form to take the place of these separate documents. The combined form should invariably be treated as a substitute for, and not as an addition to, the commercial invoices, consular invoices and certificates of origin. Governments should keep down to a

strict minimum the number of copies required and, as far as possible, the necessary forms should be supplied to the trader free of charge or at a nominal charge.

3. Collection of Statistical Information

Where statistical information is required by governments, it should as far as possible be taken from the customs and other documents normally submitted by the exporter or importer for customs purposes. The exporter should not be required to fill in statistical forms for the government of the importing country and the importer should not be required to provide statistical information for the country of export. In other words, the government of the exporting country should get its data from the exporter and the government of the importing country from the importer.

4. Tariff Classification of Goods

It should not be obligatory for the exporter or shipper to classify his goods according to the customs tariff of the country of import. Such classification should be done by the importer, if required, subject of course to review by customs authorities.

5. Weights and Measures

While Governmental authorities should be free to require their import and export documents to be made out in terms of the weights and measures in force in their territory, commercial documents expressed in terms of the weights and measures of the country of exportation, or in terms of any weights or measures used internationally in the trade concerned should be accepted in support of import documents. Similarly, export invoices expressed in terms of the weights and measures of the importing country or in terms of any weights or measures used internationally in the trade concerned should be accepted in support of export documents.

ANNEX C

To the Report of Working Party 1 on Resolutions
of the International Chamber of Commerce

DRAFT RECOMMENDATIONS ON CONSULAR FORMALITIES

The complexity of consular formalities required by some countries and the excessive charges accompanying them are among the most serious of the invisible barriers to international trade. Not only must exporters fill in and sign a disproportionate number of copies of the documents required, often in the language of the country of destination, but the fee charged is in many cases a high percentage of the value of the goods. For minor errors, moreover, fines are frequently imposed, or the importer is obliged to make out documents again in their entirety. Shipowners and shippers, as well as the ultimate consumers, are as much victims of this state of affairs as the exporters. In this connection it should be noted that a large part of the world's trade is carried on without consular invoices or visas,

The Contracting Parties have therefore agreed to submit to governments the following draft recommendations for study with a view to further consideration at the Seventh Session of the Contracting Parties.

DRAFT RECOMMENDATIONS

The Contracting Parties urge the abolition of consular invoices and of consular visas for commercial invoices, certificates of origin, manifests, etc.

Should, however, certain governments find it impossible, for reasons genuinely connected with their customs regulations, to dispense with these documents and visas, the Contracting Parties recommend that the following rules be observed by the consular authorities in the country of exportation:

1. the consular fee should be a small fixed charge not proportionate to the value of the goods;
2. the consular fee should be payable by the exporter and in the currency of the exporting country;
3. no additional charges should be imposed for mistakes made in good faith by the exporter in drawing up the documents, and within reasonable limits corrections should be permitted;
4. no charge or only a nominal charge should be made for supplying the forms to be filled in;
5. not more than five copies should be required of each document;
6. delays in dealing with documents and charges for overtime should be reduced to a minimum.