

GENERAL AGREEMENT ON
TARIFFS AND TRADE

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CONTRACTING PARTIES
Sixth Session

WORKING PARTY 1 ON RESOLUTIONS OF THE
INTERNATIONAL CHAMBER OF COMMERCE

International Convention for the purpose of facilitating the importation
of Commercial Samples and Advertising Material

Revised Draft

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; it excludes 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.
- (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 undertakes to 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 order.

2. The Contracting Party into whose territory samples are imported may require that, as a condition of their being exempted from import duties in accordance with paragraph 1 of this Article, they 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 manufacturers or traders established in the territory into which they are imported.

Annex to Article II

(Insert here in square brackets the text of the preamble of Article 3 of CP.6/W/2, followed by sub-paragraphs 1-12 of Article 2 of the 1935 text)

Article III

1. Samples which are chargeable with import duties shall, when imported from the territory of another Contracting Party, with or without the intervention of commercial travellers, by manufacturers or traders established in the territory of any Contracting Party, be temporarily admitted into the territories of each of the Contracting Parties free of import duties, subject to the import duties or other amounts being deposited or security being given for payment if necessary.

2. To obtain this privilege, manufacturers or 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.

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

(a) are such that they can be duly identified on re-exportation;

(b) are not of such quantity or value that, taken as a whole, they no longer constitute samples

(c) have not been produced abroad on behalf of manufacturers or traders established in the territory of importation.

4. The customs authorities of the territories of any of the Contracting Parties shall recognise as sufficient for the future identification of the samples the marks which have been affixed by the Customs authorities of a territory of any other Contracting Party, provided that the said samples are accompanied by a descriptive list certified by the customs authorities of the latter territory. 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 or other amount due shall be payable on samples which have not been re-exported.
6. The refund of duties paid on importation, or the release of the security for payment of those duties, 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 or other amount payable on samples not produced for re-exportation. The Contracting Parties 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 manufacturers or traders have their 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. The Contracting Parties shall, as soon as possible, communicate direct to each other, and also to the Secretary-General of the United Nations a list of the authorities recognised as competent to issue identity cards.

Article IV

The Contracting Parties shall accord the facilities (save as regards the period allowed for re-exportation) provided by Article III, 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 their Customs authorities to consist essentially of photographs (with or without sound track) showing the nature or operation of products whose qualities cannot be adequately demonstrated by samples or catalogues, offered for sale by a manufacturer or trader established in the territory of another Contracting Party, being films of a kind suitable for exhibition to prospective customers but not for general exhibition to the public, when 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 shall in the case of such films be not less than [] .

Article V

1. The Contracting Parties shall exempt from import duties catalogues, price-lists and trade notices imported into their territories
- (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

sent from the territory of another Contracting Party 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 into which they are imported 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 manufacturers or traders 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 despatch to separate addresses in that territory.

Article VI

1. The Contracting Parties shall not 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 V of this Convention; or
- (b) which qualify for temporary duty-free admission by virtue of the provisions of Article III 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 the samples mentioned in Article III such measures as would have been applicable had not the articles been temporarily admitted under the provisions of Article III. 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 or 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. The Contracting Parties shall grant the greatest possible facilities when determining the formalities required in respect of the matters covered by the present Convention.
2. The Contracting Parties 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 until.....by 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 procedure, 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.

