

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Limited Distribution

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CONSULAR FORMALITIES

Reports of Contracting Parties

Contracting parties were asked in document L/92 of 8 June 1953 to submit a report on the steps taken towards the abolition of consular invoices and consular visas as recommended by the CONTRACTING PARTIES on 7 November 1952.

The reports received up to 9 October 1953 were distributed in L/92/Add.1 to 4. Since that date the statements of LUXEMBURG and TURKEY have been received and are reproduced herewith.

LUXEMBURG

"There is no existing rule in the Grand Duchy of Luxemburg under which consular invoices or consular visas are required."

TURKEY

"Rule 1. Any consular fee should not be a percentage of the value of the goods but should be a flat charge.

The existing Turkish legislation provides that fees shall be proportionate to the value of the goods for which certificates of origin are issued. However, the competent services have studied this matter with a view to finding a solution in conformity with the stipulations of the above-mentioned rule. Though no final decision has yet been made it seems that it will be possible to adopt a system which will be very similar to the flat rate system. Furthermore the Turkish Government is still of the opinion that the existing system which provides for the legalisation of certificates of origin should be maintained.

"Rule 2. Consular invoices and consular visas should not be required for consignments of goods of an invoice value not exceeding U.S. \$100 (or the equivalent in other currencies).

The existing system provides that goods of a value not exceeding £100 shall be exempted from consular fees. The competent service believes that this figure could be increased to \$100.

However the exemption from consular fees will not result in the elimination of the requirement under which certificates of origin should be legalised through Turkish consulates.

"Rule 3. Any consular fee should be payable in the currency of the exporting country.

The existing system is in full conformity with this rule. Consular fees are paid in local currency.

"Rule 4. Where a country has no consular representative in the country of export and a consular invoice or consular visa is ordinarily required, an appropriate endorsement by the consular representative of another country, by a Chamber of Commerce, or by the customs authorities or any other governmental authority in the country of export should be accepted in lieu of the consular invoice or consular visa.

Where Turkey has no consular representative in the country of export it would seem possible to dispense with the consular visa requirement and to accept the certificates of origin issued by the competent local services.

"Rule 5. No charge (except a regular consular fee for any required replacement document) should be imposed for mistakes made in good faith by the exporter in drawing up the document, and, within reasonable limits, corrections to the original documents should be permitted.

The existing Turkish legislation is in full conformity with the principles that unintentional mistakes should not be financially penalised and that, within reasonable limits, corrections should be permitted.

"Rule 6. When forms are issued by governments, they should be supplied to traders free of charge or at approximate cost.

It is only appropriate that forms issued by governments should be supplied to those concerned at approximate cost.

"Rule 7. Not more than five copies of each document should be required.

As far as certificates of origin are concerned the Turkish authorities require three copies.

"Rule 8. Delays in dealing with documents and charges for overtime should be reduced to a minimum.

Turkish consulates are under the obligation to effect those formalities within the shortest time possible, if necessary by doing overtime, but no special charge for overtime is imposed. However documents can be submitted or collected only when the consulate is open for business.

"Rule 9. If a time limit is laid down for submission of documents to the consular authorities, days on which the consulate is not open for business should not be taken into account."

The existing legislation does not provide for any time limits regarding the submission of documents. However in cases where time limits have been laid down the services concerned agree that days on which the consulate is not open for business should not be taken into account.

"Rule 10. No penalties or additional charges should be applied when invoices or other documents are presented for consular legalisation before the date of importation, but not later than ten calendar days after the date of exportation."

Under the existing Turkish legislation certificates of origin should be submitted to customs offices at the time of importation. However if those documents are not submitted in time customs clearance is delayed but no extra charge is imposed. It is even open to those concerned to clear the goods without submitting a certificate of origin to the extent that they deposit an amount corresponding to the duties inscribed in the legal tariff."

"Note: Consular invoices do not exist in Turkey."