

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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SAMPLES CONVENTION

Views of Contracting Parties on the Interpretation of Article III

A report adopted by the CONTRACTING PARTIES at the Tenth Session (L/455) discusses a problem of interpretation which was referred to the CONTRACTING PARTIES by the Customs Co-operation Council in Brussels. The question was whether patterns for women's dresses, made up in paper or inferior cloth and usually known as "toiles de couture", should be treated as samples under the definition in paragraph 1 of Article III of the Convention. When this question was discussed by the CONTRACTING PARTIES to the General Agreement, by whom the Convention was drafted, it was recognized that the English and French texts are capable of different interpretations and that this difficulty can only be resolved by the parties to the Convention. Some parties to the Convention consider that the wording of the Convention covers miniature models and articles made of materials other than the material which would be used in the goods for which orders are sought and which may eventually be imported, whereas others consider that the word "examples" in the English text cannot be so broadly interpreted and can mean only objects which are of the same size and material and are to be used for the same general purposes as the goods which may be imported.

Accordingly, the Executive Secretary was instructed to ask the parties to the Convention, and also the governments which have signed the Convention but have not yet ratified or acceded to it, whether, in their interpretation of paragraph 1 of Article III, the Convention does, or does not, extend to reduced-scale models of articles and to articles such as "toiles de couture" which are made up in materials inferior to the articles for which orders are to be sought when these models or articles are imported for the purpose of soliciting orders for goods from abroad. Governments were asked to submit their opinions not later than 31 March 1956 and it was considered that, in the light of the replies received, the parties to the Convention might wish to pursue the matter further.

The only reply thus far received is from the Government of Switzerland which reads as follows:

"We do not intend to restrict the scope of the term "samples" which appears in paragraph 1 of Article III of the International Convention to facilitate the importation of commercial samples and advertising material, signed in Geneva on 7 November 1952.

"We therefore regard as samples both an article manufactured in ordinary conditions that can be used as such, and an article manufactured on a reduced scale or with materials other than the article finally placed on the market.

"Patterns for womens' dresses made of paper or inferior cloth and usually known as "toiles de couture", can therefore be treated as samples and be accorded temporary duty-free admission provided they meet the necessary requirements.

"In our opinion, therefore, paragraph 1 of Article III applies also to this category of samples."

Further replies will be reported to the contracting parties in addenda to this document.

