

GENERAL AGREEMENT ON TARIFFS AND TRADE

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DRAFT CONVENTION ON SAMPLES AND ADVERTISING MATERIALS

Draft Recommendations on Documentary Requirements and Consular Formalities

(Reference GATT/CP.6/36 and GATT/CP/131)

ADDENDUM

Further comments to the draft Convention and the draft Recommendations have been received from

Ceylon
Turkey.

and are reproduced hereunder.

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CEYLON

Annex A

Article II

The words "of negligible value" in this article should be replaced by the words "of no commercial value". The reason for this suggestion is that according to the provisions of the Ceylon customs ordinance, every article having a value must be taxed and therefore the use of the words "negligible value" does not seem to be appropriate.

Article V

The films referred to in this article should cover only those intended for vocational training or dealing with scientific or technical research. If films of any other type are included, it will give rise to administrative difficulty as far as Ceylon is concerned.

TURKEY

Annex A

The Turkish Government is favourable to the idea of harmonising the customs treatment granted by various governments to commercial samples and advertising materials through the adoption of an appropriate Convention. The draft Convention which has been submitted to the examination of the governments of the contracting parties to the General Agreement appears to be satisfactory as a whole. However, certain modifications are considered necessary:

Article II: Taking account of the fact that it would not be possible to draw up an exhaustive list of samples which would benefit from the provisions of the draft Convention, the Turkish Government holds the view that items not included in the list may be accorded the benefits resulting from the Convention. The Turkish Government is therefore of the opinion that such a list should not be incorporated in the Convention and that it would be preferable to have a more explicit definition of commercial samples in order that it be quite clear that agricultural products, just as industrial products, may constitute commercial samples.

Should the majority of the governments concerned be of the opinion that in the absence of such a list the Convention would not have the necessary efficacy, the Turkish Government, for the sake of unanimity, would not oppose the inclusion of such a list if it were given as an illustration. But, it would then be of the opinion that such a list should be revised so as to include examples of samples of all kinds of goods. The list, in its present state, seems to include considerably more samples of industrial products than of any other products, to the detriment of the latter.

As regards the question whether the list should be incorporated in Article II or in an Annex, it would be preferable if the list were not to be included in the Convention in view of the fact that it will not be limitative and that it will serve only as an indication. Indeed, the various kinds of goods which give rise to international trade can change and it may be necessary to revise the list in future. For this reason, it should be possible to modify such a list under a procedure more simple than that to which modifications relating to the provisions of the Convention shall be subject.

Although existing Turkish legislation regards as samples of "no saleable value" samples to which the Convention in question refers, the Turkish Government would not object to the formula "negligible value" being substituted for the expression "no saleable value".

It is understood that the customs authorities of the countries concerned would be at liberty to take into account either the value of

each individual sample or the aggregate value of samples forming part of one consignment.

The limits of weight, quantities or value of samples benefiting from import facilities are specified.

Under Turkish legislation the relevant administrative authorities are competent to determine the limits of weight, quantity or value within which commercial samples shall be accorded special treatment. However the Turkish Government is prepared to give sympathetic consideration to any proposal towards the standardisation of such limits.

Article III: Under Turkish legislation any foreign commercial traveller, if he is to carry out professional activities on Turkish territory, should be in possession of an official document issued by the authorities of the country or by the undertaking which he represents and giving evidence of his profession. The Turkish Government is of the opinion that governments should be at liberty to require such a document.

Article V: The Turkish Government views favourably the idea of according facilities to secure temporary duty-free admission of cinematograph films showing the nature or characteristics of commercial products. The maximum period allowed for re-exportation could be six months with possible prolongations in specific cases.

Ad Annex B

The Turkish Government is of the opinion that the main commercial documents to be required for customs formalities are the transport document and the commercial invoice. But, for administrative reasons, the Turkish Government is also of the opinion that certificates of origin are essential and that they should be visaed by Consulated. Consequently the Turkish Government believes that certificates of origin should be included in the list of indispensable documents.

Article I seems to consider certificates of origin as documents of minor importance and provides that they may be required only in certain circumstances. The Turkish Government does not share this view. Furthermore the present wording of Article I seems to indicate that manifests, customs entry or declaration forms or import licences shall be more important than certificates of origin, consular invoices etc. Such priority as regards the relative degree of importance does not appear to be justified. Therefore the wording of this Article should be modified so as to eliminate this distinction.

The Turkish Government shares the view that a combined form should take the place of separate consular invoices and/or certificates of origin in addition to the commercial invoice. They believe that such a form could greatly facilitate the formalities to which goods are subjected in international trade. It would be appropriate if a combined document could take the place of commercial documents, certificates

of origin and consular invoices and if it were to be regarded as an indispensable document. Any effort towards the realisation of such a practice will be supported by the Turkish Government.

Ad Annex C

The provisions of the first paragraph of the Convention on Consular Formalities conflicts with the corresponding Turkish regulations. The Turkish Government is not in a position to support the recommendation that such a Convention should be adopted.

