

GENERAL AGREEMENT
ON TARIFFS AND
TRADE

ACCORD GENERAL SUR
LES TARIFS DOUANIERS
ET LE COMMERCE

RESTRICTED
LIMITED C
CP.6/W/2
21 September 1951
ORIGINAL : ENGLISH

CONTRACTING PARTIES
Sixth Session

WORKING PARTY I ON RESOLUTIONS OF THE
INTERNATIONAL CHAMBER OF COMMERCE

Draft Convention for the purpose of Facilitating Commercial Propaganda

Revised Draft submitted by the United Kingdom Delegation

During the course of the discussion on this subject at the Contracting Parties' meeting on 18th September, it was mentioned that the draft Convention drawn up in 1935 (which is the text revived by the I.C.C. Resolution) must now be regarded as out-of-date in its drafting.

The United Kingdom Delegation has essayed a more up-to-date version of the provisions relating to samples and commercial advertising material, and this revised text is circulated herewith as a possible alternative draft for consideration.

18th September 1951

Draft Convention for the purpose of facilitating the importation of Commercial
Samples and Advertising material

The Governments signatory to the present Convention,
Believing that the adoption of uniform regulations regarding the importation
of samples and advertising matter and regarding related subjects would promote the
expansion of international trade,

Have agreed as follows :

ARTICLE 1

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;
- (b) references to the territory of a Contracting Party include a metropolitan territory and any territory for whose international relations it is responsible and to which the Convention extends in accordance with Article 14.

ARTICLE 2

1. The Contracting Parties shall exempt from import duties samples of goods of all kinds imported into their territories, either directly or through the agency of commercial travellers, by manufacturers or traders established in the territory of any Contracting Party, provided that in the opinion of the Customs Authorities of the territory into which they are imported, they are of negligible value and are only to be used for soliciting orders.

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.

ARTICLE 3

Without prejudice to the generality of Article 2, 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, provided that not more than one sample of each kind or quality is included in each consignment;

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 use other than as samples, or in threads, bars, tubes, cables or cords of a maximum length of 10 centimetres, affixed or not on cards and not capable of any use other than as samples;
3. Sets of papers, envelopes, note paper and picture postcards, rendered useless by being pasted on sheets, cancelled by a stamp or by some other method, 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 useable 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 that they 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 that they 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 and hats, with deep cuts or forming only half or quarter of the article and not capable of being used otherwise than as samples;
8. Samples of wood, stone, pottery, earthenware, china or glass, which bear several kinds of design, sculpture, or other characteristic on one article, and which cannot be put to any use other than to demonstrate such characteristic;
9. Screws, rivets, nails, 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, provided that not more than one sample of each kind or quality is included in each consignment;
11. Samples of fruit essences, artificial dyes, etheric oils and chemical products, provided that not more than one sample of each kind or quality is included in each consignment;
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.

ARTICLE 4

1. The Contracting Parties shall exempt from import duties catalogues, price-lists and trade notices imported into their territories through the post in single copies of whatever weight or in packets not exceeding 200 grammes 7 ounces in gross weight per packet or in packets containing not more than one copy of any one document in a packet, 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 any Contracting Party. Separate and simultaneous despatch of documents or packets of documents from the place of origin to different addresses in the territory into which they are imported shall not debar such documents or packets from this exemption.

2. The Contracting Parties shall exempt from import duties catalogues, price-lists and trade notices accompanying goods and corresponding in number to the number of articles to which they relate, being catalogues, price-lists and trade notices sent free of charge from the territory of another Contracting Party by a manufacturer or trader established in the territory of any Contracting Party.

3. Notwithstanding paragraphs 1 and 2 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 that territory;
- (b) catalogues, price-lists and trade notices which do not clearly indicate the name of the 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.

4. Nothing in this Article shall affect the right of a Contracting Party to decide whether, and under what conditions, exemption from import duties may be granted to consignments of a number of copies of the same catalogue, price-list or trade notice sent to different addresses, which are to be posted in the territory into which they are imported and which arrive at the frontier of that territory grouped together.

ARTICLE 5

The Contracting Parties shall exempt from import duties on importation into their territories, travel posters and travel literature (pamphlets, guides, time-tables, leaflets, and similar publications), whether illustrated or not, including those published by private commercial enterprises, whose purpose is to stimulate travel outside the territory into which they are imported, provided that they are imported for free distribution.

ARTICLE 6

1. Samples and specimens which are chargeable with import duties and the importation of which is not prohibited shall when imported, either directly or through the agency 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 amount of the import duties 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 or specimens 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 Article 8.

3. For the purpose of this Article, all objects representative of a specified category of goods shall be considered as samples or specimens: provided that the objects concerned

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

and

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

4. The customs authorities of the territories of any of the Contracting Parties shall recognise as sufficient for the future identification of the samples or specimens the marks which have been affixed by the Customs authorities of a territory of any other Contracting Party, provided that the said samples or specimens are accompanied by a descriptive list certified by the customs authorities of the latter territory. Additional marks may, however, be affixed to the samples or specimens 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 or specimens on re-exportation. Except in the latter case, customs verification shall be confined to identifying the samples or specimens and deciding the import duties with which they may eventually be chargeable.

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 or specimens have been imported. When this period has expired, import duties shall be payable on samples and specimens 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 payable on samples or specimens 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. The provisions of this Article, except those referring to identity cards, shall be applicable to samples and specimens which are chargeable with import duties when imported by manufacturers, traders or commercial travellers established in the territory of any Contracting Party, even if the samples and specimens are not accompanied by the manufacturer, trader or commercial traveller importing them.

ARTICLE 7

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 8

1. 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.

2. 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 9

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 those 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 10

1. The present Convention shall be open for signature until
by the Governments of all States members of the United Nations and by the Government of every other State which the General Assembly may declare to be eligible.

2. The present Convention shall be subject to ratification by the signatory Governments. Ratification shall be effected by the deposit of an instrument of ratification with the Secretary-General of the United Nations.

ARTICLE 11

1. The present Convention shall be open for accession by the Governments of any of the States referred to in paragraph 1 of Article 10.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

ARTICLE 12

1. When of the Governments referred to in Article 10 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 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 13

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 14

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 12, 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 13.

ARTICLE 15

The Secretary-General of the United Nations shall notify all signatory and ~~accessing~~ States of all signatures, ratifications and accessions of the present

ANNEX

/Specimen/

/NAME OF STATE/

(Issuing Office)

IDENTITY CARD FOR COMMERCIAL TRAVELLERS

Valid for twelve months including the day of issue

Good for No. of identity card

It is hereby certified that the bearer of this card

M., born at

living at No..... Street

is the owner of ¹⁾

at

for the purpose of trade

.....

(or) is a commercial traveller employed by (the firm of
(the firms of

at

which (possess ¹⁾
(possesses

for the purposes of trade

The bearer of this card intends to solicit orders in the above-mentioned countries and to make purchases for the firm(s) referred to. It is hereby certified that the said firm(s) is (are) authorised to carry out its (their) business and trade at and that it pays (they pay) the taxes, as provided by law, for that purpose.

..... the 19

Signature of the head of the firm(s)

.....

Description of the bearer

Age

Height

Hair

Special marks

Signature of the bearer

.....

1) State the articles or nature of the trade.

N.B. - The first entry should only be completed for heads of commercial or manufacturing businesses.

