

GENERAL AGREEMENT ON
TARIFFS AND TRADE

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ORIGINAL: ENGLISH

CONTRACTING PARTIES
Sixth Session

PROPOSED AMENDMENTS TO THE DRAFT CONVENTION
FOR THE PURPOSE OF FACILITATING COMMERCIAL PROPAGANDA

Preamble

Proposed by United Kingdom - Delete "and regarding related subjects"
delegation

Article 1

sub-paragraph (a)

Proposed by French
delegation

- Read as follows:

" The term "import duties" means customs duties and all other duties and taxes payable on or in connection with importation excluding fees and charges representing the cost of services rendered provided such dues shall not constitute an indirect protection afforded to domestic products or import taxes of a fiscal character."

(The collection of fees and charges for services rendered is authorised under Article VIII, paragraph 1 of the General Agreement)

sub-paragraph (b)

Proposed by United Kingdom
delegation

For "a metropolitan territory" substitute
"its metropolitan territory"

new paragraph

Proposed by United Kingdom
delegation

Insert new paragraph as follows:

" [- The provisions of this Convention shall not be construed as granting to importers the right to import samples, specimens or advertising material which could not otherwise be imported.]

Proposed by United States
delegation

- Insert the following:

"(c) the term "quantitative restrictions" means all import restrictions except those (i) necessary to protect public morals; (ii) necessary to protect human, animal or plant life or health; (iii) relating to the importation of gold or silver; and (iv) necessary to secure compliance with laws or regulations relating to customs enforcement, the enforcement of state monopolies, the protection of patents, trademarks, and copyrights, and the prevention of deceptive practices"

Article 2

paragraph 1

Proposed by the French
delegation

- Read the paragraph as follows:

"Each contracting party undertakes to exempt from import duties samples of goods of all kinds imported into its territory [either directly or through the agency of commercial travellers, by manufacturers or traders established in the territory of any contracting party, / provided such samples are of negligible value and are only to be used for soliciting orders."

Proposed by the United
States delegation

- Line 1: insert the words "and quantitative restrictions" after the words "import duties"

Proposed by the Indian
delegation

- Line 2: insert "free of charge" after "imported".

Line 2: insert "being goods the import of which is permitted" after the word "territories".

Proposed by the Italian
delegation

- Line 5: insert after the words "customs authorities", "and according to decisions reached by other competent internal bodies,".

new paragraph 4

Proposed by the Indian
delegation

- New paragraph 4:

"Provisions of this Convention should not be construed as granting to importers the right to import free of duty any commercial samples or advertising material in connection with goods which could not otherwise be imported".

Article 3

Proposed by the United
Kingdom and Indian
delegations

- Delete the whole Article.

Proposed by the French
delegation

- Delete the Article and insert it as an
Annex to Article 2, amended as follows:

"Addendum to Article 2. The following goods in particular shall be exempted from import duties:

1. Samples of the following beverages:-

- Mineral waters, juices of grapes and other fruits, cider, beer and wines up to a maximum of.....
- Spirits up to a maximum of.....,
 / provided labels affixed to the bottles shall bear the mention:
 "free sample not to be sold".

2. Samples of foodstuffs imported in small quantities in containers bearing the mention: "Free sample, not to be sold".

3. Samples of base metals, skins, etc., etc. (the rest without change).

(It would seem desirable to determine the quantity of samples of beverages to be exempted, otherwise it might be feared that a number of countries might deny free entry of samples of beverages considering that they are not without value.

It would be difficult to make a decision on this point at this session; but parties to the General Agreement could be requested to indicate for the Seventh Session of the Contracting Parties what are the regulations at present in force in this connection in their countries and what quantities they would be prepared to admit in the event they signed the Convention.)

Article 4

paragraph 1

Proposed by the French
delegation

- Read paragraph 1 as follows:

" The Contracting Parties shall exempt from import duties catalogues, price lists and trade notices imported into their territories

- in single copies of whatever weight,
- or in packets not exceeding 200 grms. in gross weight per packet,
- or in packets containing not more than 1 copy of any one document 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 catalogues, price lists and trade notices to different addresses in the territory into which they are imported shall not debar such document from this exemption provided the above prerequisites are met in the case of each consignee."

Proposed by the United
States delegation

- Line 1: insert the words "and quantitative restrictions" after the words "import duties"
Line 2: delete the words "through the post"

Proposed by the Indian
delegation

- Line 2: insert, after the word "imported", the words "free of charge"

Proposed by the United
Kingdom delegation

- Line 2: delete "through the post"

Proposed by the Indian
delegation

- Line 2: retain in the text the words in brackets
- Line 3: delete "200 grammes 7 ounces"
This matter should be left undetermined and be decided by the governments concerned.

Proposed by the United
Kingdom delegation

- Line 3: Amend "packets" to read "a packet"

paragraph 1 (continued)

Proposed by the United
Kingdom delegation

- Line 4: delete "[7 ounces]"
delete "per packet"
amend "packets" to read "a
packet".
- Line 5: after "document" insert "pro-
vided in each case that the
packet does not form part of
a larger consignment". Delete
"in a packet" after the word
"document".
- Line 7: amend "separate and simultaneous"
to read "separate but simul-
taneous".

paragraph 2

Proposed by the United
Kingdom delegation

- Delete this paragraph.

Proposed by the United
States delegation

- Insert the words "and quantitative
restrictions" after the words "import
duties" in the first line.

Proposed by the French
delegation

- Read the paragraph as follows:

"2. Notices accompanying goods imported into the territory of any contracting parties by manufacturers or traders established on the territory of another contracting party and the object of which is to give directions concerning the use of the working of such goods shall be exempt from import duties provided they do not exceed in number the goods which they accompany. Any publicity which according to commercial traditions such notices may contain shall not debar them from this exemption."

paragraph 3

Proposed by the United
Kingdom delegation

- Re-number the paragraph as "2".
Amend the words "paragraphs 1 and 2"
to read "paragraph 1".
- In line 2 of sub-paragraph (a) delete
"in that territory" and substitute "in
the territory of importation".

Article 5

Proposed by the United Kingdom delegation

- Delete the Article.

Proposed by the United States delegation

- Line 1: insert the words "and quantitative restrictions" after the words "import duties."

Article 6

Proposed by the United Kingdom delegation

- Re-number as Article 3.

paragraph 1

Proposed by the United States delegation

- Line 1: delete the phrase "and the importation of which is not prohibited" and after "import duties in line 5 insert the words "and exempt from quantitative restrictions".

paragraph 2

Proposed by the United States delegation

- Delete the last sentence.

New Article

Proposed by the French delegation

- Insert a new article as follows:

- "1. The Contracting Parties shall not apply quantitative restrictions or exchange control measures to the importation of:
- a) samples of negligible value as described in articles 2 and 3;
 - b) catalogues, price list and trade notices provided for in article 4 of this Convention.
2. Samples and specimens imported in accordance with the provisions of article 6 shall not be subject, upon importation, to quantitative restrictions or exchange control measures. Should the samples not be re-exported, countries enforcing such restrictions or measures shall apply their national laws."

(There is no problem for the samples and commercial publications

provided for in paragraph 1 of the above proposed article. But there is a problem for samples and specimens of high value. If the French text were adopted, the samples and specimens belonging to this category which are imported and subsequently re-exported would not be subject to restrictions and other measures imposed for balance-of-payments reasons. But these measures could be enforced in case the article is not re-exported; the temporary importation would then become a definitive importation and, in this case, each country would apply its own legislation. It would not be normal to submit to quantitative restriction and to exchange control measures specimens declared, at the moment of their entry in the territory of the importing country, to be definitively imported and to exclude from such measures the same specimens originally declared as temporarily imported).

Article 8 and Annex

Proposed by the United States delegation

- Delete the Article and the Annex.

Article 9

Proposed by the Italian delegation

- Insert a new paragraph as follows:
"This article shall not apply to the decisions of Customs Authorities and other competent bodies referred to in Article 2, paragraph 1".

Article 10

paragraph 1

Proposed by the Italian delegation

- Read as follows:
"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."

Article 12

Proposed by the United
Kingdom delegation

- Delete the paragraph number.

In line 4 insert [] before
"instrument".

Before "accession" insert "ratification
or".

