

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/92/Add.4
9 October 1953

Limited Distribution

Original: French

CONSULAR FORMALITIES

Further Reports of the Contracting Parties

Report by France, received on 9 October

At their Seventh Session, the CONTRACTING PARTIES adopted on 7 November 1952 a recommendation providing for the abolition, as soon as possible, and by 31 December 1956 at the latest, of consular invoices, consular visas of invoices, certificates of origin, manifests, etc.

Pending the total abolition of consular formalities, the countries were invited progressively to reduce the incidence of consular dues and to comply with the uniform regulations set out in the above recommendation (document G/39 of 23 December 1952).

The governments have to report annually on the measures adopted or envisaged by them with a view to abolishing consular formalities (document G/39 of 23 December 1952 and L/92 of 8 June 1953).

In the present note, the following points will be considered in succession:

- I - French regulations in the field of consular formalities;
- II - Consular formalities in customs matters;
- III - Application by France of the uniform regulations advocated by the Recommendation of 7 November 1952 (document G/39 of 23 December 1952);
- IV - Simplification measures to be envisaged.

I - REGULATIONS IN REGARD TO CONSULAR FORMALITIES

Application of chancery dues is at present governed by the Decree of 28 August 1937 (Journal Officiel of 1 September 1937) amended by Article 21 of the Act of 31 December 1938 (J.O. of 1 January 1939) and by various texts - decrees and orders - stipulating the rate of dues to be levied in the diplomatic and consular chanceries.

1 - PRINCIPLES - Any deed issued in a diplomatic or consular chancery must bear one or several rubber stamps showing the amount of the fee levied or the exemption from dues granted (General Provision I).

Exemption is granted only in cases stipulated under the tariff of chancery dues, notably in the case of genuine hardship of the applicants, when it is provided for under the law or by treaty, when the documents or formalities are required for the purposes of the French administration, etc...; in the latter case, the deed is to be required by a State official for the purpose of carrying out a public duty.

The obligation to submit certain deeds for a visa by consular officials, or to apply to them for the issuance of specific deeds, results either from the national legislation or actual stipulations of the tariff of chancery dues. Thus, for instance, the visa of invoices to be produced at the customs for application of ad valorem rates is stipulated under Article 35 of the Customs Code; the visa of passenger lists appears on the contrary to be required only under the tariff of chancery dues (General Provision XV and Chapter V of the Tariff).

Consular fees are either fixed or proportional; ad valorem fees sometimes provide for a minimum amount to be charged.

Chancery fees vary according to the nature of the deed, the countries of shipment and, occasionally, the capacity of the persons, in particular, consular representatives are empowered to charge half-rate when the applicant is in straitened circumstances (General Provision IV).

The tariff of chancery fees appended to the Decree of 28 August 1937 fixes the amount and the manner of levying those fees, notably in the section entitled "General Provisions", individual rules being provided for certain deeds.

Chapter I of the tariff deals with deeds relating to civil status; Chapter II deals with deeds relating to commercial civil jurisdiction, Chapter III with penal jurisdiction, Chapter IV with public notary deeds, Chapter VII with miscellaneous deeds. Chapters V and VI, which are the only ones relating to the enquiry recommended by the GATT, deal, the first with shipping papers, the second with administrative deeds (certificates of origin, consular invoices, certificates of destination or of goods in bond, bond-note receipts, etc...).

2 - RATES OF FEES - Originally, the rates for consular fees were all fixed by the tariff appended to the Decree-Act of 28 August 1937.

But "General Provision XX" of the Tariff, having empowered the Minister for Foreign Affairs and the Minister of Finance to proceed, by interdepartmental orders, to modifications of the fees, as required by conditions, the various orders enumerated below have increased the initial rates, notably those stipulated under Articles 58 to 63 of the tariff for shipping deeds, and under Articles 64 to 65 for passports.

- Order of 15 March 1944 (J.O. of 20 and 21 March);
- Order of 27 March 1946 (J.O. of 9 April);
- Order of 9 July 1947 (J.O. of 12 July);
- Order of 8 May 1948 (J.O. of 22 May);
- Order of 31 January 1949 (J.O. of 16 February).

The rates thus fixed by the Tariff itself or by the orders enacted in application of "General Provision XXII" constitute the regular chancery fees.

In addition, there are reciprocal fees, the levying of which is stipulated under "General Provision XIV" of the Tariff.

Under that provision, the President of the Republic, by decree, enacted on the proposal of the Minister for Foreign Affairs, the Minister of Commerce and Industry, and the Minister of Finance, may charge exporters of a country subjecting French exporters to administrative formalities other than the certificate of origin, either similar formalities comprising the levying of fees at least equal to those levied in the consulates of the country in question in France, or an equivalent representative fee.

The same provision authorizes the Government to increase, by decree, the regular fees vis-à-vis countries whose consular fees were higher, up to the amount of the said fees.

Decree No. 51-162 of 15 February 1951 (J.O. of 17 February) enacted in application of "General Provision XIV" fixed the rate of consular fees to be levied on a reciprocity basis. The rate of those fees is generally a fixed one, but in the case of many countries of Central and Latin America (Bolivia, Chile, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, El Salvador and Venezuela), and several European countries (Portugal, Turkey), ad valorem fees are stipulated; in the instance of attestation or visa of consular invoices, and in certain cases of visa of certificates of origin, those fees vary between 0.50 per cent and 8 per cent.

3 - TIME LIMITS STIPULATED FOR THE ISSUANCE AND VISA OF DEEDS - Consular formalities are carried out during specific periods (General Provision VI).

The latter last three hours. The full fee is due for any period started.

Services may be rendered outside office hours. In such cases, the deeds required are liable, in addition to consular fees, to the levy of a special supplementary fee. Such supplementary fees are due even for the issuance of deeds benefitting by exemption; their amounts become the full property of the consular representatives (General Provision XVII).

But consular representatives are recommended to use the system of overtime only if official requirements so demand, the offices having to be open each day of the week for a minimum period of hours fixed according to local practice.

4 - COLLECTION OF FEES - Chancery fees are normally paid to the diplomatic and consular offices. Proof of payment is supplied by rubber stamps indicating the amount of the fee levied or exemption accorded; such stamps are obliterated by means of the official seal of the office. The levying of fees by consular representatives is evidenced by stamps bearing the inscription: "consular agencies", without indication as to the amount and obliterated by the official seal of the consular agency (Articles 3 and 959 of the Directive of 3 January 1936 of the Ministry for Foreign Affairs).

Fees due for shipping deeds may be paid by subscription. In such cases, payments are made at the beginning of each quarter and receipts are given by issuing of a special card for each ship.

In the case of imports, the customs service assists in levying the fees which have not been paid to the diplomatic and consular agencies, or additional fees which are recognized as due.

When the fees charged are too low, the customs proceed to collect the outstanding amounts. But as no amount is mentioned on the rubber stamps placed by the consular agencies, the customs office merely verifies the existence of those stamps, without being concerned with the amount of the sums actually paid in to the agencies; it is only in the absence of stamps that the customs levy the chancery fees and, if need be, the related fines inflicted.

In cases of refusal to pay the regular fee and when there is no infringement, the customs may proceed to collect the fee by coercion.

Lastly, the comptroller of diplomatic and consular chanceries at the Ministry for Foreign Affairs automatically levies all fees which, as a result of error, or for any other cause, had not been charged by the representatives abroad (tariff appended to the Decree of 28 August 1937 - second part). The fees payable in those instances are at present fixed under Article 2 of the Order of 8 May 1948 (J.O. of 22 May).

Payments made are rounded off to ten francs or a multiple of ten francs. Any fraction below five francs is reduced to the multiple below that figure; any fraction equal to or over five francs is increased to the multiple above that figure (General Provision II, amended by Article 4 of the Order of 8 May 1948).

Chancery fees are charged in the local currency. The rate selected for the conversion of currency is an average exchange rate fixed by the head of the diplomatic mission for all consulates established in the same country (General Provision XVIII).

5 - SANCTIONS - Sanctions are provided for in cases of violation of the reciprocity tariffs and failure to comply with the consular formalities in a port where a French diplomatic or consular representative is located.

Infringements of reciprocity tariffs are liable to payment of a sum equal to four times the amount of these fees in addition to the fees due (General Provision XIV).

When the consular formalities stipulated for shipping deeds under Articles 58, 59, 60 and 63 of the tariff of chancery fees have not been complied with in a port where a French diplomatic or consular agency is located, the customs office, discovering the importation infringement, shall levy, in addition to the regular fee, four times the amount of those fees (General Provision XV).

If the offender agrees to pay at once the amount of the penalty, the customs office merely hands him a receipt. In cases of refusal, a report is made out at the request of the department of the Public Prosecutor and transmitted to the Public Prosecutor's Office.

II - CONSULAR FORMALITIES IN CUSTOMS MATTERS

Action by the diplomatic or consular authorities in customs matters is stipulated for the visa on shipping deeds (manifests, bills of health, passenger lists, deeds of provisional francization, etc.) for the issuance or visaing of the requisite documents for the application of customs tariff (certificates of origin, consular invoices, application of preferential tariffs) and for the control of certain exceptional operations (duty-free imports, verification of destination declared for certain goods, etc.).

A - Shipping Deeds

1 - Manifest Visas - "General Provision XV" and Articles 58 and 59 of the tariff of chancery fees, require the visa on manifests of all French or alien vessels having loaded a complete or partial cargo, destined for France, its overseas territories or protectorates. The fees are calculated according to the net tonnage of shipping, fractions of a ton counting for one ton.

2 - Passenger List Visas - Under "General Provision XV" and Article 60 of the tariff of chancery fees, the visa at departure is required on passenger lists of travellers sailing on French or alien vessels destined for France, its overseas territories and protectorates. The fee is fixed per capita.

Failure to comply with this formality in a port provided with a diplomatic or consular office entitles the customs on arrival to levy, in addition to the regular fee, and as a fine, a sum equal to four times that fee; if there is no diplomatic or consular office at the port of embarkation, the customs collect merely the regular fee.

Although the customs assist in ensuring that this consular formality is complied with, the latter does not concern the customs administration. Since it does not relate to commercial undertakings, the formality does not appear to come under the enquiry by the GATT.

3 - Bill of Health - In accordance with "General Provision XV" and Article 63 of the tariff of chancery fees, bills of health of all French and alien vessels are subject to visas by French consular representatives, under pain of additional payment of four times the fee in addition to the regular fee.

This formality was stipulated in the Decree of 8 October 1927 (J.O. of 12 October).

4 - DEEDS OF FRANCIZATION - Consuls issue to vessels built or purchased abroad, or in case of loss of the deed of francization, provisional deeds of francization and provisional permits valid until the vessels reach their home port. They also issue sailing permits for far-off seas, mentioning on the obverse side of the deed of francization the changes effected in the ownership of the vessel, and on the provisional permits the mortgages taken out on the vessels purchased abroad and provisionally granted French nationality (Article 4 of Decree 46-2583 of 21 November 1946).

These consular formalities were established in the interests of the Treasury and the shipowners. Moreover, they do not seem to be a source of expense, because under sub-paragraph 2, Chapter V, of the tariff of chancery fees, "shipping deeds not enumerated in this Chapter (i.e. other than manifests, passenger lists, reports or inspection certificates for control other than those stipulated by the Act of 16 June 1933, bills of health) are duty-free and considered as of administrative concern only".

5 - REPAIRS ABROAD - If a French vessel is repaired outside of the customs territory, the materials and articles incorporated thereby are liable to pay customs duties, unless the costs do not exceed Fr. 2,000 per ton, gross tonnage.

Exemption from customs duty is also granted if the need for incurring higher costs is proved by a report signed and confirmed by the captain and the other officers of the vessel, verified and approved either by the consul on presentation of the attestations of one or several experts nominated by him, or failing that, by two French merchants domiciled in the country where the repairs took place (Article 229 of the Customs Code).

6 - FORCED ENTRY INTO PORT - Captains who are forced to put into port are obligated to justify such action within twenty-four hours of their arrival by a report describing the causes of their putting into port (Article 261 of the Customs Code).

If the report is not sufficiently explicit, a certificate by the consular authority will be required.

Here, intervention by the consular authorities is incidental; in this particular case, it does not hamper trading.

7 - REPORTS OR INSPECTION CERTIFICATES OF FRENCH VESSELS - This inspection stipulated under Article 62 of the tariff of chancery fees is carried out at the request and in the interest of the captain, to cover his responsibility vis-à-vis shipping agents and underwriters.

That formality, which is required in the course of administration, cannot be considered by trading as a hindrance and source of expense.

B - Application of Customs Tariffs

Customs duty on imports is charged according to the origin of the goods; the latter enjoy preferential treatment attributed to their origin only if that origin is legally justified (Article 34 of the Customs Code).

Moreover, when products are liable to pay ad valorem customs duty, an invoice certified by the French diplomatic or consular authority must be produced (Article 35 of the Customs Code), to substantiate the customs declaration.

Lastly, consular formalities are required for the application of preferential tariffs on products originating in the various territories subject to French authority.

1 - CERTIFICATES OF ORIGIN - Justification of origin, which in principle is compulsory in every case, and although stipulated in many agreements concluded by France, is in reality required only in a small number of cases in accordance with the laws and regulations in force. Application of the customs tariff to the following foreign products requires justification of origin:

- goods having undergone manufacture or processing in a third country;
- natural mineral waters (No. Ex 210 of the Tariff);
- liqueurs, mistelles or wines made from fresh grapes or fresh grape juice exclusively, blended with alcohol (No. 215 of the Tariff), vermouths and aperitifs made with wine (No. 217 A and B of the Tariff) when these products originate from Cyprus, Spain, Hungary or Portugal;
- woollen carpets of all kinds, knotted or twined (No. Ex 1032A of the Tariff).

The following, in theory, are exempt from proof of origin:

- consignments by post;
- postal parcels;
- parcels imported by aircraft;
- commercial samples;
- imports of small volume, without commercial character;
- goods which are duty-free or on which duty is provisionally suspended.

Proofs of origin may be issued:

- by a Chamber of Commerce (including the French Chambers of Commerce abroad);
- by a local authority established in the place of despatch: mayor, police officer, presiding judge of the commercial court, judge, notary public;
- by the customs office of the bureau of despatch;
- by a diplomatic representative, a consul or consular agent of France in the place of despatch or embarkation.

The working and context of certificates of origin are not required to be in a standard form.

Certain documents, produced for other purposes, may be utilised as certificates of origin, notably consular invoices. But in such cases, the single documents must meet the requirements both of the regulations relating to them and the regulations which relate to certificates of origin. Certificates of origin, designed solely to prove the origin declared for goods are, as a rule, exempt from consular attestation.

Thus, unless they apply for certificates of origin from diplomatic or consular agents, importers have no longer to bear consular expense for such certificates.

2 - CONSULAR INVOICES - When imported products are liable to pay ad valorem customs duties, invoices attested by a French diplomatic or consular authority must be produced as evidence of the declarations made to the customs (Article 35, paragraph 5 of the Customs Code).

But reciprocity agreements may substitute for such legalisation a visa by agencies approved by the French Government, or abolish the formality of legalisation or of the visa (Article 35, paragraph 5 of the Customs Code).

In application of the latter provision, invoices visaed by the following agencies, which have been approved by the French Government, are exempt from consular attestation:

- Chambers of Commerce of the Federal German Republic, Austria, Denmark, the United Kingdom, Italy, the Netherlands, Sweden, Switzerland and Liechtenstein, Czechoslovakia and the Belgo-Luxemburg Economic Union;
- Danish customs offices;
- Danish fishery inspection for certain products of Danish fisheries;
- trade association for Netherlands horticultural products, for products of Dutch origin listed under Chapter 6 of the French Customs Tariff;
- National Agricultural and Horticultural Marketing Board of Belgium for Belgian horticultural and agricultural products listed under Chapters 6 and 7 of the French Customs Tariff.

In addition, waivers have been granted, in the case of certain operations, with regard to the obligation to produce consular invoices;

a) The following operations are exempt from any invoice (commercial or consular), except in cases of suspected abuse

- goods imported as donations or gifts, when the gratuitous nature of the consignments is not contexted;
- goods imported by travellers, when the operations have no commercial character;
- all postal consignments;
- consignments by postal package or air mail of a total value equal to or less than Fr. 10,000;
- goods imported under the commercial régime of a consignment as a notification to importers;
- goods taxed on the basis of an overall or official value (notably petroleum products)

b) The following operations are exempt from a consular invoice (attested invoice, or invoice visaed by an approved agency), but have to produce a commercial invoice:

- goods sent by parcel post or by air mail, of all values;
- goods shipped otherwise than by postal package or by air mail, when their value does not exceed Fr. 50,000;
- goods liable to pay ad valorem customs duties, payment of which is provisionally suspended;
- imports of balsa and corozo woods.

No particular form is required for invoices. The latter may therefore be drawn up according to the business form which is the practice in the country of origin.

In addition, production of a single document is admitted, valid, for example, both as an invoice and certificate of origin, provided the document meets the regulations required for each of the documents for which it stands.

Thus, in the relations with many European countries, no consular dues are levied any more, since the invoices may be visaed by approved agencies. It is possible that those agencies may require payment of a fee to visa the invoices. In that case, the formality of the visa would be as debatable as the consular attestation.

But, subject to the waivers indicated above, consular formalities are maintained for imports originating from the other countries, in particular those originating in Canada, the United States of America, and the countries of Central and Latin America.

But Decree No. 50-419 of 4 April 1950 (J.O. of the 8th) stipulated for the provisional suspension of the consular fee of 7 per cent normally payable for attestation of invoices relating to imports of coffee, rice and cocoa from Ecuador. For the same reasons, the consular invoice formality has been abolished for imports of balsa and corozo woods of all origins.

3 - APPLICATION OF PREFERENTIAL CUSTOMS TARIFFS - Products originating from the Customs territory - including France, Algeria, the French overseas départements, and countries having a customs union with France (Saar and Monaco) - travelling between two parts of that territory, are not liable to pay customs duty, nor are they subject to entry and exit prohibitions, provided they are conveyed direct and their origin is justified (Article 303 of the Customs Code).

Likewise, products originating in overseas territories, Tunisia, the French zone of the Cherifian Empire, to retain the benefit of the preferential régime attached to their origin, must be imported direct into the customs territory (Articles 305, 318 and 321 of the Customs Code). That rule applies also to products originating in the customs territory, which are imported into parts of the French Union other than the customs territory (Article 9, Act of 13 April 1928). To take account of the geographical situation of certain territories, shipping facilities and also economic and political situations, it has been necessary to waive this rule of direct transportation and to maintain the benefit of the preferential régime for certain operations carried out after trans-shipment in foreign countries.

Thus, the following, for instance, are considered as direct shipments:

- goods shipped in Guiana after trans-shipment in British Guiana, Dutch Guiana, or Trinity Island;
- all goods, or only certain goods originating from Dahomey, French Guinea, Nigeria, etc., shipped to France through British Nigeria, Sierre Leone, Gambia, etc., or French goods shipped via the same routes to Dahomey, Guinea, Nigeria, etc.

The most important waiver to the rule of direct transportation relates to trading through the Belgian and Dutch ports, via the Rhine and Strasbourg, within the scope of the Franco-Belgian Agreement of 18 April 1921 and the Franco-Belgian-Dutch Agreement of 3 April 1939.

The consular authorities in the ports of trans-shipment must attest in such cases the legitimacy of the operations carried out and visé the transportation documents.

C - Control of exceptional operations

1 - FREE ENTRY - In application of the provisions of Article 189 of the Customs Code and of the Order on its application of 18 November 1950 (J.O. of the 22nd), movables, equipment belonging to agricultural, industrial and commercial undertakings, and articles and effects inherited after decease may be imported, subject to certain conditions, duty-free and exempt from fees.

To benefit by this favourable treatment, importers must notably supply, to substantiate their customs declarations, an attestation by the municipal authority of the place of shipment, including a detailed inventory of the movables, equipment and effects. That attestation must be visaed by the French consul.

2 - BOND-NOTE RECEIPTS - This formality, stipulated under Article 74 of the Tariff of Chancery Fees, permits, if need be, application of the provisions of Article 120 of the Customs Code. Establishment of bond-notes may be prescribed to guarantee the arrival of certain goods at their destination.

Thus, for instance, for certain war materials of which exportation is authorised, bond-notes must be filled in, guaranteeing the arrival in the country of destination and the condition that they shall not be re-exported to a third country. Receipt for the bond-note can be issued only on presentation of a consular certificate testifying that the goods have reached the country of destination, have been declared for use there, and have not been re-exported; that certificate can be made out only three months after the arrival of the materials at their destination (Decree-Act of 18 April 1939 and Decree of 14 August 1939).

III - APPLICATION BY FRANCE OF THE RECOMMENDATION OF 7 NOVEMBER 1952

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

Most consular dues are fixed according to absolute value. But their rate varies according to the countries.

In addition, for imports from the following countries: Bolivia, Chile, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Portugal, El Salvador, Turkey and Venezuela, ad valorem chancery fees are charged, the rate of which varies between 0.50 and 8 per cent.

Second Rule - 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 limits allowed under French regulations are wider than the regulations recommended by the CONTRACTING PARTIES.

In addition to the fact that no consular or commercial invoice is required for certain imports (postal consignments; post package or airmail consignments, of a value equal to or less than Fr. 10,000; goods imported under the commercial régime of consignment under the terms of the regulations in force), other operations are exempt from the consular invoice;

- goods shipped by postal package or by airmail of all values;
- goods shipped otherwise than by postal packages or by airmail, when the value does not exceed Fr. 50,000.
- goods liable to pay ad valorem customs duties, payment of which is provisionally suspended.

There is exemption from the consular visa for certificates of origin.

Third Rule - Any consular fee should be payable in the currency of the exporting country.

Consular fees are payable in the local currency.

Fourth Rule - 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.

No difficulties exist with regard to certificates of origin, since these

documents may be issued by local authorities and are, as a rule, exempt from consular visa or legalisation.

With regard to invoices, allowance is made, when the goods originate or come from a country where there is no French consular representation, for them to be visaed by official or semi-official agencies in the country of exportation. This provision is at present applied to imports from Continental China and Eastern Germany.

Fifth Rule - 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.

Except in the two cases mentioned below, no supplementary fee is usually charged in cases of errors committed by the exporter. The customs confine themselves in such cases to collecting the outstanding amount normally payable, which had not been paid in the country of exportation.

On the other hand, in addition to the regular fee, a sum equal to four times that fee is charged:

- a) when there is infringement of the prescriptions of reciprocity tariffs;
- b) when there is failure to comply with the consular formalities (on visa of manifests, passenger lists and bills of health, in a port possessing a French diplomatic or consular representative.

In cases of inaccuracy in the certificates of origin, the local chief customs officers may disregard certain discrepancies when they are insignificant, or are clearly the result of a material error or accidental cause.

Lastly, if the importer is unable to supply consular invoices or certificates of origin required at customs clearance, he may be given a reasonable time-limit to procure such documents. Moreover, clearance of the goods may be obtained subject to guaranteeing the possible rights of the Treasury.

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

The State does not distribute printed forms, supplies of these being at the cost of traders.

Seventh Rule - Not more than five copies of each document should be required.

Only one copy of the certificate of origin or of the consular invoice is required.

In addition, the amalgamation of several documents into one is allowed;

for instance, presentation of a single document fulfilling, say, the office of certificate of origin and invoice, is authorised on condition that the single document meets all the requirements of the regulations in application of which it is produced.

Lastly, in certain cases, collective certificates of origin and invoices relating to several shipments are allowed.

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

Consular formalities are normally carried out during office hours but they may be carried out during overtime, whenever circumstances may so require, on payment of a special fee.

But systematic use of overtime is prohibited. Consular representatives are authorized to refuse to draw up or visa outside of office hours, any document which does not relate to shipping, or is not of an emergency character.

Fees for overtime services are not excessive. They are fixed as follows:

- during working days at 700 francs for the first hour and 300 francs for the following hours;
- during the night, Sundays and holidays, at 1,200 francs for the first hour and 700 francs for the following hours.

Ninth Rule - 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 offices should be open each day of the week for at least six hours, this time-table being reduced on Saturdays to three hours. Opening and closing hours are fixed according to local practice.

In each consulate, arrangements are made to provide for the fulfilment of an urgent formality outside of office hours or on Sundays and holidays.

Moreover, the public is informed of the facilities provided for under the regulations; time-limit of twenty-four hours after the sailing of vessels for the deposit of passenger lists, time-limit of twenty-four hours after their departure for formalities pertaining to shipments, for example.

In cases of emergency, shipping papers duly visaed by the consular authority may be replaced by notes issued on the basis of declarations by the consignor containing all necessary data as to goods and passengers.

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

Fines are inflicted only in the two instances mentioned above under the fifth rule.

IV - SIMPLIFICATION MEASURES

Considerably before the entry into force of the General Agreement on Tariffs and Trade, France had endeavoured in matters of certificates of origin and invoices, to reduce the consular formalities and resultant fees by complying with the principles of the Geneva Convention of 3 November 1923 on Simplification of Customs Formalities.

Since 1928, the number of cases when a certificate of origin is required has been substantially reduced. The production of single documents taking the place of both certificates of origin and consular invoices is allowed. Certificates of origin issued by foreign customs offices have been exempt from consular visas for a long time.

Consular invoices are required in only one copy and only for goods which are liable to ad valorem customs duty. In accordance with trade agreements, the provisions of which apply to all countries enjoying most-favoured-nation treatment, that formality is not required for the following specific operations: postal consignments, imports by parcel post or by airmail. Lastly, in place of the consular visa, the visa by approved agencies is accepted.

Since 1948, other simplifications have been carried out.

Certificates of origin are required only for a small number of operations. As a rule, they have been exempted from consular attestation.

It is no longer necessary to supply invoices, consular or commercial, for certain operations. For other operations, notably when the value of the goods does not exceed 50,000 francs, consular invoices may be replaced by ordinary commercial invoices.

However, it cannot be denied that even after the above relaxations, the consular formalities required under French legislation are still a hindrance and cause of expense to international trade, and that it would be advisable to reduce them. Most of them are merely the corollary of customs formalities which might also afford scope for modification.

The French Government has placed under review the question, the complexities of which are evidenced by the above statement; they consider that substantial simplifications might still be introduced. In most instances, however, it will be necessary, after agreement between the various administrative departments concerned, to amend the wording of acts and of general regulations which will obviously require some time.