

GENERAL AGREEMENT ON TARIFFS AND TRADE

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CONSULAR FORMALITIES

Communication from the Government of Spain

The following communication has been received from the Government of Spain in response to a request by the CONTRACTING PARTIES to contracting parties still regularly requiring consular formalities to report to the twenty-first session. The communication gives information on the Spanish legislative provisions regarding the certification of origin of goods in connexion with the Recommendation of 30 November 1957 (BISD, Sixth Supplement, page 25).

1. Paragraph (a) of the Recommendation of 30 November 1957 provides that "Contracting parties should ... abolish the requirement of a separate consular invoice form and accept in lieu thereof the commercial invoice (visa'd or legalized if necessary) with the right, however, to require that the information which was previously entered on the consular form should be contained in the commercial invoice."

The Spanish legislation governing this matter is an order of the Customs Administration dated 14 July 1960, which lays down the following rules for justification of the origin of goods:

- (a) The justification of origin may consist of presentation of the certificate of origin issued in accordance with the rules set forth in paragraph 10(a) of the earlier Customs Regulations.
- (b) That document may be replaced by presentation of a document certifying the origin of the goods covered, and issued by consular authorities, customs authorities, or official chambers of commerce, and which may be issued in the country from which the goods are imported, even if such country is not the country of origin.
- (c) It is also sufficient if the commercial invoices attached to the consignment note include an attestation by the above-mentioned authorities or an official chamber of commerce certifying the true origin of the goods in question.

- (d) In the case of merchandise or articles such as apparatus, machinery, pharmaceutical specialities, etc. bearing indications or marks which serve to certify the origin of the goods concerned, it is not necessary to justify the origin in the manner mentioned above, but suffices if mention is made in the consignment note of the said indications or marks. Catalogues or pamphlets which clearly specify the goods consigned may also be accepted as justification of origin.

2. Paragraph (b) of the Recommendation provides that "Contracting parties... should require that consular charges, except administrative fees for visaing or legalizing, should be paid at destination and not in the exporting country."

As may be seen from the text of the order of the Customs Administration dated 14 July 1960, the parties concerned have the option of resorting to consular services for certification of origin. In the event that they do opt to utilize consular services, the charges are levied at the Consulate in which the certification takes place.

3. Paragraph 1 of the Recommendation provides that "No consular charge should be assessed as a percentage of the value of the goods but should be a flat charge."

Spanish legislation requires that the charges should be assessed on an ad valorem basis only in certain cases of reciprocal treatment. Article 23 of the Consular Regulations (Decree of 7 June 1949) states that on the basis of reciprocity, in those countries where the importation of Spanish goods requires the presentation of consular invoices, the charges on which are assessed on an ad valorem basis, the same charges shall be levied for the forwarding or visaing of certificates of origin and for this purpose the corresponding sales invoices of the exporter shall be presented.

4. Paragraph 2 provides that "Where certification or visaing of commercial documents is required it should be carried out free-of-charge or at a nominal rate."

Under Spanish regulations a nominal charge is made. Under Article 22 of the Customs Regulations, a charge of 10 pesetas is made for the visaing of a certificate of origin.

5. Paragraph 3 provides that "Consular visas or certificates should not be required for consignments of goods, the invoice value of which does not exceed US\$100."

No distinction is made in the Spanish legislation between goods of more or less than US\$100 in value.

6. Paragraph 4 provides that "Delays in dealing with documents and charge for overtime should be reduced to a minimum."

The Spanish regulations do not envisage the issue of certificates of origin outside office hours, and the Consulates have instructions to carry out these formalities as rapidly as possible.

7. Paragraph 5 provides that "There should be no requirement for commercial documents to be presented for consular legalization or certification prior to exportation; if possible these documents should be accepted up to the date of importation."

The relevant Spanish regulations are contained in Article 7 of the order of the Customs Administration dated 14 July 1960, which states that it shall be an essential requirement for the consignment of goods for their origin to be certified, in any of the above-mentioned manners, at the time when they are verified and their value is determined, i.e. at the time of importation.