

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

MIN/NTM/W/17
26 August 1975

Special Distribution

Multilateral Trade Negotiations

Group "Non Tariff Measures"

Sub-Group "Customs Matters"

Original: English/
French

CUSTOMS MATTERS

Communication from the Customs Co-operation Council

The secretariat of the Customs Co-operation Council has submitted the following communication addressed to the Sub-Group "Customs Matters".

Customs valuation

Some 100 countries throughout the world have based their customs valuation systems on the definition of value as given in the Convention on the Valuation of Goods for Customs Purposes. A synoptic table giving a list of the countries by continents is reproduced in Annex 1.

In the light of this situation, we feel that if the work of GATT is aimed at the adoption of a common definition or system of customs valuation, the solution would be for all the GATT Contracting Parties to accept the Council's Convention on the Valuation of Goods for Customs Purposes, since the Council has now taken proper steps to ensure that the Brussels Definition can be applied on an f.o.b. basis (see the Council's Recommendation of 11 June 1974 - Annex 2 herewith).

During the previous meeting, some delegations were apparently concerned about a number of procedural questions in regard to customs valuation, e.g. the possibility of obtaining information in advance (draft interpretative note 10) or a posteriori (draft notes 11 and 11 bis) and also on the right of appeal (draft note 12). I would like to inform you of the action already taken or planned by the Council to settle these questions. With regard to the right of appeal, there is already an international customs norm and a Council Recommendation of 6 June 1967 accepted as of the present date by twenty nine countries (see Annex 3 herewith). The arrangement of the annexes to the Kyoto Convention on the Simplification and Harmonization of Customs Procedures provides for an annex (H.1) covering the settlement of disputes between users in international trade and the customs, in which this question of the right of appeal will be taken up once again. A measure of priority could no doubt be granted, if necessary, to the preparation of this annex.

As regards the information (a priori or a posteriori) on the question of determining customs valuation, I may mention that quite apart from the publicity given to the general provisions governing the matter (provided for, for example, in Annex B.1, norms 45 and 65), a chapter is planned in the arrangement of the annexes to the Kyoto Convention (Chapter G: Relations between customs and users in international trade/Annex G.1: Information binding the customs administrations furnishing it, etc.) in which these questions will be dealt with in detail.

Nomenclature

The Customs Co-operation Council's Nomenclature for the Classification of Goods in Customs Tariffs already has a large following at the international level - by far the largest in the world - since it is applied by 132 countries or territories. Of the countries Members of the United Nations, only thirty apply a tariff not based on the CCC Nomenclature (see Annex 4). It should also be pointed out in this connexion that Afghanistan has just adopted a tariff based to some extent on the Nomenclature, that India is still trying to do so, and that the same applies to Ethiopia, the Bahamas and Canada.

There is no need to labour the point that at the general level of tariff negotiations and at the more routine level of imports and exports of goods, the fact of having one and the same reference nomenclature clarifies discussion and simplifies trade. Furthermore, the very close correlation between tariff headings established as long ago as 1960 between the CCC Nomenclature and SITC/Rev.1 (and as of 1 January 1976, SITC/Rev.2) makes it possible to produce international trade statistics for a large number of countries that are not only trustworthy, since they are vetted by customs services at every import and export operation, but indispensable, since a country's economic activity depends on international trade.

In contrast, what is an exception nowadays - a customs tariff not based on the CCC Nomenclature - is a manifest obstacle to trade, since it deprives users in international trade of a key to what is the common language of the largest number.

Some countries which have not yet based their tariffs on the CCC Nomenclature explain their attitude by contending that in some respects the CCC Nomenclature is out of date.

On this point it may be argued that the CCC Nomenclature has been amended more than once since 1955 (in 1960 and 1970) and that another series of amendments will probably be issued in June 1976. Moreover, it will be amended to meet the needs of the harmonized system for the designation and codification of goods to be drawn up between now and 1979. Hence the allegation that the Council's Nomenclature is not in keeping with present-day trade practices is without foundation. The very opposite is the case ever since it was established,

efforts have been made, and continue to be made, to ensure that it is an instrument in keeping with the needs of trade and international trade statistics. All we have to do to convince ourselves that this is so is to look at the long list of countries applying the Nomenclature, including some of the most highly industrialized as well as developing countries.

While basing a national tariff on the CCC Nomenclature is of itself progress towards harmonization, there is room for improvement in so far as it is not the entire CCC Nomenclature that has been adopted but one put together by telescoping a number of headings from the Nomenclature in question. Hence the countries concerned should now be encouraged by GATT to continue their efforts and promote, as some developing countries have already done, a customs tariff embodying all the provisions of the CCC Nomenclature and not simply an abridged version.

Indeed, it is only by adopting the CCC Nomenclature in its entirety that two results of vital importance can be achieved:

- That of guaranteeing uniform interpretation and application through the specialized institutions of the Council, and that of obtaining the benefit of the conventional procedure for the settlement of disputes arising between member States in regard to the classification of goods under the Nomenclature;
- That of becoming a member of the Convention on Nomenclature, in other words taking part with voting rights in the work of administering and amending the Nomenclature.

Consequently, in the interests of international trade, we feel that a Recommendation should be issued following the present GATT negotiations to the effect that countries which do not as yet have a tariff based on the CCC Nomenclature should have one; that those which have adopted as a basis for their tariffs only an abridged version of the Nomenclature should now adopt the version in its entirety; and finally that those wishing to do so should accede to the Convention on Nomenclature of 15 December 1950.

The Recommendation in question would also refer to the Council Recommendation of 29 November 1957 (see Annex 5) concerning the form and lay-out of customs tariffs (with a view to ensuring the greatest degree of comparability between all customs tariffs by following as closely as possible the lay-out and the form of the CCC Nomenclature, and in particular maintaining the numbering of the Section and Chapter notes), and the Council Recommendation of 1 January 1975 to enable international trade statistical data collected on the basis of the CCC Nomenclature to be expressed in terms of the second revision of SITC (see Annex 6).

The above observations concerning questions of procedure in regard to customs valuation apply also to questions of the right of appeal and information on the tariff classification of goods. In this respect I would draw your attention to

the existence of another international customs norm (see Annex 7 herewith) on information concerning the tariff classification of goods, supplied by customs administrations and binding upon them.

Customs technique

- Import documents

In the first place, I would remind you of the adoption by the Council of the text of Annex B.1 concerning clearance for home use. Norm 11 together with its notes and the two appendices to the annex are of very special interest for the Sub-Group.

You will likewise recall the adoption by the Council last year of three annexes on the origin of goods. These contain an attempt to rationalize the formalities deriving from the application of the notion of customs origin of goods, including as far as possible limitation on the use of certificates of origin, and finally a model certificate form.

I attach copies in French and English of Council document No. 18.909 (see Annex 8). This document, bearing the date 12 September 1972, is not in our opinion the right instrument to serve as a framework for the discussions of the Sub-Group. Certain data in it are no doubt obsolete, as the Japanese delegation, for example, appears to indicate. It might be possible to find a more solid working basis in the notifications to be submitted by countries or in the more recent developments in regard to this question, e.g. a list showing the particulars required by the customs for formalities on the importation of goods (see Annex 9) or even norm 11 of Annex B.1 on clearance for home use, together with its notes and the two appendices.

- Customs procedures

The first question arising here is how best to approach the problems involved. In a general way, it is obvious that the Council would be happy to find support in GATT for the work it is doing in the framework of the Kyoto Convention on the Simplification and Harmonization of Customs Procedures. A Recommendation designed to induce the participating countries to undertake to accede to this Convention (an idea put forward in paragraph twenty three of document MTN/NTM/W/7 of 29 April 1975) should be very useful. Indeed such a Recommendation would fit extremely well - like those suggested in regard to customs valuation and nomenclature - into the general policy of collaboration followed by our two organizations, which has already borne fruit.

Clearly, any observation or suggestion by the Sub-Group in regard to the Kyoto Convention would be given attention by the Council, which would, I am sure, be ready to give priority consideration to any questions raised by GATT. Any action which the Council might be led to take at the request of GATT would of course not stand in the way of any other decision of the Sub-Group, e.g. the drafting of an interpretative note to Article VIII, which might perhaps make reference to the Kyoto Convention.

In case they can be of use, I am sending you forty copies of the first two instalments of the Kyoto Convention, which might be made available in particular to the delegations of countries not members of the Council.¹ You will find in Annex 10 a list of countries members of the Council. As soon as the third instalment of the Kyoto Convention is available (annexes adopted at the last session of the Council in Buenos Aires), I shall have a sufficient number of copies forwarded to you.

The specific questions relating to customs procedure which would appear to give some concern to a number of delegations call for the following observations on the part of the Council:

(1) Delays in customs clearance

The question is presented in a rather vague way. A general recommendation that clearance should be made within a reasonable time would probably not have much effect. Furthermore, the wording of Annex B.1 reflects the Council's view that clearance should be done expeditiously and without interruption. Norm 28 stipulates that acceptance of the goods declaration is conditional merely on the presentation of all the necessary documentation by the interested party, and norm 30 specifies that the procedures which follows (examination of the declaration) should take place as soon as possible after acceptance. Inspection of the goods, if any, should also take place as soon as possible after acceptance of the goods declaration (norm 32), and removal of the goods follows as soon as the customs authorities have completed the inspection or have decided not to inspect the goods (norm 59). However, in this respect and in regard to retroactive or deferred assessment of the duties included under norm 57 of Annex B.1, the Council could reinforce the basic ideas contained in the provisions, e.g. by having them stated more explicitly in the commentary to the text adopted. As you know, the commentary is an official text which is to be incorporated into the Convention Manual. While it does not bind the Contracting Parties, they do normally take it into consideration in applying the provisions of the annex to which it refers.

¹These instalments will be distributed to countries belonging to the Sub-Group which are not members of the Customs Co-operation Council.

(2) Excessive penalties for minor errors

Here again, the question could be dealt with in the framework of a future annex to the Kyoto Convention, as already provided for (Annex H.2: customs infringement). I would like to point out in this connexion that there is a Council Recommendation concerning the treatment of inadvertent errors in the declared value of goods; the Recommendation in question is to be found in Annex 11 herewith.

(3) Appeals against penalties and tardy settlement of disputes

These questions are already covered by an international customs norm and a Council Recommendation (see Annex 3 herewith), and they will again be dealt with in Annex H.1 to the Kyoto Convention.

(4) Limited number of points of entry for specific products

This problem, which in specific circumstances could well constitute a non-tariff barrier, has been examined in the context of the Annex B.1 to the Kyoto Convention (norm 3 and notes, norm 21 and note). If the provisions in it are not regarded as sufficient in themselves, the commentary could furnish appropriate clarification.

ANNEX 1

LIST OF COUNTRIES AND TERRITORIES
USING THE BRUSSELS DEFINITION OF VALUE (BDV)
IN THEIR CUSTOMS LEGISLATION

Country*	BDV*	Country*	BDV*
Africa			
Algeria	x	Malawi	x
°Angola	x	Mauritius	x
Burundi	x	Morocco	x
Cameroon	x	°Mozambique	x
°Cape Verde	x		
°Central Afr. Rep.	x	°Niger	x
°Chad	x	Nigeria	+
°Comoro Is.	x	Rwanda	+
°Congo	x	°Sao Tome	x
°Dahomey	x	°Sierra Leone	x
Egypt	x	°Somalia	x
°Equatorial Guinea	x	°Spanish Sahara	x
Gabon	x	Sudan	x
°Gambia	x	Tanzania	x
Ghana	x	°Togo	x
°Guinea Bissau	x	Tunisia	+
Ivory Coast	+	Uganda	+
Kenya	+	Zaire	+
Liberia	x		
Madagascar	x		

*Notes :

- ° Non-Member country of the CCC.
- + Acceptance (i.e. Contracting Party).
- x Indicates application only.

Country	BDV	Country	BDV
Americas			
°Antigua	x	°Guyana	x
Argentina	x	Haiti	+
°Barbados	x	Jamaica	x
°Belize	x	°Montserrat	x
Chile	x	Peru	x
°Colombia	x	°St. Kitts-Nevis-Aiguilla	x
°Cuba	x	°St. Lucia	x
°Dominica	x	°St. Vincent	x
°Ecuador	x	°Surinam	x
°Grenada	x	Trinidad & Tobago	x
		°Virgin Islands	x
Asia			
Israel	x	Pakistan	+
Japan	+	Singapore	x
Korea (Rep. of)	+	Thailand	x
°Laos	x	°Timor (Portug. Prov.)	x
Malaysia	x	°Viet-Nam (Rep. of)	x
		°Yemen	x

Country	BDV	Country	BDV
Europe			
Austria	+	° Monaco	x
Belgium	+	Netherlands	+
Bulgaria	x	Norway	+
Cyprus	+	Portugal	+
Denmark	+	Spain	+
Finland	+	Sweden	+
France (including 4 overseas departments)	+	Turkey	+
Germany (Fed. Rep. of)	+	United Kingdom	+
Greece	+	Yugoslavia	+
Iceland	x		
Ireland	+		
Italy	+		
Luxembourg	+		
Malta	x		

Australasia

° Fiji	x
° French Polynesia	x
° New Caledonia	x

ANNEX 2

RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL CONCERNING
THE AMENDMENT OF THE CONVENTION ON THE VALUATION
OF GOODS FOR CUSTOMS PURPOSES
(11 JUNE 1974)

THE CUSTOMS CO-OPERATION COUNCIL,

HAVING REGARD to the Preamble and to Articles II, V, VI(e), VIII, XV and XVIII of the Convention of 15 December 1950 on the Valuation of Goods for Customs Purposes,

CONVINCED that the maximum uniformity in defining the value of goods for Customs purposes remains important in the attainment of the aims of the Convention,

CONSIDERING

- that certain Contracting Parties to the Convention establishing a Customs Co-operation Council do not include in the dutiable value of goods certain costs, charges and expenses incidental to the delivery of goods at the port or place of introduction into the country of importation;
- that some of those Contracting Parties could comply in all other respects with the Convention on the Valuation of Goods for Customs Purposes;
- that the accession of these Contracting Parties would be facilitated if the Convention on the Valuation of Goods for Customs Purposes allowed them, in the determination of the dutiable value, not to include the costs, charges and expenses incidental to the delivery of the goods from the port or place of exportation to the port or place of introduction into the country of importation;
- that an amendment of the Convention on the Valuation of Goods for Customs Purposes to that effect would constitute an important step towards the universal application of the concept of the Brussels Definition.

In accordance with a proposal of the Valuation Committee,

RECOMMENDS Contracting Parties to the Convention on the Valuation of Goods for Customs Purposes to add as Annex IV to the Convention the following text:

Annex IV

PROTOCOL CONCERNING ARTICLE I(2)(b)
OF THE DEFINITION OF VALUE

The Contracting Parties to the Convention on the Valuation of Goods for Customs Purposes (hereinafter referred to as "the Convention") have agreed as follows:

Any Contracting Party to the Convention establishing the Council which does not include in the dutiable value of goods the costs, charges and expenses incidental to the delivery of the goods from the port or place of exportation to the port or place of introduction into the country of importation and nevertheless wishes to accede to the Convention shall be regarded as fulfilling the requirements of Article II of the Convention if that Contracting Party introduces into its domestic law and applies the following provision in lieu of sub-paragraph (b) of Article I (2) of the Definition of Value:

- "(b) that with the exception of costs, charges and expenses incidental to the delivery of the goods from the port or place of exportation to the port or place of introduction, the seller bears all costs, charges and expenses incidental to the sale and to the delivery of the goods at the port or place of introduction, which are hence included in the normal price;".

ANNEX 3

THE RIGHT OF APPEAL IN CUSTOMS MATTERS

I. SUBJECT MATTER

Customs authorities act within the framework of the laws and regulations which they are responsible for enforcing. Their decisions, acts or omissions may, nevertheless, give rise to disputes between these authorities and the persons (natural or legal) concerned. In order to protect the interests of such persons provision should be expressly made whereby they have the right to challenge the decisions or measures which the Customs authorities take, or fail to take.

An important consequence of the right of appeal, and the existence of authorities responsible for ruling on disputes, is the contribution these make towards the uniform application of laws and regulations. The decisions taken and judgments rendered as the result of appeals can moreover provide a valuable basis of administrative and legal interpretation and precedent upon which similar disputes may be avoided or resolved.

This Norm sets out the fundamental principles which should govern the exercise of the right of appeal in Customs matters, and the procedure that should be followed in dealing with appeals addressed to the competent Customs authority. It does not, however, embrace appeals in penal matters, or appeals against provisions of a general character. Simple complaints about, for example, the conduct of the Customs service are similarly excluded.

II. DEFINITION

"Appeal" means the act by which a person (natural or legal) who deems himself to be aggrieved by a decision, an act, or an omission of the Customs authorities, seeks redress before a competent authority.

III. PRINCIPLES

Principle 1: *General principle*

A right of appeal should be available to any person (natural or legal) who deems himself to be aggrieved by a decision or measure of the Customs authorities or by their failure to take action on a request or a matter duly submitted to them.

The person exercising this right of appeal must be directly affected by the decision, act, or omission.

Principle 2: *Competent authority*

The authority competent to determine the appeal may be either a Customs authority or an arbitral, administrative or judicial authority independent of the Customs Administration.

Where the competent authority is a Customs authority, the appellant should be entitled, at least in the last resort, to submit the matter to an authority independent of the Customs Administration.

Note. It should be possible for the Customs authority which took the decision (1) appealed against to modify it in favour of the appellant.

Principle 3: *Form of appeal*

The appellant should submit the appeal in writing, stating the grounds of appeal.

Note 1. Evidence for the consideration of the appeal should accompany it or, if it is not immediately available, be submitted as soon as possible.

2. Where appropriate, the appeal may be lodged by telex or by telegram subject to its confirmation in conformity with any prescribed rules.

(1) These provisions are applicable, mutatis mutandis, to challenged acts or omissions.

Principle 4 : *Time limit for appeal*

The appeal should be submitted within a prescribed period. This period should be sufficient to allow the appellant time to study the contested decision (1) and prepare the appeal.

Note. The period for lodging the appeal may be extended in exceptional circumstances, for example, where the appellant for reasons outside his control was prevented from making timely appeal.

Principle 5 : *Release of goods*

Where an appeal is lodged as a result of a dispute arising during the clearance of goods, release of the goods should be allowed provided that :

- (a) release would not prejudice consideration of the appeal;
- (b) there is no suspicion of fraud;
- (c) the goods are not considered to be prohibited goods;
- (d) the goods are not subject to import or export restrictions precluding their release; and
- (e) an amount adequate to cover the duties and taxes as assessed by the Customs authority is paid or security for that amount is provided.

Principle 6 : *Withdrawal of the appeal*

The appellant should be allowed to withdraw his appeal at any stage of the procedure.

Note. In consequence of the withdrawal the challenged decision (1) becomes final.

(1) These provisions are applicable, mutatis mutandis, to challenged acts or omissions.

Principle 7 : Action on the appeal

The competent authority is obliged to rule upon the appeal.

Note 1. The appeal should be considered with the minimum of delay.

2. The appellant should be advised in writing of the decision taken. If the appeal is not upheld, the reasons should be given.

IV. IMPLEMENTATION

The provisions necessary for implementing these Principles could take account of the following points which are offered for guidance :

Particulars to be given in the statement of appeal

1. This statement should normally include the following particulars :

- (a) the subject of the dispute (e.g. particulars of the contested decision);
- (b) the purpose of the appeal; and
- (c) the grounds of the appeal.

Evidence to be produced

2. The evidence submitted by the appellant, or required by the Customs authority, to determine the appeal, may vary according to the nature of the dispute.

In disputes relating to tariff classification the following may serve as evidence : certificates of analysis, samples of the goods in dispute, or even in certain cases the goods themselves; blueprints, drawings or photographs of the goods should be accepted if it is impossible to take samples.

In disputes relating to valuation the following may also serve as evidence : invoices, contracts, licences, extracts from accounts and registers, price lists, etc.

Information concerning the right of appeal

3. Information concerning the conditions and the procedures for appeals should be made known by official publication of the relevant laws and regulations. The information should be made available, on request, to any interested person. Where it is considered desirable, a note on the conditions and the procedures for appeals may be inserted in decisions rendered by Customs authorities.

RECOMMENDATION OF THE
CUSTOMS CO-OPERATION COUNCIL CONCERNING THE
RIGHT OF APPEAL IN CUSTOMS MATTERS
(6 June 1967)

THE CUSTOMS CO-OPERATION COUNCIL,

CONSIDERING that the decisions, acts or omissions of Customs authorities may give rise to disputes between them and the persons concerned;

CONSIDERING that it is desirable for these persons to have a right of appeal in order to protect their legitimate interests;

CONSIDERING that this right of appeal would also contribute to the uniform application of the laws and regulations which the Customs authorities are responsible for enforcing;

RECOMMENDS that Members should

1. grant a right of appeal to any person (natural or legal) who deems himself to be aggrieved by a decision or act of the Customs authorities or by their failure to take action on a request or a matter duly submitted to them, provided that such person is directly affected by the decision, act or omission;
2. provide for appeals to be determined by a competent authority. The authority may be either a Customs authority or an arbitral, administrative or judicial authority independent of the Customs Administration;
3. provide that, where the competent authority is a Customs authority, the appellant shall be entitled, at least in the last resort, to submit the matter to an authority independent of the Customs Administration;

4. allow goods, which become the subject of an appeal as a result of a dispute arising during their clearance, to be released provided that :
 - (a) release would not prejudice consideration of the appeal;
 - (b) there is no suspicion of fraud;
 - (c) the goods are neither considered to be prohibited goods, nor subject to import or export restrictions precluding their release; and
 - (d) an amount adequate to cover the duties and taxes as assessed by the Customs authorities is paid or security for that amount is provided;
5. ensure that the appeals procedure is as simple as possible and that decisions are reached and notified to the appellant with the minimum delay;
6. ensure that suitable publicity is given to the appeals procedure, in particular with regard to the time-limit and the other conditions to be fulfilled for lodging an appeal;

POINTS OUT that the present Recommendation covers appeals in matters relating to the laws and regulations which the Customs authorities are responsible for enforcing. It does not, however, embrace appeals in penal matters, appeals against provisions of a general character or appeals against opinions expressed by Customs authorities which are not binding in effect;

REQUESTS Members who accept the present Recommendation to notify the Secretary General of the Council accordingly and to specify the date and terms of its implementation. The Secretary General will communicate this information to Members' Customs Administrations.

ANNEX 4

STATES MEMBERS OF THE UNITED NATIONS NOT
APPLYING THE CCC NOMENCLATURE

Afghanistan
Albania
Bahamas
Bahrein
Bhutan
Burma
Byelorussian SSR
Canada
China
Costa Rica
El Salvador
Ethiopia
German Democratic Republic
Guatemala
Honduras
India
Kuwait
Maldives
Mongolia
Nepal
Nicaragua
Oman
Panama
People's Democratic Republic of Yemen
Qatar
Ukrainian SSR
Union of Soviet Socialist Republics
United Arab Emirates
United States of America
Yemen Arab Republic

ANNEX 5

Brussels, 29 November 1957

RECOMMENDATION
CONCERNING THE FORM AND LAY-OUT
OF CUSTOMS TARIFFS

THE CUSTOMS CO-OPERATION COUNCIL,

HAVING REGARD to the provisions of Article II of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs which authorizes member States to make certain textual adaptations to the Nomenclature text when compiling their national tariffs,

CONSIDERING that it is essential that this authority be reconciled with the fundamental principle of ensuring the greatest degree of comparability between all Customs tariffs based on the Brussels Nomenclature,

RECOMMENDS that member States when preparing their national tariffs should follow as closely as possible the form and lay-out of the Nomenclature and in particular should maintain the numbering of the Section and Chapter Notes and the lettering of their sub-paragraphs,

ANNEX 6

RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL
TO ENABLE INTERNATIONAL TRADE STATISTICAL DATA
COLLECTED ON THE BASIS OF THE BRUSSELS NOMENCLATURE
TO BE EXPRESSED IN TERMS OF THE SECOND REVISION
OF THE STANDARD INTERNATIONAL TRADE CLASSIFICATION
(1 JANUARY 1975)

THE CUSTOMS CO-OPERATION COUNCIL,

CONSIDERING that one of the aims of the "Convention on Nomenclature for the Classification of Goods in Customs Tariffs", known as the "Brussels Nomenclature", is to facilitate the comparison of external trade statistics in so far as the data for such statistics are based on the classification of goods in Customs tariffs,

CONSIDERING that the "Standard International Trade Classification" in its second revised form (SITC, Rev.2) will further facilitate the study and comparison of statistical data relating to external trade,

OBSERVING that these data, which are generally collected on the basis of the headings of the Brussels Nomenclature, must, to meet the requirements of the United Nations statistical services, be capable of being expressed in terms of the SITC, Rev.2,

BEING CONVINCED that this aim cannot be satisfactorily accomplished without the correlation between the Brussels Nomenclature and the SITC, Rev.2, which the subheadings listed in the Annex to this Recommendation provide,

TAKING NOTE of the work which has led to the establishment of this correlation

RECOMMENDS that Members and Customs or Economic Unions formed by certain Members incorporate in their Customs/tariffs or in their statistical nomenclatures the subheadings listed in the Annex^{1/} to this Recommendation or at least take appropriate steps to enable statistical data to be reported to the United Nations institutions concerned on the basis of these subheadings,

REQUESTS Members and Customs or Economic Unions formed by certain Members who accept this Recommendation to notify the Secretary General of their acceptance and of the date of its application.

^{1/} This Annex is not reproduced here but can be consulted in the GATT secretariat, Office 27, Villa Le Bocage.

ANNEX 7

INFORMATION
CONCERNING THE TARIFF CLASSIFICATION
OF GOODS,
SUPPLIED BY AND BINDING
ON THE CUSTOMS ADMINISTRATION
(TARIFF INFORMATION)

I. SUBJECT MATTER

Technical development in industry and the increasing variety and complexity of the merchandise in international trade call for expert knowledge of the classification of goods in Customs tariffs. Importers often find it difficult to classify correctly the goods in which they are interested, particularly in the case of newly developed articles, the importation of which cannot be undertaken until the correct tariff classification is known. Hence the international trading community has a vital interest in obtaining from a Customs Administration tariff classification information which will commit that Administration and thus enable the trader to plan ahead with knowledge of the rate of Customs duty chargeable on the goods in question.

It must be accepted that this interest of the international trading community is legitimate. However, in drawing up this Norm, it has been recognised that tariff information supplied by a Customs Administration may be overruled by decisions taken by courts of law or equivalent authorities or by tariff changes.

The procedure set out below does not preclude the informal provision of tariff information in cases where that procedure is not followed. Such information does not commit the Administration.

II. PRINCIPLES

Principle 1 : *Persons entitled to apply for tariff information*

Any interested person (legal or natural) should be entitled to lodge an application for tariff information.

Note. It is in the interests of international trade that the right to lodge such an application should not be limited to specified persons (e.g., manufacturers, traders or persons established in the country of importation). Applicants should not normally be required to prove their legal or practical interest in obtaining such information.

Principle 2 : *Form of application and conditions to be fulfilled*

The application for tariff information should be submitted in writing. It should inter alia include the following particulars :

- (a) name and address of the applicant;
- (b) full particulars of the goods e.g., commercial description, nature, composition, quality, price, origin, end-use, packaging and, where applicable, manufacturing process;
- (c) particulars of any previous importations by the applicant of goods of the same kind, and the tariff heading (or sub-heading) applied thereto;
- (d) Customs offices through which the goods are to be cleared.

Normally, applications should be accompanied by a specified number of samples. Photographs, plans, drawings, etc., or a complete and exact description of the goods should be accepted if the supply of samples is impracticable e.g., owing to the nature of the goods.

- Note 1.** The Customs Administration should decide whether the application must be made out on a special form and whether it should be accompanied by a written analysis from the manufacturer or from an official laboratory.
- 2.** Supplementary information given orally may also be considered when determining the classification of the goods.

Principle 3 : *Notification of tariff information*

Notification of tariff information should be in writing and should specify the exact description of the goods concerned, by reference, where appropriate, to the sample, photographs, plans or drawings identifying the goods, and the tariff heading (or sub-heading) applicable.

- Note 1.** It is recommended that Customs Administrations should include in the notification any additional information available concerning the rates of duties and taxes, quota restrictions, formalities, etc., applicable on the day on which the information is given. It should be made clear that such additional particulars are given for information only and are not binding on the Customs Administration.
- 2.** In addition, the Customs Administration should decide, in each case according to the circumstance of each case, whether and if so in what form, the tariff information should be published.

Principle 4 : *Effects of tariff information*

At the request of the applicant, the Customs Administration should allow the goods concerned, imported by him or for his account, to be classified according to the tariff information provided that :

- (a) he produces the tariff information given to him;

- (b) he proves to the satisfaction of the Customs that the imported goods are identical with the samples (or photographs, plans, drawings or descriptions) on which the information was based;
- (c) the particulars concerning the goods given in the application for information were not incorrect or incomplete; and
- (d) the tariff information is still valid.

Principle 5 : Appeals

There should be a right of appeal against the classification notified in the tariff information.

Principle 6 : Period of validity

In general, no time limit should be fixed for the validity of tariff information. However, if a Customs Administration considers that such a time limit is indispensable, the period of validity should be as long as possible.

Principle 7 : Amendment to Customs tariff

In the event of an amendment being made to the Customs tariff in a manner affecting the tariff information, the latter ceases to have effect as from the entry into force of the amendment and is no longer binding upon the issuing Administration.

Principle 8 : Amendment of tariff information

Tariff information may be amended by the Customs Administration which supplied it. Amendments should be notified as soon as possible by the Administration.

When the amendment entails liability to a higher rate of duty, the Customs Administration should make good the prejudice caused :

- either by admitting the goods at the lower rate of duty; or

- by granting the applicant compensation for the increase in duty,

provided that :

- (a) it is proved to the satisfaction of the Customs Administration that the applicant is irrevocably committed on the basis of the tariff information previously supplied; and
- (b) the goods are cleared for home use within a reasonable period fixed by the Customs Administration. This period must at least be sufficient to permit the importation of any goods "en route" on the date of notification of the amendment.

Note. Amendments to tariff information may be notified either individually to the applicant or by inclusion in an official publication, at the discretion of the Customs Administration.

III. IMPLEMENTATION

The provisions necessary for implementing these Principles could take account of the following points which are offered for guidance :

Competent authority

1. Tariff information may be given by the Central Administration, the regional offices or the more important Customs offices.

Notification of tariff information

2. In addition to the notification provided for in Principles 3 and 8, tariff information and amendments thereto should also be communicated to Customs offices generally or at least to those at the places where the goods will be imported.

Notification of court decisions

3. It is recommended that any amendment or cancellation resulting from a court decision not already brought to the notice of the applicant or published should, as far as possible, be notified to him.

Charges

4. It is recommended that Customs Administrations should provide tariff information free of charge. If a charge is made, this should be limited to the approximate cost of services rendered.

ANNEX 8

Brussels, 12 septembre 1972.

SIMPLIFICATION AND HARMONISATION OF CUSTOMS DOCUMENTS

Particulars required by the Customs for formalities
on the importation of goods

(Doc. 18.819)

1. The Annex to Doc. 18.819 has been revised to take account of the replies received from five Members (Ireland, Israel, Japan, Portugal and United Kingdom) as well as certain additional information received from Luxembourg.
2. The revised Annex is appended hereto; it replaces that circulated with Doc. 18.819.

x

x

x

A. PARTICULARS REQUIRED BY THE CUSTOMS FOR
FORMALITIES ON THE IMPORTATION OF GOODS

I. Information provided for in the form
of Goods declaration (inwards)

Information requested
by almost all
Customs Administrations

Information requested
by only a few
Customs Administrations

(a) Particulars relating to persons
who participate in the operation

1. Declarant (owner, carrier,
forwarding agent, consignee,
professional Customs agent,
etc.)

Name, address and, if
applicable, licence number

This information is not
required by Sweden and
Portugal

2. Importer (consignee or owner)

Name and address

3. Consignor (or supplier)

(Austria, Canada, Denmark,
Ireland, Israel, Malta,
Sweden, Switzerland, United
Kingdom and United States)

4. User of the goods

(Belgium and Luxembourg;
United Kingdom - for
temporary importations only)

5. Bank domiciliation (see also
item 26)

(Algeria and France)

(b) Particulars relating to the transport of the goods

6. Mode of transport

Rail, sea, air, other
surface modes

7. Identification of the ship,
vehicle, etc.

Identification of the means
of transport by its
nationality, registration
number or name (in the case
of ship)

8. Carrier

(Canada, Finland and Ireland)

9. References to transport
documents

Bill of lading number, air
waybill number, TIR carnet
number, etc.

(Finland, France, India, Israel,
Japan, New Zealand, Sweden and
United States)

Particulars entered by the
Customs in New Zealand

10. Port or place of loading

(Austria, Finland, Ireland,
Japan, New Zealand, Portugal,
United Kingdom and United States)

11. Date of exportation

(Austria, Finland and Korea)

12. Place of introduction

(Austria, Finland, Ireland,
Korea and United Kingdom)

13. Place of unloading

(Belgium, Cameroon, Denmark,
France, Japan, Luxembourg,
United Kingdom and United States)

14. Date of arrival or importation

(Belgium, Finland, Ireland,
Israel, Japan, Luxembourg,
New Zealand and United States)

15. Location of the goods

(Belgium, Denmark, France,
Israel, Japan, Luxembourg
and Sweden)

16. Place of destination

(Austria, France and United
Kingdom)

17. Transport for own account or
for account of other persons

(Belgium, France and
Luxembourg)

(c) Particulars relating to the goods

18. Country of provenance

Not required by Cameroon,
Italy, Switzerland and the
United States

19. Country of origin

Not required by Cameroon

20. Country of production

(Switzerland)

21. Description of the packages

Number, nature, markings
and numbers

22. Description of the goods

23. Gross weight

Not required by Canada;
Korea and New Zealand

24. Net weight

Not required by India and
New Zealand

25. Quantity

Number, volume, volume in
litres, and supplementary
units

26. Financial or commercial
system applicable to the
goods - exchange control

(France, Israel, Spain and
Switzerland)

27. Type of storage

(Finland)

28. Date of entry into warehouse

(Finland)

(d) Particulars relating to the value of the goods

29. Customs value

30. Date of invoice

(Denmark and United States)

31. Invoiced price

(Austria, Denmark, France,
India, Israel and Italy)

32. Currency used in invoicing

(France)

33. Conditions of delivery and payment

(Austria, Cameroon, Denmark, France, India and Israel)

34. Transport and other charges

(Charges for warehousing, surveillance, port dues, etc.)

(Austria, France, India, Israel, Sweden and United States)

35. Discount

(United States)

36. Rates by which the value is adjusted

(Cameroon, France and Israel)

37. Unit value

(United States)

38. Rate of exchange

(India, Italy, New Zealand, United Kingdom and United States)

39. Value appraised by the Customs

(Korea - entered by the Customs)

39 bis. Value for calculation of internal taxes

x

x x

Particulars relating to the value of the goods must also appear in documents to be presented with the Customs declaration, either an invoice or a declaration of value (required by twelve countries).

(e) Particulars with a view to the settlement of
import duties and taxes

40. Tariff heading

Entered by the Customs in
Belgium, Korea and
Luxembourg

41. Rates of duties and taxes

Entered by the Customs in
Belgium, Korea, Luxembourg
and Spain

42. Amount of duties and taxes

Entered by the Customs in
Austria, Belgium, Korea,
Luxembourg, Spain and
Switzerland

43. Deferred payment

(Algeria, Belgium, Canada,
Denmark, France, Israel,
Italy, Luxembourg and Sweden)

In Algeria, Belgium,
Luxembourg and Sweden, this
is entered by the Customs

44. Deposits

The existence of a deposit
must be disclosed in the
following countries : Algeria,
Austria, Belgium, Cameroon,
Canada, France, Ireland,
Israel, Italy, Japan,
Luxembourg, New Zealand,
Portugal, Sweden, Switzerland
and United Kingdom.

This is entered by the Customs,
except in Cameroon, Canada,
France, Italy and Switzerland.

45. Types of duties and taxes

(France, Japan and Sweden)

46. Clearance procedure
(Spain and Sweden)

(f) Particulars with a view to the granting of
preferential treatment

47. Area of provenance
48. Reference to legal provisions
49. Reference to appended
justifying documents

x

x

x

The particulars specified
in items 47 to 49 are required by
Member countries of a free trade
area or Customs or economic union.

50. Statement of destination
(New Zealand)
51. Claim for duty and tax
exemption or reduction
(Sweden)

(g) Particulars of an exclusively statistical nature

52. Statistical heading

Not required by Canada,
Denmark, Iran and
New Zealand

53. Importer's statistical number
(France and Israel)
54. Statistical value
(Belgium and Luxembourg)

(h) Particulars relating to
authentication of the declaration

55. Customs office

Entered by the Customs in
some countries

56. Type of declaration

Separate forms are used in
most countries, depending on
the Customs procedure under
which the goods are to be
placed (home use, warehousing,
temporary admission).

A single form is used in the
following countries : Canada,
Korea and Spain

57. Certification by the
declarant

Place, date, signature and
reference number

58. Box for Customs office use

The Customs enter in this box
the declaration number, the
date it was lodged and the
result of the examination
(type of examination, date,
officer's name and signature)

59. Application to be present
during the examination

(Sweden)

(1j) Other particulars required

60. Reference to the import licence and commercial declarations and documents to be presented with the Customs declaration

The list of documents to be produced with the Customs declaration is reproduced in Section II

61. References to summary declarations or to accounts to be checked

(Belgium, Italy, Luxembourg, Spain and United Kingdom)

62. Form of payment

(Spain)

63. Advice of sale of foreign exchange

(Iran)

63 bis. Particulars of drawback or other export relief now due to be repaid

(United Kingdom, only in respect of UK goods reimported after processing abroad)

II. Commercial declarations and documents to be produced with the Customs declaration (inwards)

1. Declaration of value

A declaration of value must be presented in the following countries : Austria, Belgium, Denmark, Finland, France, Ireland, Israel, Japan, Luxembourg, Spain, Sweden and United Kingdom.

2. Declaration for statistical purposes

A declaration for statistical purposes is required in Austria, Japan and Portugal.

3. Invoice

Canada, Japan, New Zealand, Spain and United States require a Customs invoice.

In other countries, the Customs authorities sometimes require that an invoice bearing a certificate signed by the importer shall accompany the Customs declaration.

Members have indicated certain other documents required in support of the Customs declaration :

4. Import licence
5. Certificate of origin
6. Phytopathological, health or veterinary certificates
7. Declaration regarding value added tax
8. Certificate of use
9. Delivery note or bill of lading
10. Consignment note in detail
11. Declaration for control purposes in connection with direct taxes

B. PARTICULARS FURNISHED IN CODED FORM

With the exception of Ireland, Italy, Malta, New Zealand and Portugal, all Members state that some of the particulars may be furnished in coded form.

The number of codes used is particularly large in the case of Members that have introduced electronic data processing or plan to do so in the more or less near future.

In addition to tariff and statistical headings, the particulars that have been coded are :

Country (13 Members : Algeria, Cameroon, Canada, Denmark, Finland, France, Israel, Japan, Korea, Spain, Sweden, United Kingdom and United States).

Forwarding agent (9 Members : Austria, Cameroon, Canada, Denmark, Israel, Korea, Switzerland, United Kingdom and United States).

Mode of transport (8 Members : Algeria, Cameroon, Denmark, Finland, Korea, Spain, Sweden and United States).

Consignee (8 Members : Austria, Canada, Finland, Israel, Japan, Korea, Switzerland and United States).

Types of duties (7 Members : Cameroon, Finland, Japan, Spain, Sweden, United Kingdom and United States).

Customs office (6 Members : Austria, Canada, Korea, Spain, Sweden and United States).

Means of transport (6 Members : Algeria, Canada, Japan, Korea, Switzerland and United States).

Customs procedure (5 Members : Algeria, Cameroon, Finland, Spain and United Kingdom).

Place of introduction (4 Members : Austria, Finland, Japan and Korea).

Tariff treatment applicable (4 Members : Canada, Korea, Sweden and United Kingdom).

Place of destination (3 Members : Austria, France and Korea).

Currencies (2 Members : Israel and United Kingdom).

Unit of measurement (2 Members : Canada and United Kingdom).

Collection of duties and taxes (1 Member : Finland).

Deposit (1 Member : United States).

Type of declaration (1 Member : United States).

Carrier (1 Member : Canada).

Commercial procedure (1 Member : Spain).

Consignment identification (1 Member : United Kingdom).

Value of the goods (1 Member : United Kingdom).

Form of payment (1 Member : Spain)

Type of examination (1 Member : Canada).

Percentage relief (1 Member : Spain).

Customs value (1 Member : Canada).

Documents appended (1 Member : Cameroon).

Bill of lading/air waybill (1 Member : United States).

Type of packing (1 Member : Cameroon).

The codes used by most Members have been drawn up to suit their national requirements.

Some of the particulars have been coded at EEC level :

- Countries of origin and destination;
- Regions of the European Economic Community;
- List of headings of the Standards Goods Nomenclature for Transport Statistics (NST).

This Nomenclature, which was drawn up by the European Economic Community and the United Nations Economic Commission for Europe, is in principle applicable in all European Member States of the United Nations.

- Code for transport operations on own account or for account of other persons;
- Harmonised Nomenclature for the External Trade Statistics of the EEC countries (NIMEXE), based on the Brussels Nomenclature.

C. ESTABLISHMENT OF INTERNATIONAL CODES

Seven countries (Belgium, Cameroon, Denmark, Iran, Malta, New Zealand and Portugal) offered no suggestions concerning the establishment of international codes.

Italy considers that all particulars to be entered on the Customs declaration (inwards) should be internationally coded.

The remaining countries suggest that international codes should be established for the following data :

- Countries (16 Members : Algeria, Austria, Canada, Finland, France, India, Ireland, Israel, Japan, Korea, Luxembourg, Spain, Sweden, Switzerland, United Kingdom and United States).

- Mode of transport (8 Members : Austria, France, Ireland, Luxembourg, Spain, Sweden, Switzerland and United Kingdom).
- Description of packages (4 Members : Austria, India, Ireland and United States).
- Customs procedure (5 Members : France, Ireland, Luxembourg, Spain and United Kingdom).
- Units of measurement (5 Members : Austria, Canada, Ireland, United Kingdom and United States).
- Ports (2 Members : Korea and United States).
- Means of transport (2 Members : Switzerland and United States).
- Currencies (4 Members : Israel, Spain, United Kingdom and United States).
- Identification of international carriers (2 Members : Canada and United States).
- Bill of lading/air waybill (1 Member : United States).
- Exporter (1 Member : United States).
- Importer (1 Member : United Kingdom).
- Types of duties and taxes (1 Member : Spain).
- Rebates, discounts (1 Member : United States).
- Manufacturer (1 Member : United States).
- Consignment identification (1 Member : United Kingdom).
- Value category (delivery terms, i.e., c.i.f., f.c.b., etc.) (1 Member : Ireland).

ANNEX 9PARTICULARS REQUIRED BY THE CUSTOMS FOR
FORMALITIES ON THE IMPORTATION OF GOODS

Information provided for in the form
of Goods declaration (inwards)

Information requested
by almost all
Customs Administrations

Information which is
requested by only a few
Customs Administrations
or only in certain forms

(a) Particulars relating to persons
who participate in the operation

1. Declarant (owner, carrier, forwarding agent, consignee, professional Customs agent, etc.)

Name, address and, if applicable, licence number

2. Importer (consignee or owner)

Name and address

3. Consignor (or supplier)

4. User of the goods

5. Bank domiciliation (see also item 25)

(b) Particulars relating to the transport of the goods

6. Mode of transport

Sea, air, rail, other surface modes

7. Identification of the ship, vehicle, etc.

Identification of the means of transport by its nationality, registration number or name (in the case of ship)

8. Carrier

9. References to transport documents

Bill of lading number, air waybill number, TIR carnet number, etc.

10. Port or place of loading

11. Date of exportation

12. Place of introduction

13. Place of unloading

14. Date of arrival or importation

15. Location of the goods

16. Place of destination

17. Transport for own account or for account of other persons

(c) Particulars relating to the goods

18. Country of provenance

19. Country of origin

20. Description of the packages

Number, nature, markings
and numbers

21. Description of the goods

22. Gross weight

23. Net weight

24. Quantity

Number, volume, volume in
litres, supplementary
units

25. Financial or commercial
system applicable to
the goods - exchange
control

26. Type of storage

27. Date of entry into
warehouse

(d) Particulars relating to the value of the goods

28. Customs value

29. Date of invoice

30. Invoiced price

31. Currency used in
invoicing

32. Conditions of delivery
and payment

33. Transport and other
charges (charges for
warehousing, surveillance,
port dues, etc.)

34. Discount

35. Rates by which the value
is adjusted

36. Unit value

37. Rate of exchange

38. Value for calculation
of internal taxes

x

x x

Particulars relating
to the value of the goods
must also appear in documents
to be presented with the
Goods declaration, either an
invoice or a declaration of
value.

(e) Particulars with a view to the assessment of
import duties and taxes

39. Tariff heading

40. Rates of duties and taxes

41. Amount of duties and taxes

42. Deferred payment

43. Deposits

44. Types of duties and
taxes

45. Clearance procedure

(f) Particulars with a view to the granting of
preferential treatment

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| 46. <u>Area of provenance</u>
47. <u>Reference to legal provisions</u>
48. <u>Reference to appended
justifying documents</u> | 49. <u>Statement of destination</u>
50. <u>Claim for duty and tax
exemption or reduction</u> |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|

(g) Particulars of an exclusively statistical nature

- | | |
|--------------------------------|------------------------------------------------------------------------------|
| 51. <u>Statistical heading</u> | 52. <u>Importer's statistical
number</u>
53. <u>Statistical value</u> |
|--------------------------------|------------------------------------------------------------------------------|

(h) Particulars relating to
authentication of the declaration

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 54. <u>Customs office</u>
55. <u>Certification by the
declarant</u>

Place, date, signature and
reference number
56. <u>Box for Customs office use</u>

The Customs enter in this box
the declaration number, the
date it was lodged and the
result of the examination
(type of examination, date,
officer's name and signature) | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

57. Application to be
present during the
examination

(ij) Other particulars required

58. Reference to the import
licence and commercial
declarations and documents
to be presented with the
Customs declaration

59. References to reports or
to accounts to be
discharged

60. Form of payment

61. Advice of sale of foreign
exchange

62. Particulars of drawback
or other export relief
now due to be repaid

x

x x

ANNEX 10

Brussels, 9 July 1975.

POSITION AS REGARDS RATIFICATIONS AND ACCESSIONS

Convention establishing
a Customs Co-operation Council

Entered into force : 4 November 1952

Country	Dates of signature (15.12.50 to 31.3.51)	Dates of deposit of instruments of ratification or accession (1)
ALGERIA	-	19.12.1966
ARGENTINA	-	1. 7.1968
AUSTRALIA	-	5. 1.1961
AUSTRIA	-	21. 1.1953
<u>BAHAMAS</u>	-	16. 8.1974
BELGIUM	15.12.1950	11.12.1952
BULGARIA	-	1. 8.1973
BURUNDI	-	20.10.1964
CAMEROON	-	9. 4.1965
CANADA	-	12.10.1971
CHILE	-	1. 7.1966
CYPRUS	-	31. 8.1967
CZECHOSLOVAKIA	-	23. 9.1965
DENMARK	30. 3.1951	19.10.1951
EGYPT	-	26.10.1956
ETHIOPIA	-	6. 8.1973
FINLAND	-	27. 1.1961
FRANCE	22.12.1950	6.10.1952
GABON	-	18. 2.1965
GERMANY (Fed. Rep. of)	30. 3.1951	4.11.1952
GHANA	-	1. 8.1968
GREECE	9. 1.1951	10.12.1951
HAITI	-	31. 1.1958
HUNGARY	-	16. 9.1968
ICELAND	20.12.1950	15. 2.1971

Country	Dates of signature (15.12.50 to 31.3.51)	Dates of deposit of instruments of ratification or accession (1)
INDIA	-	15. 2.1971
INDONESIA	-	30. 4.1957
IRAN	-	16.10.1959
IRELAND	-	23. 9.1952
ISRAEL	-	23. 5.1958
ITALY	20. 1.1951	20.11.1952
IVORY COAST	-	2. 9.1963
JAMAICA	-	29. 3.1963
JAPAN	-	15. 6.1964
JORDAN	-	1. 1.1964
KENYA	-	24. 5.1965
KOREA (Rep. of)	-	2. 7.1968
LEBANON	-	20. 5.1960
LIBERIA	-	7. 1.1975
LUXEMBOURG	8. 1.1951	23. 1.1953
MADAGASCAR	-	18. 2.1964
MALAWI	-	6. 6.1966
MALAYSIA	-	30. 6.1964
MALTA	-	6. 7.1968
MAURITIUS	-	29. 3.1973
MOROCCO	-	1. 7.1968
NETHERLANDS	29.12.1950	23. 1.1953
NEW ZEALAND	-	16. 5.1963
NIGERIA	-	21. 8.1963
NORWAY	28. 3.1951	6. 8.1951
PAKISTAN	-	16.11.1955
PARAGUAY	-	3.10.1969
PERU	-	27. 1.1970
POLAND	-	17. 7.1974
PORTUGAL	29. 3.1951	26. 1.1953
ROMANIA	-	15. 1.1969
RWANDA	-	3. 3.1964
SAUDI ARABIA	-	8. 5.1973
SINGAPORE	-	9. 7.1975
SOUTH AFRICA	-	24. 3.1964
SPAIN	-	13. 7.1952
SRI LANKA	-	29. 5.1967
SUDAN	-	8. 6.1960
SWEDEN	30. 3.1951	17.10.1952
SWITZERLAND	-	19.12.1952
SYRIA	-	19.11.1959

Country	Dates of signature (15.12.50 to 31.3.51)	Dates of deposit of instruments of ratification or accession (1)
TANZANIA	-	17.11.1964
THAILAND	-	4. 2.1972
TRINIDAD AND TOBAGO	-	15.10.1973
TUNISIA	-	20. 7.1966
TURKEY	-	6. 6.1951
UGANDA	-	3.11.1964
UNITED KINGDOM	21. 2.1951	12. 9.1952
UNITED STATES	-	5.11.1970
UPPER VOLTA	-	16. 9.1966
YUGOSLAVIA	-	26. 4.1960
ZAIRE	-	26. 7.1972

(1) The Convention entered into force on 4 November 1952 on the deposit of the seventh instrument of ratification. Thereafter the Convention comes into force for ratifying and acceding Governments on the date of deposit of their instruments of ratification or accession.

Notes : - Number of Contracting Parties : 77.

- Underlining indicates notification received since last Session of the Council.

ANNEX 11

RECOMMENDATION OF THE COUNCIL
CONCERNING THE TREATMENT OF INADVERTENT ERRORS
IN THE DECLARED VALUE OF GOODS
(17 JUNE 1955)

THE CUSTOMS CO-OPERATION COUNCIL

HAVING REGARD to a study made by the Valuation Committee concerning the treatment of inadvertent errors in the declared value of goods.

RECOMMENDS Contracting Parties to the Convention on the Valuation of Goods for Customs Purposes :

1. To invite their Customs Administrations to introduce measures for the lenient treatment of certain errors in the declaration of the value of goods for customs purposes, namely, errors of the following nature which the Administration concerned is satisfied have been committed in good faith :
 - Errors of transcription.
 - Arithmetical mistakes in declarations or supporting documents.
 - Inadvertent omissions of elements of the normal price such as inland freight abroad.
 - Inadvertent errors in the conversion of foreign currency.
 - Incorrect deductions, such as discounts, the inadmissibility of which is not within the knowledge of the importer, and similar errors arising from misapprehension of the principles of the Definition of Value.

THE COUNCIL FURTHER RECOMMENDS, subject to such national rules and such reservations as each Administration may find it desirable to formulate,

2. That the rectification of such errors should be subject to payment, or repayment, of the difference in duty involved.
3. That such rectification should not carry any additional charge for interest.
4. That a de minimis limit should be fixed and that no penalties should be imposed in respect of such errors resulting in underpayments of duty below the limit.
5. That above the de minimis limit penalties should be moderate and proportionate to the gravity of the error, should not include confiscation, and should so far as possible be regulated by a scale related to the amount of the duty involved by the error.