

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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IMPORT DOCUMENTATION REQUIREMENTS

FRANCE

In response to certain comments set forth in document MTN/NTM/W/22/Rev.1 regarding the list of particulars considered to be unnecessary and which are required by certain countries, the following communication has been received from France, through the intermediary of the European Economic Community.

General comments

Goods of all kinds imported from abroad under commercial transactions must be the subject on arrival in France of a written declaration verified by the Customs Administration.

This declaration contains various particulars on the basis of which the customs service can:

- charge duties and taxes, as appropriate;
- apply the foreign trade regulations and the regulations concerning control of financial settlements with other countries;
- collect statistical data;
- ensure implementation of the purely national regulations issued by certain technical ministries.

It is in the interest of better administrative organization so as to avoid the submission of many different documents for the needs of the various ministerial departments that the field of application of the customs declaration goes well beyond purely customs matters.

It should also be pointed out that on 1 May 1975 the Directorate-General of Customs brought into use three new import declarations, replacing twenty-two declaration forms that were previously in force.

- declaration A (national transit);
- declaration C (release to the market);
- declaration S (suspensory systems).

This documentary reform was undertaken in order to simplify the task of importers, by reducing the number of customs forms, standardizing their presentation by basing them on the EEC model form, and making them suitable for computer processing.

Specific comments

Each reply refers to one of the "requirements" of France mentioned in paragraph 28 of document MTN/NTM/W/22/Rev.1; the figure preceding each reply corresponds to a sub-division of that paragraph.

28.b.4). Place of destination - importer may have no source of knowledge for this requirement.

Reply:

This information is not requested on the import declaration for release to the market; on the other hand, this declaration includes a heading: "Real consignee; name - address" and this is found in all the documents concerning the transaction: transport document - invoice - bank letter of credit etc.

28.b.5). Transport for own account or for account of other persons: this requirement is a nuisance.

Reply:

This concerns statistical information regarding the mode of transport used, and is requested under the provisions of Community Directive No. 69/467/EEC - regional statistics on road transport of goods.

28.c.9). Financial or commercial system applicable to the goods. This requirement is a nuisance.

Reply:

This information is included in the statistical portion of the declaration.

The financial system takes account of both the nature and the modalities of the transaction from the financial aspect. It allows verification of compliance with the rules covering payment of imports and affords information concerning the maturity dates of commercial credits granted to importers.

In addition, this statistical element contributes to information on transaction terms which is needed for establishing the balance of payments. It should be noted in this connexion that at the request of the IMF, balances of payments have to be established in terms of transactions, not in terms of settlements. The French Customs Administration furnishes the corresponding financial statistics to the appropriate service.

It should be noted, furthermore, that if the financial system were not indicated on the customs declaration this would in any case have to be furnished under a special and inevitably more cumbersome procedure.

28.d.13). Rates by which the value is adjusted: the importer may not know the specifics of the financial system needed for this requirement.

Reply:

Under the provisions of the Brussels convention on valuation, the value to be declared to the customs upon import is that resulting from a sale between buyer and seller independent of each other. Where the importer is associated in any way with the foreign seller and that association influences the price invoiced, a corrective element is applied to that price for the purpose of determining the customs value.

In practice, this corrective element takes the form of an adjustment rate which is generally determined by agreement between the administration and the importer after examination of the latter's transactions. It is therefore fully known to those concerned, and in addition avoids any dispute.

28.e.16). Deferred payment: this requirement is a nuisance.

Reply:

Customs duties are normally collected at the time of import. The deferred payment system allows them to be collected at a later stage. It thus constitutes a favourable option offered by the customs to importers or their representatives.

28.e.17). Deposits: this requirement is a nuisance.

Reply:

In general, no deposit is required in respect of release to the market (import).

To speed up delivery, the importer can take advantage of a system, the removal credit, which allows him to take over the goods without immediate payment of duties and taxes.

In order to obtain this facility, the importer or his representative (forwarding agent) must deposit an annual surety amount by which he undertakes to pay the duties and taxes in accordance with the implementing modalities of the system.

In fact, therefore, this is really a facility offered to importers engaging in several transactions each day, and not a nuisance.

28.e.18). Types of duties and taxes: the importer may be confused by the meaning of this requirement.

Reply:

The importer or his representative must determine the amount of the duties and taxes payable at the time when the declaration is established. As a result, in order to make this payment a logical order must be observed: calculation of customs duty, of internal taxes (VAT) and any other taxes or charges. This breakdown of the total amount of duties and taxes is recorded on the customs declaration. It is essential to the importer, moreover, so that in any sale after import he can determine the amount of VAT he has already paid and which he can recover on the domestic market transaction.

Conclusion:

It should be underlined that all the headings mentioned above are included in the annex to the International Convention on the Simplification and Harmonization of Customs Procedures (Customs Co-operation Council - C.C.C. 18 909); that annex lists the particulars required at the time of customs clearance formalities.