

# GENERAL AGREEMENT ON TARIFFS AND TRADE

Multilateral Trade Negotiations

Original: Spanish

Group "Non-Tariff Measures"

Sub-Group "Customs Matters"

## CONSULAR FORMALITIES AND FEES

### Colombia

As a supplement to Note 427 of 4 June 1976, dispatched by Ambassador Felipe Jaramillo, I have the honour to attach a number of considerations submitted by my Government on the subject of consular formalities, which explain clearly the reasons why my country finds it difficult to abolish such formalities.

### AGREEMENTS JUSTIFYING THE MAINTENANCE OF CONSULAR FORMALITIES

I have the honour to present the following arguments showing why my country considers it desirable to maintain the consular formalities established by the Colombian Government:

- (1) The Colombian customs authorities consider it essential to retain consular formalities as part of customs clearance procedure for the following reasons:
  - (a) They enable the place of origin and shipment of goods to be checked.
  - (b) They guarantee the authenticity of the details given regarding the value of shipments and the price of goods.
  - (c) They facilitate better statistical control.
  - (d) They prevent attempts at contraband operations by the device of changing the tariff item of goods dispatched from that recorded in the approved import application.
  - (e) Where goods are shipped by sea, the ship's captain carries the whole of the documents authenticated by consulates in closed and duly sealed packages, and this constitutes an essential source of information when checking the discharge of cargo since it prevents other articles from being slipped in with the cargo by irregular means.
- (2) They ensure that goods are shipped within the period of validity of the import application and thus prevent problems arising and costs mounting up through goods arriving at ports out of time.
- (3) They enable proper control to be kept over partial shipments of goods covered by a single import application.

(4) They benefit both the Colombian importer and the foreign shipper by providing them with an assurance that the requirements of Colombian law with regard to the importation of goods into Colombia are satisfied, since any error, omission or irregularity can be detected before the goods are loaded.

(5) They provide legal protection and proof for the Colombian importer and the foreign shipper respectively since the former has an assurance that the goods have been shipped and the latter can produce evidence that the shipment did in fact take place. And the importer has the additional guarantee that the goods shipped are what he ordered.

(6) The whole system for the protection and development of the Colombian merchant navy, through the application of cargo reservation rules, is based on consular formalities. Any other system would mean that such rules, which are of the highest importance for an essentially maritime country like Colombia, could be easily broken. Any "a posteriori" machinery would lead to serious problems as soon as a violation of the rules was discovered, with consequent serious prejudice to Colombian importing firms.

(7) It is essential for the cancellation of letters of credit, as an instrument of banking security, to be able to prove due compliance with the legal rules governing imports of the goods concerned.

(8) With the help of the copy which remains in the consular archives, it is possible at any time to re-construct, quickly and easily, documents and information, the loss of which, if the originals went astray, would lead to innumerable problems and endless expense, quite apart from heavy fines.

Yet the cost of a consular invoice is genuinely low, only US\$10 for the form and US\$5 for authentication on completion; these charges help to cover part of the cost of the service rendered.

The formalities carried out in consulates are very simple, since all they amount to is that the foreign shipper obtains and completes a consular invoice form and then has it authenticated by the consulate, after the latter has satisfied himself that the documents produced and attached to the invoice are in order, agree, are authentic, and are as required by Colombian law.

From the foregoing it can be seen that such fees and charges are in conformity with the provisions of Article VIII of GATT, since not merely do they cover only a part of the cost of the services rendered, but also, being trivial in amount, they have no significant impact on costs and so do not represent an indirect protection to domestic products.

The other documents and certificates required by Colombian law for the importation of goods, such as a commercial invoice, bill of lading, air bill or way bill, current import licence, certificate of origin (if required), phytosanitary certificate and certificate of purity for foodstuffs and beverages, are similar to those in common use and required by other countries for customs control, trade or statistical purposes or trade rationalization, or in virtue of the provisions of international agreements to which Colombia has subscribed, or as measures for the protection of the health of the country and its inhabitants.

This leads us to the conclusion that, since the formalities to be completed at consulates are extremely simple and the documents required are in accordance with international custom, and since both have been established for clear and sound administrative reasons and in support of the economic entities concerned with international trade, they do not constitute obstacles to trade, and since they apply irrespective of the origin or nationality of the goods, there can be no discrimination whatsoever between countries.