General Agreement on Tariffs and Trade

Contracting Parties
Sixth Session

Working Party - on Resolutions of the International Chamber of Commerce

Draft Recommendation submitted by the French Delegation

Article 10 of the International Convention relating to the simplification of customs formalities, of November 3, 1923, provides that samples and specimens which are liable to import duty, and the importation of which is not prohibited, may be temporarily admitted free of duty to the territory of each of the Contracting States.

This privilege is subject to the amount of the import duties being deposited or security being given for payment, should such samples and specimens not be re-exported. Duties paid on importation are refunded, or the security for payment of these duties is released on re-exportation.

These provisions which have been adopted by a great many countries have largely facilitated commercial publicity.

But the difficulty for commercial travellers to find a guarantor agreeing to undertake a commitment jointly and severally, and the resulting necessity to deposit the import duties which may be very high in the case of silversmiths' and goldsmiths' collections or models of "haute couture" for instance, still impose a heavy financial burden on manufacturers or traders anxious to sell their goods abroad.

To meet this difficulty, it had once been contemplated in the Economic Committee of the League of Nations to adopt a "temporary import document" similar to the one used for motor cars which would have released the traveller concerned from the obligations to deposit import duties or to give security at the customs office of the place of import. Payment of duties and taxes would be guaranteed by a special body recognised by the customs authorities of the importing countries which would undertake to pay at any time the import duties relating to non-re-exported samples.

At the time, this draft did not go through; but it seems that it would be desirable to take it up again and to recommend governments to examine it.

No doubt, the International Chamber of Commerce itself could make interesting suggestions. A similar problem was solved by the Geneva Agreement of 16 June 1949 which provides for temporary free admission, without any deposit, of goods in transit in international road traffic under a T.I.R. carnet with the guarantee of associations authorised by the customs administrations of the countries concerned.

The French delegation therefore submits the following draft recommendation.
DRAFT RECOMMENDATION

It is recommended to the Contracting Parties that they shall alleviate to the greatest extent possible the financial burdens imposed upon those concerned by the obligation to deposit import duties or to give security for payment if necessary in the case of importation of collections of samples and specimens by commercial travellers under the temporary free-of-duty admission provided for in Article 10 of the International Convention relating to the Simplification of Customs Formalities of 3 November 1923.

In this respect, it is recommended that the Contracting Parties should examine the feasibility of adopting a "Carnet de Passage" for the import of samples and specimens which would release those concerned from this obligation. This Carnet would be issued by a special body recognized as competent by the various national customs administrations and which would undertake to pay the customs duties and other taxes relating to non-re-exported samples.