International Convention to Facilitate the Importation of Commercial Samples and Advertising Material

Meeting of the Parties to the Convention on 17 November 1956

Interpretation of Article III of the Convention

(Note by the Executive Secretary to the Contracting Parties to the General Agreement on Tariffs and Trade)

In October 1955 the Brussels Customs Co-operation Council drew the attention of the Contracting Parties to GATT, which had drafted the Samples Convention, to the fact that a difference of opinion concerning the interpretation of Article III seems to exist between various parties to the Convention.

The problem is whether the provisions of paragraph 1 of Article III are to be extended to miniature models and to articles made of inferior materials other than the material which would be used in the articles for which orders were sought. This question was discussed by the parties to the Convention in October 1955. Some parties considered that the French word "modèle" called for such an interpretation. Other parties were of the opinion that the English word "examples" did not permit such an extended interpretation and only covered objects which were of the same size and material as the articles for which orders were to be taken. It was recognized therefore that the English and French texts are capable of different interpretations and that this difficulty could only be resolved by the parties to the Convention themselves.

The secretariat of GATT was instructed to invite all the parties to the Convention to express their views regarding the problem involved (L/472). The replies received have been distributed in the Addenda 1 to 9 of that document.

The following eight governments are in favour of a more extensive interpretation of paragraph 1 of Article III, some of which underlined that the recommendation refers only to products destined for soliciting orders: Austria (in an oral statement), Brazil, Czechoslovakia, Germany, the Kingdom of the Netherlands, Sweden, Uruguay and Japan.

The following four countries are in favour of an extension of the Convention so as to arrive at a wider interpretation even though some of them consider that the narrower interpretation is the correct one: Denmark, Finland, India and Norway. Australia also falls within this group, which states that its legislation in practice is in conformity with the broader interpretation.
The following three governments are in favour of the narrower interpretation: Indonesia, the Federation of Rhodesia and Nyasaland, and the United Kingdom.

Spain interprets this Article as covering products the sole purpose of which is to solicit orders and as not including samples to be copied in the importing country. The United States Government, without expressing a view concerning the interpretation of the Article, stresses the point that reduced scale models of the same material as the goods for which orders are sought are considered, under the existing regulations, to be samples, while patterns of dresses of inferior cloth, etc., could not be imported duty free under the existing provisions.