INTERNATIONAL CONVENTION TO FACILITATE THE IMPORTATION
OF COMMERCIAL SAMPLES AND ADVERTISING MATERIAL

Conclusions reached at the meeting of
the Parties to the Convention on 19 November 1956

1. 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 inter­
pretation of Article III seems to exist between various parties to the
Convention.

2. 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 contracting parties* which
are parties to the Convention in October 1955. Some parties con­
sidered that the French word "modeses" called for such an interpretation.
Other parties were of the opinion that the English "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.

3. 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.

4. At the meeting the delegates of the following countries parties to the
Samples Convention were represented: Australia, Austria, Czechoslovakia,
Denmark, Finland, Federal Republic of Germany, India, Indonesia, Japan,
Kingdom of the Netherlands, Norway, Pakistan, Federation of Rhodesia and
Nyassaland, Sweden, Switzerland and the United Kingdom. Not represented were
Egypt, Greece, Portugal, Spain and Yugoslavia. Furthermore, the delegates of the
countries which have signed the Convention but not yet
ratified, namely Belgium and the United States, attended the meeting.
Furthermore, France has been represented which applies the Convention without
having signed or ratified it.

*to GATT

Spec/244/56
5. The representatives present at the meeting took into account the fact that the phrase in paragraph 1 of Article III which was being discussed was "are examples of goods the production of which is contemplated", which was added to the text to make provision for samples of articles not yet produced. This phrase does not correspond exactly with the preceding phrase "which are representative of a particular category of goods already produced" in that it does not contain the idea that the examples (in French "modèles") must be "representative" in order to benefit by the provisions. This fact might have been the cause of the divergency of opinion.

6. All delegates present agreed that if this idea of representative examples were observed in all circumstances (also those covered in the second part of the sentence, examples of goods not yet produced), the spirit of the Convention would be maintained.

7. If all parties to the Convention could subscribe to an interpretation, this would lead to uniform application of the provisions in this paragraph, regardless whether a government bases itself on the English or on the French text in dealing with reduced scale models or models made of other (namely inferior) material than the articles to be imported. It has been recognized that such a liberal interpretation would enable most of such articles to benefit of the advantages provided for in this relation in the Convention.

8. It was also acknowledged that such an interpretation covers the case of "toiles de couture"; but it should be recalled that the benefits of the Convention apply only to samples as defined in Article III, that is to articles imported solely for the purpose of soliciting orders for goods to be supplied from abroad.

9. Due to the necessity that such an interpretation is reached by unanimity and that some delegations did not have full instructions and some others were not represented, this opinion will be considered binding only if no objection is raised* within ninety days counted from the date on which the members of the Convention have been notified by the secretariat to GATT.

10. To ensure that governments which in future might want to accede to the Convention are fully aware of this interpretation, the secretariat of GATT will circulate this document after the ninety-day period has elapsed to all governments invited to accede.

*by a party to the Convention