CONSULAR FORMALITIES

Note by the Chairman

After consulting with a number of interested delegations and with representatives of the International Chamber of Commerce the Chairman submits the following draft Recommendation:

DRAFT RECOMMENDATION

THE CONTRACTING PARTIES

Reaffirm their Recommendation of 1952 concerning the abolition of consular formalities;

Note that a number of contracting parties have not yet implemented the terms of that Recommendation and call upon them to do so at the earliest possible moment;

Recommend that contracting parties, pending full compliance with the aforementioned Recommendation of 1952, should:

(a) abolish the requirement of a separate consular invoice form and accept in lieu thereof the commercial invoice (visa'd or legalized if necessary) with the right, however, to require that the information which was previously entered on the consular form should be contained in the commercial invoice;

(b) require that consular charges, except administrative fees for visaing or legalizing, should be paid at destination and not in the exporting country;

Recommend further, in order to ensure the fairest possible administration of consular formalities where these are maintained, that the following rules be observed:

1. no consular charge should be assessed as a percentage of the value of the goods but should be a flat charge;

2. where certification or visaing of commercial documents is required it should be carried out free-of-charge or at a nominal rate;

Based on the draft Recommendation included in document L/721.
3. Consular visas or certificates should not be required for consignments of goods, the invoice value of which does not exceed US$ 100;

4. Delays in dealing with documents and charges for overtime should be reduced to a minimum;

5. There should be no requirement for commercial documents to be presented for consular legalization or certification prior to exportation; if possible these documents should be accepted up to the date of importation;

6. As far as penalties are concerned, the application of the provisions of Article VIII, paragraph 3, of GATT, should be observed in connexion with the requirements of consular formalities;

Invite all consular parties applying consular formalities to report to the secretariat as soon as any further progress in this matter has been achieved and at any rate each year before 1 September; and

Note that the present recommendation supersedes (a) the provisions concerning the action to be taken pending the abolition of consular formalities contained in the Recommendation of 7 November 1952 and (b) the provisions relating to consular requirements in the "Code of Standard Practices for Documentary Requirements for the Importation of Goods" adopted by the CONTRACTING PARTIES on the same date.