SECOND SESSION OF THE PREPARATORY COMMITTEE OF THE UNITED NATIONS CONFERENCE ON TRADE AND EMPLOYMENT.

Draft Charter

Article 18

Customs formalities.

Amendment proposed by the delegations of FRANCE, BELGIUM, the NETHERLANDS and LUXEMBOURG.

Revised paragraph 3 as follows:

"3. Members shall so far as practicable refrain from imposing heavy penalties for minor breaches of customs procedure or regulations. In particular, in cases when documents are required for the clearance of goods from the customs, any fine in respect of omissions or mistakes easily rectifiable and obviously made without fraudulent intent should be reduced to a minimum, so as to be light as possible and in the nature of a token penalty, i.e. merely a warning.

Reasons

The proposed text is more flexible than that adopted by the Drafting Committee. It is based on the 1923 Convention and the Report of the 1927 Economic Conference.

The words "good faith" are omitted since in some legal systems they are not accepted as a valid excuse which judges have to take into account in dealing with customs offences.