

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
Spec (74)12
10 May 1974

Multilateral Trade Negotiations

GROUP 3(b) - IMPORT DOCUMENTATION

Note by the Secretariat on the Meeting of May 1974

Draft

1. The Group met on 9-10 May 1974 to continue the study relating to import documentation (BTN Chapters 1-99). The Group had before it a note by the secretariat (MTN/3B/8) which set out the main problems to be discussed at this meeting.

Common requirements for import documents

2. Some delegations expressed the view that commercial invoices should be the sole basis for customs valuation and that no special customs invoices should be required. Concerning the content of these commercial invoices, these delegations proposed that special declarations concerning the correctness of the invoice and the origin of the goods should be required only in cases where they were strictly indispensable; in these cases the text of these declarations should be harmonized. The precise text of this proposal is annexed to this note. Some delegations doubted the feasibility of the proposal made and pointed to the practical need to obtain certain data for customs clearance purposes. These same delegations said that there was a risk that harmonization of invoices might lead to excessive demands for information. These delegations also stressed that it was not for GATT to draw up forms but rather to lay down the contents for entry documentation.

3. Some delegations said that in the field of import documentation two approaches were possible: one would be to establish guidelines or sets of principles; the other one would consist of bilateral negotiations on the reduction of trade barriers in this field.

4. Some delegations pointed out that the problem of import documentation would be solved if all countries adopted the Brussels Definition of Value. These delegations pointed out that the CCC was working on amendments to this definition which would make its acceptance easier for countries which were not yet applying it. Other delegations mentioned that while the question of valuation was not within the terms of reference of this group and indeed was the subject of an ad referendum solution established by Working Group 2 of the Committee on Trade in Industrial Products, this aspect was nevertheless relevant. These delegations, however, whilst agreeing that the aim should be to achieve one standardized system of valuation were not convinced that the Brussels system was necessarily the ideal one. These delegations also stated that under the Brussels definition no standardized documentation existed as yet and that work in this area should be carried out in the Customs Co-operation Council.

5. Some delegations advanced the idea that there were two possibilities of solving the problem of harmonization. One approach would be to establish a positive list of items that could be required for customs clearance purposes and the second one would be to establish a negative list of data which in no case should be required. Some delegations commented that the suggested negative list

might in practice lead to great difficulties because it might result in excessive demands for information which was not specifically prohibited. Some delegations added that in their view work should concentrate on a list of maximum requirements. It was on this basis that proposals had been made in the context of Working Group 2 of the Committee on Trade in Industrial Products (Annex I of MTN/3B/8).

6. Some delegations, commenting on the two lists contained in Annex I of MTN/3B/8 expressed the opinion that certain items should be deleted from the lists; special reference was made to items 11 and 14 of the proposed list of common invoice requirements. Other delegations, however, opposed the deletion of these items. Some other delegations made proposals for additional items to be included in each of the lists. In this connexion some delegations referred to experience which their countries had made in the field of standardized invoice requirements.

7. Some delegations expressed the opinion that the work of the Group should be aimed at abolishing rather than harmonizing customs invoices and that customs declarations were sufficient. Some other delegations thought that in the absence of alternative means to obtain the required information, customs invoices continued to be necessary.

8. The Group agreed that there was a need to have a complete picture of the information which was required by members of the Group for customs entry purposes. The Group therefore instructed the secretariat to prepare an analysis of the existing situation on the basis of work already carried out by the Customs Co-operation Council.

Consular formalities

9. Some delegations pointed out that a considerable number of the notifications in the Inventory dealt with consular formalities and fees. These delegations drew attention to the provisions of Article VIII:1 and the Recommendation of the CONTRACTING PARTIES adopted in 1952 which provides for the abolition of all consular fees and formalities. These delegations emphasized that the 1952 Recommendation had been moderately successful in that a number of countries had abolished, or were about to abolish, these requirements. However, as a number of countries still maintained these restrictions, these delegations had proposed an interpretative note to Article VIII for their abolition by a date to be agreed upon (Annex to Spec(72)139). In the view of these delegations the developing countries might make a positive contribution in the multilateral trade negotiations by abolishing these requirements.

10. Some delegations stated that the problem of consular formalities was of relatively minor importance and that it was legitimate for countries to request payment for actual costs incurred. Negotiations could only be held to the extent that consular fees went beyond the cost of services rendered.

Work in other organizations

11. Some delegations stated that work was progressing satisfactorily in the Economic Commission for Europe and in the Customs Co-operation Council. Other delegations expressed the hope that this work could be accelerated somewhat.

12. The Group agreed that, whilst duplication of work should be avoided, it should nevertheless proceed with a view to formulating - at a later stage - general principles on the type of information required for the clearance of imported goods.

13. The secretariat was requested to continue to follow as closely as possible the work of these organizations, and to report thereon.

Date of next meeting

14. The Group agreed to hold a further meeting on [20 and 21 June 1974].

ANNEX

Draft Proposal by the Nordic Countries

The CONTRACTING PARTIES recommend that:

(a) Special declarations to be inserted in the commercial invoice concerning the correctness of the invoice and the origin of the goods should be required only in cases where they are strictly indispensable.

(b) In order to facilitate the use of such declaration this should read:

"We certify this invoice to be true and correct" - and if necessary a short statement could be included reading "and that the goods are of origin".