No. 3010

BELGIUM, DENMARK, EGYPT, FEDERAL REPUBLIC OF GERMANY, FINLAND, etc.

International Convention to Facilitate the Importation of Commercial Samples and Advertising Material. Done at Geneva, on 7 November 1952

Official texts: English and French.

Registered ex officio *on 20 November 1955.*

BELGIQUE, DANEMARK, ÉGYPTE, RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, FINLANDE, etc.

Convention internationale pour faciliter l'importation des échantillons commerciaux et du matériel publicitaire. Faite à Genève, le 7 novembre 1952

Textes officiels anglais et français.

Enregistrée d'office le 20 novembre 1955.

No. 3010. INTERNATIONAL CONVENTION[1] TO FACILITATE THE IMPORTATION OF COMMERCIAL SAMPLES AND ADVERTISING MATERIAL. DONE AT GENEVA, ON 7 NOVEMBER 1952

The Governments signatories to the present Convention,

BELIEVING that the adoption of uniform regulations regarding the importation of samples of goods of all kinds (whether natural products or manufactured articles) and of advertising matter will promote the expansion of international trade,

HAVE AGREED as follows:

Article I

DEFINITIONS

For the purposes of the present Convention:

(*a*) The term " import duties " means Customs duties and all other duties and taxes payable on or in connexion with importation, and shall include all internal taxes and excise duties chargeable on imported goods, but shall not include fees and charges which are limited in amount to the approximate

[1]Came into force on 20 November 1955, the thirtieth day after the deposit of the fifteenth instrument of ratification or accession, in accordance with article XI. The following States have deposited their instruments of ratification or accession to the Convention on the dates indicated:

Denmark (*a*)	5 October 1955
Egypt (*a*)	29 September 1955
Federal Republic of Germany (with a reservation—see p. 281 of this volume)	2 September 1955
Finland (*a*)	27 May 1954
Greece	10 February 1955
India (*a*) (with a reservation—see p. 281 of this volume)	3 August 1954
Indonesia (*a*)	21 April 1954
Japan (*a*)	2 August 1955
Netherlands (*a*) (for the Realm in Europe, Surinam, the Netherlands Antilles and Netherlands New Guinea)	3 May 1955
Norway (*a*)	2 November 1954
Pakistan (*a*)	12 October 1953
Spain (*a*) (with a reservation—see p. 282 of this volume)	9 September 1954
Sweden	23 February 1955
Switzerland (*a*)	4 December 1954
United Kingdom of Great Britain and Northern Ireland (extending also to the Isle of Man)	21 October 1955

(*a*) denotes accession.

cost of services rendered and do not represent an indirect protection to domestic products or a taxation of imports for fiscal purposes; and

(*b*) The term " persons " means both natural and legal persons; and

(*c*) References to the territory of a Contracting Party include its metropolitan territory and any territory for whose international relations it is responsible and to which the Convention extends in accordance with article XIII.

Article II

EXEMPTION FROM IMPORT DUTIES FOR SAMPLES OF NEGLIGIBLE VALUE

1. Each Contracting Party shall exempt from import duties samples of goods of all kinds imported into its territory, provided such samples are of negligible value and are only to be used for soliciting orders for goods of the kind represented by the samples with a view to their importation. In determining whether samples are of negligible value, the Customs authorities of the territory of importation may consider the values of individual samples or the aggregate value of all the samples in one consignment. The values of consignments sent by a consignor to different consignees shall not be aggregated for the purpose of this paragraph even though the consignments are imported at the same time.

2. The Customs authorities of the territory of importation may require that, as a condition of their being exempted from import duties in accordance with paragraph 1 of this article, samples shall be made useless as merchandise by marking, tearing, perforation or other treatment, but not, however, so as to destroy their usefulness as samples.

Article III

TEMPORARY DUTY-FREE ADMISSION OF OTHER SAMPLES

1. For the purpose of this article, the term " samples " means articles which are representative of a particular category of goods already produced or are examples of goods the production of which is contemplated, on condition that they:

(*a*) are owned abroad and are imported solely for the purpose of being shown or demonstrated in the territory of importation for the soliciting of orders for goods to be supplied from abroad; and (*b*) are not sold or put to normal use except for purposes of demonstration or used in any way for hire or reward while in the territory of importation; and

(*c*) are intended to be re-exported in due course; and

(*d*) are capable of identification on re-exportation;

but does not include identical articles brought in by the same individual, or sent to a single consignee, in such quantity that, taken as a whole, they no longer constitute samples under ordinary commercial usage.

2. Samples which are chargeable with import duties shall, when imported from the territory of another Contracting Party, with or without the intervention of a commercial traveller, by persons established in the territory of any Contracting Party, be temporarily admitted into the territory of any of the Contracting Parties free of import duties, subject to the amount of the import duties and any other amount that may be payable being deposited or security being given for payment if necessary. Any deposits taken (other than those required in virtue of article VI of this Convention) shall not, however, exceed the amount of the import duties by more than 10 per cent.

3. To obtain the facilities provided for in this article, the persons concerned must comply with the revelant laws and regulations prescribed by the authorities of the territory of importation and the Customs formalities in force in that territory. As regards vehicles and industrial and agricultural machinery or equipment of a value for Customs purposes exceeding 1,000 United States dollars (or the equivalent in other currencies), importers may be required to declare the place of destination of such machinery, equipment or vehicles; they may also be required by the Customs authorities of the country of importation to establish, at any time, that the machinery, equipment or vehicles are at the declared places. The Customs authorities of the country of importation may seal such machinery, equipment or vehicles or otherwise preclude their operation during the time in which temporary duty-free admission is allowed and limit the places where these goods may be operated for demonstration purposes.

4. The Customs authorities of the territory of importation shall, as a general rule, recognize as sufficient for the future identification of samples the marks which have been affixed by the Customs authorities of a Contracting Party, provided that the said samples are accompanied by a descriptive list certified by the Customs authorities of the latter Contracting Party. Additional marks may be affixed to the samples by the Customs authorities of the territory into which they are imported only if they are necessary, in the opinion of those authorities, to ensure the identification of the samples on re-exportation. Any mark affixed to samples shall not be such as to destroy their usefulness.

5. The period allowed for re-exportation of samples which qualify for exemption from import duties under this article shall be not less than six months. When the period allowed for re-exportation has expired, the amount of the import duties and any other amount due may be charged on samples which have not been re-exported. These amounts may also be charged, before the expiry of the period, on samples which cease to satisfy the conditions of paragraph 1 of this article.

6. On the re-exportation within the permitted time of samples imported under this article, the refund of any amount deposited or the release of any security given on importation in accordance with paragraph 2 of this article shall be effected without delay at any of the Customs offices situated at the frontier or in the interior of the territory which possesses the necessary authority, subject to the deduction of the duties and any other amount payable on samples not produced for re-exportation. When special circumstances exist deposits may, however, be returned by other means, provided the return is effected promptly. Each Contracting Party shall publish a list of the Customs offices on which the said authority has been conferred.

Article IV

DUTY-FREE ADMISSION OF ADVERTISING MATERIAL

1. Each Contracting Party shall exempt from import duties catalogues, price-lists and trade notices relating to

(*a*) goods offered for sale or hire, or
(*b*) transport or commercial insurance services offered,

by a person established in the territory of another Contracting Party, when such documents are imported from the territory of any Contracting Party, provided that each consignment imported either:

(i) consists of not more than one document, or
(ii) if it consists of more than one document, does not include more than one copy of any one document, or
(iii) irrespective of the number of documents or copies, does not exceed 1 kilogramme in gross weight.

Simultaneous dispatch of a number of consignments to different addresses in the territory of importation shall not debar such consignments from this exemption, provided that not more than one consignment is sent to any one consignee.