

THE COUNCIL

Having regard to Article 5(b) of the Convention on the Organisation for Economic Co-operation and Development of 14th December 1960 ;

Having regard to the Recommendation of the Council of 3rd July 1962 on Administrative and Technical Regulations which Hamper the Expansion of Trade [Doc. No. C(62)108(Final)] ;

Having regard to the action taken by the Trade Committee in the field of simplification and standardisation of import procedures, as reported in document C(65)80 of 15th July 1965 and Corrigendum ;

I. RECOMMENDS to the Government of the Member countries that, in formulating and applying their national import procedures, they endeavour to take into account to the fullest extent possible the guidelines of the Standard Procedure set out in the Annex hereto, which is an integral part of this Recommendation ;

II. INSTRUCTS the Trade Committee

1. to examine, in the light of the guidelines set out in the Standard Procedure, any case of difficulties a Member country encounters over import procedures applied by another Member country, which is referred to it in accordance with Part II of the Recommendation of the Council of 3rd July 1962, mentioned above ;

2. to review periodically the progress made under the present Recommendation and to report to the Council on this matter at an appropriate time.

Annex

STANDARD PROCEDURE FOR IMPORT OF GOODS TRADED ON PRIVATE ACCOUNT

A. GENERAL PROVISIONS

1. The present procedure applies to all imports other than those carried out by state trading enterprises, monopolies and other government enterprises or departments, as specified in Article XVII of the G.A.T.T. It does not affect

measures which may be taken in conformity with Articles XX and XXI of the G.A.T.T., or the provisions relating to quality standards, or marking regulations which importers may have to comply with under national procedures.

2. To be entitled to import, persons, firms or other bodies should not be tied to any conditions other than those which apply generally to the trade in the products in question in the country of importation ; these conditions, however, should not be required of persons who import goods for their own use.(1)

3. In the case of goods not subject to quantitative restrictions, the foreign exchange necessary for the payment of imports should be made automatically available to importers. In the case of merchandise imported under quota, the foreign exchange needed for the payment of imports should be made available to the importer on presentation of the licence or the document authorising the import, without further formality.

4. In cases where the importing country deems necessary to be informed of the origin of the merchandise, a note of the origin on the invoice or customs declaration, or where appropriate on the import declaration, and if necessary on the application for a licence, should be considered as adequate. There should be no further systematic verification of origin, but in cases of doubt the competent authorities should accept certificates of origin made out by Chambers of Commerce or other organisations previously approved by the Government concerned, while maintaining the right to verify the validity and accuracy of such certificates. (2) (3) (4)

5. The importers should not be required to provide any other documents than the customs declaration, accompanied by a bill of lading or carriers certificate, and the invoice, together, where appropriate, with an import declaration approved by the responsible authorities. Moreover, for imports subject to licence, the production of the licence may be required. The provisions of this paragraph would not affect the power of customs authorities to proceed to supplementary verifications in cases where it is necessary to do so. (4)

B. PRODUCTS NOT SUBJECT TO QUANTITATIVE RESTRICTIONS

6. No licence or any other document or formality of the same character should be required for the importation of goods which are not subject to quantitative restrictions. However, in special cases, justified by the need to carry out certain controls which could not be made in a more appropriate way, a system of automatic licences or of import certificates may be applied. In such cases, the licences, visas or other equivalent documents should be issued upon request and within a maximum of five days from the deposit of the request.(4) (5)

C. PRODUCTS IMPORTED UNDER GLOBAL, BILATERAL OR UNILATERAL QUOTAS

7. All useful information concerning quotas and formalities of filing applications for licences should be brought to the attention of possible importers in good time, notably by notices in official or private press organs (general or specialised) or by communications to trade associations concerned.(6)

8. Importers should be given at least 15 days in which to apply for an import licence in the case of standard commercial articles, and at least one month in the case of non-standard commercial articles. (7) A shorter period may, however, be prescribed in special cases.

9. Applications for licences should be made on a simple and standard form to the licensing authority. Normally a single authority should be responsible in each country, but in the case of certain categories of products, these functions may also be assigned to separate authorities for the purpose of securing a more rational administration of quotas, taking account of needs of both the authorities and the importers.

10. The licensing authority may seek the advice of other government departments or technical and trade bodies regarding allocations. Where it decides to consult national economic interests for this purpose it should not limit itself to consulting trade associations of producers.

11. The authorities of the importing countries should take the necessary steps, when allocating quotas, to ensure that licences can be issued and importation effected within the periods prescribed for this purpose and to facilitate the full utilisation of the quotas. Furthermore, where the size of quotas permits, new importers should have the right to request a fair share of quotas.

12. If applications are examined simultaneously, not more than three weeks should elapse between the closing date for applications and the issue or refusal of the licence. If applications are examined on receipt, not more than three weeks should elapse between the receipt of the application and the issue or refusal of the licence.

13. Licences should be valid for at least three months from their date of issue. However, a longer period of validity should be accorded when the distance of transport and communications makes this a legitimate requirement. Licences should also be easily renewable. Validity may nonetheless be for a shorter, but reasonable, period in special cases.

14. All applicants should have the right to appeal against a refusal to issue a licence, under national legislation and/or procedure of the importing country.

NOTES

(a) *Declarations made by certain Delegations on the occasion of the approval by the Council of the Recommendation on the Simplification and Standardisation of Import Procedures.*

(1) The *French* representative stated, with regard to paragraph 2 of the Standard Procedure, that the evidence of good standing required from importers in the field of taxation and social security under existing French regulations should not be deemed to be contrary to this Recommendation.

(2) The *Greek* representative stated that the regulations at present in force in Greece prescribed the systematic check of origin because of the application of different tariff rates according to the country of origin under a statutory enactment, (which the Greek government intended to retain), which deviated from paragraph 4 of the Standard Procedure.

(3) The *Italian* representative stated, with regard to paragraph 4 of the Standard Procedure, that systematic origin control will have to be

maintained until the Italian authorities are able to decide upon the envisaged modification of the present provisions.

(4) The *Portuguese* representative stated, with regard to paragraphs 4, 5 and 6 of the Standard Procedure — which is an integral part of the present Act — that the Portuguese authorities deemed it necessary to maintain in operation certain measures such as those applying to the origin control of goods, to consular invoices, and to prior registration. The Portuguese authorities therefore accept the present Act in part only, it being understood that, unless they decide to the contrary, the provisions of this Act will not be applied by, nor applicable to, Portugal in so far as the measures referred to above are concerned.

(5) The *Turkish* representative stated that due to the special conditions his country had to face for the time being, the provisions in force in his country sometimes deviated from the lines laid down in paragraph 6 of the Standard Procedure. His authorities consider these provisions not likely actually to impede expansion of trade.

(6) The *Swedish* representative stated, with regard to paragraph 7 of the Standard Procedure, that the Swedish procedure does not fully comply with the wording of this paragraph. In the view of his authorities, however, this deviation does not constitute an obstacle to trade.

(b) *Others*

(7) Non-standard commercial articles are those such as machine tools designed to perform special operations, which are not normally available in producers' or exporters' stocks but which must be produced especially for purchase.

In adopting this Recommendation, the Council TOOK NOTE of the statement by the Delegate for Portugal, as summarised in Note (4) above.