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1 ARTICLE V OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994

1.1 Text of Article V

Article V

Freedom of Transit

1. Goods (including baggage), and also vessels and other means of transport, shall be deemed to be in transit across the territory of a contracting party when the passage across such territory, with or without trans-shipment, warehousing, breaking bulk, or change in the mode of transport, is only a portion of a complete journey beginning and terminating beyond the frontier of the contracting party across whose territory the traffic passes. Traffic of this nature is termed in this article "traffic in transit".

2. There shall be freedom of transit through the territory of each contracting party, via the routes most convenient for international transit, for traffic in transit to or from the territory of other contracting parties. No distinction shall be made which is based on the flag of vessels, the place of origin, departure, entry, exit or destination, or on any circumstances relating to the ownership of goods, of vessels or of other means of transport.

3. Any contracting party may require that traffic in transit through its territory be entered at the proper custom house, but, except in cases of failure to comply with applicable customs laws and regulations, such traffic coming from or going to the territory of other contracting parties shall not be subject to any unnecessary delays or restrictions and shall be exempt from customs duties and from all transit duties or other charges imposed in respect of transit, except charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.

4. All charges and regulations imposed by contracting parties on traffic in transit to or from the territories of other contracting parties shall be reasonable, having regard to the conditions of the traffic.

5. With respect to all charges, regulations and formalities in connection with transit, each contracting party shall accord to traffic in transit to or from the territory of any other contracting party treatment no less favourable than the treatment accorded to traffic in transit to or from any third country.*

6. Each contracting party shall accord to products which have been in transit through the territory of any other contracting party treatment no less favourable than that which would have been accorded to such products had they been transported from their place of origin to their destination without going through the territory of such other contracting party. Any contracting party shall, however, be free to maintain its requirements of direct consignment existing on the date of this Agreement, in respect of any goods in regard to which such direct consignment is a requisite condition of eligibility for entry of the goods at preferential rates of duty or has relation to the contracting party's prescribed method of valuation for duty purposes.

7. The provisions of this Article shall not apply to the operation of aircraft in transit, but shall apply to air transit of goods (including baggage).

1.2 Text of note *ad* Article V

Ad Article V

Paragraph 5

With regard to transportation charges, the principle laid down in paragraph 5 refers to like products being transported on the same route under like conditions.

1.3 Article V:6 "date of this Agreement"

1. Article XXVI:1 provides that "the date of this Agreement shall be 30 October 1947." This date applies for the obligations under Article V:6 of the original contracting parties to the General Agreement on Tariffs and Trade 1947 (GATT 1947); the former dependent territories of the original contracting parties which, after attaining independence or commercial autonomy, succeeded to contracting party status under Article XXVI:5(c); and Chile. For contracting parties that acceded between 1948 and 1951, the date used was 24 March 1948. For all accessions to the GATT 1947 thereafter, the accession protocol provided that the "date of this Agreement" for the purposes of Article V:6 was the date of the protocol of accession or (where the acceding government had previously acceded provisionally) the date of the protocol of provisional accession.¹ These accession protocol provisions are incorporated in the General Agreement on Tariffs and Trade 1994 (GATT 1994) by virtue of paragraph 1(b)(ii) of the GATT 1994 incorporation text. See the document on Article XXVI of the GATT 1994 (Practice).

1.4 Relationship with other WTO Agreements

2. See also the documents on the Agreement on Trade Facilitation (Practice).

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¹ GATT Analytical Index, p. 216.