

Preamble

THE CONTRACTING PARTIES,

DESIRING to develop and facilitate international carriage by container,

HAVE AGREED as follows:

Chapter I - General

Article 1

For the purposes of the present Convention:

(a) The term "import duties and taxes" shall mean Customs duties and all other duties, taxes, fees and other charges which are collected on, or in connexion with, the importation of goods, but not including fees and charges limited in amount to the approximate cost of services rendered;

(b) The term "temporary admission" shall mean temporary importation, subject to re-exportation, free of import duties and taxes and free of import prohibitions and restrictions;

(c) The term "container" shall mean an article of transport equipment (lift-van, movable tank or other similar structure):

(i) fully or partially enclosed to constitute a compartment intended for containing goods;

(ii) of a permanent character and accordingly strong enough to be suitable for repeated use;

(iii) specially designed to facilitate the carriage of goods, by one or more modes of transport, without intermediate reloading;

(iv) designed for ready handling, particularly when being transferred from one mode of transport to another;

(v) designed to be easy to fill and to empty; and

(vi) having an internal volume of one cubic metre or more; the term

"container" shall include the accessories and equipment of the container, appropriate for the type concerned, provided that such accessories and

equipment are carried with the container. The term "container" shall not include vehicles, accessories or spare parts of vehicles, or packaging;

(d) The term "internal traffic" shall mean the carriage of goods loaded in the territory of a State for unloading at a place within the territory of the same State;

(e) The term "person" shall mean both natural and legal persons;

(f) The term "operator" of a container shall mean the person who, whether or not its owner, has effective control of its use.

Article 2

In order to benefit from the facilities provided for in the present Convention, containers shall be marked in the manner prescribed in Annex I.

Chapter II - Temporary admission

a- Temporary admission facilities

Article 3

1. Subject to the conditions laid down in Articles 4 to 9, each Contracting Party shall grant temporary admission to containers, whether loaded with goods or not.
2. Each Contracting Party reserves the right not to grant temporary admission to containers which have been the subject of purchase, hire-purchase, lease or a contract of a similar nature, concluded by a person resident or established in its territory.

Article 4

1. Containers granted temporary admission shall be re-exported within three months from the date of importation. However, this period may be extended by the competent Customs authorities.

2. Containers granted temporary admission may be re-exported through any competent Customs office, even if that office is different from the one of temporary admission.

Article 5

1. Notwithstanding the requirement of re-exportation laid down in Article 4, paragraph 1, seriously damaged containers shall not be required to be re-exported provided that, in conformity with the regulations of the country concerned and as the Customs authorities of that country may authorize, the containers are:

(a) subjected to the import duties and taxes to which they are liable at the time when, and in the condition in which, they are presented; or

(b) abandoned, free of all expense, to the competent authorities of that country; or

(c) destroyed, under official supervision, at the expense of the parties concerned, any parts or materials salvaged being subjected to the import duties and taxes to which they are liable at the time when, and in the condition in which, they are presented.

2. If, as a result of a seizure, a container granted temporary admission cannot be re-exported, the requirement of re-exportation laid down in Article 4, paragraph 1, shall be suspended for the duration of the seizure.

b- Temporary admission procedures

Article 6

Without prejudice to the provisions of Articles 7 and 8, containers temporarily imported under the terms of the present Convention shall be granted temporary admission without the production of Customs documents being required on their importation and re-exportation and without the furnishing of a form of security.

Article 7

Each Contracting Party may require that the temporary admission of containers be subject to compliance with all, or part of, the provisions of the procedure for temporary admission of containers, set out in Annex 2.

Article 8

Each Contracting Party shall return the right, when the provisions of Article 6 cannot be applied, to require the furnishing of a form of security and/or the production of Customs documents on the importation or re-exportation of the container.

c- Conditions of use of containers granted temporary admission

Article 9

1. Contracting Parties shall permit containers granted temporary admission under the terms of the present Convention to be used for the carriage of goods in internal traffic, in which case each Contracting Party shall be entitled to impose one or more of the conditions set out in Annex 3.
2. The facility provided for in paragraph 1 shall be granted without prejudice to the regulations in force in the territory of each Contracting Party regarding vehicles either drawing or carrying containers.

d- Special cases

Article 10

1. Temporary admission shall be granted to component parts intended for the repair of temporarily admitted containers.
2. Replace parts not re-exported shall, in conformity with the regulations of the country concerned and as the Customs authorities of that country may authorize, be:

- (a) subjected to the import duties and taxes to which they are liable at the time when, and in the condition in which they are presented; or
- (b) abandoned, free of all expense, to the competent authorities of that country; or
- (c) destroyed, under official supervision, at the expense of the parties concerned.

3. The provisions of Articles 6, 7 and 8 shall be applicable mutatis mutandis to temporary admission of component parts, referred to in paragraph 1.

Article 11

1. The Contracting Parties agree to grant temporary admission to accessories and equipment of temporarily admitted containers, which are either imported with a container to be re-exported separately or with another container, or imported separately to be re-exported with a container.

2. The provisions of Article 3, paragraph 2, and Articles, 4, 5, 6, 7 and 8 shall be applicable mutatis mutandis to the temporary admission of accessories and equipment of containers, referred to in paragraph 1. Such accessories and equipment may be used in internal traffic under the terms of Article 9, paragraph 1, when carried with a container covered by the provisions of the said paragraph.

Chapter III - Approval of containers for transport under Customs seal

Article 12

1. To qualify for approval for transport of goods under Customs seal, containers shall comply with the provisions of the Regulations set out in Annex 4.

2. Approval shall be granted under one the procedures laid down in Annex 5.

3. Containers approved by a Contracting Party for the transport of goods under Customs seal shall be accepted by the other Contracting Parties for any system of international carriage involving such sealing.
4. Each Contracting Party reserves the right to refuse to recognize the validity of the approval of containers which are found not to meet the conditions set forth in Annex 4. Nevertheless, Contracting Parties shall avoid delaying traffic when the defects found are of minor importance and do not involve any risk of smuggling.
5. Before it is used again for the transport of goods under Customs seal, any container, the approval of which is no longer recognized, shall be either restored to the condition which had justified its approval or presented for reapproval.
6. Where a defect appears to have existed when the container was approved, the competent authority responsible for that approval shall be informed.
7. If it is found that containers approved for the transport of goods under Customs seal in accordance with the procedures described in Annex 5, paragraph 1(a) and (b), do not in fact comply with the technical conditions of Annex 4, the authority which granted the approval shall take such steps as are necessary to bring the containers up to the required technical condition or to withdraw the approval.

Chapter IV - Explanatory notes

Article 13

The explanatory notes set out in Annex 6 interpret some provisions of the present Convention and its Annexes.

Chapter V - Miscellaneous provisions

Article 14

The present Convention shall not prevent the application of greater facilities which Contracting Parties grant or may wish to grant either by unilateral

provisions or in virtue of bilateral or multilateral agreements provided that such facilities do not impede the application of the provisions of the present Convention.

Article 15

Any contravention of the provisions of the present Convention, and any substitution, false declaration, or act having the effect of causing a person or an article improperly to benefit from the provisions of the present Convention, may render the offender liable, in the country where the offence was committed, to the penalties prescribed by the laws of that country.

Article 16

The Contracting Parties shall communicate to one another, on request, the information necessary for implementing the provisions of the present Convention, and more particularly information relating to the approval of containers and to the technical characteristics of their design.

Article 17

The Annexes to the present Convention and the Protocol of Signature form an integral part of the Convention.

Chapter VI - Final clauses

Article 18 - Signature, ratification, acceptance, approval and accession

1. The present Convention shall be open for signature until 15 January 1973 at the Office of the United Nations at Geneva and subsequently from 1 February 1973 until 31 December 1973 inclusive at the Headquarters of the United Nations at New York by all States Members of the United Nations or of any of the specialized agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice, and by any other

State invited by the General Assembly of the United Nations to become a Party to the present Convention.

2. The present Convention is subject to ratification, acceptance or approval by States which have signed it.

3. The present Convention shall remain open for accession by any State referred to in paragraph 1.

4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

Article 19 - Entry into force

1. The present Convention shall enter into force nine months from the date of the deposit of the fifth instrument of ratification, acceptance, approval or accession.

2. For each State ratifying, accepting, approving or acceding to the present Convention after the deposit of the fifth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force six months after the date of the deposit by such State of its instrument of ratification, acceptance, approval or accession.

3. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention shall be deemed to apply to the Convention as amended.

4. Any such instrument deposited after an amendment has been accepted but before it has entered into force shall be deemed to apply to the Convention as amended on the date when the amendment enters into force.

Article 20 - Termination of the operation of the Customs Convention on Containers (1956)

1. Upon its entry into force, the present Convention shall terminate and replace, in relations between the Parties to the present Convention, the Customs Convention on Containers, opened for signature at Geneva on 18 May 1956.

2. Notwithstanding the provisions of Article 12, paragraphs 1, 2 and 4, containers approved under the provisions of the Customs Convention on Containers (1956) or under the agreements arising therefrom concluded under the auspices of the United Nations, shall be accepted by any Contracting Party for the transport of goods under Customs seal, provided that they continue to comply with the relevant conditions under which they were originally approved. For this purpose certificates of approval issued under the provisions of the Customs Convention on Containers (1956) could be replaced by an approval plate prior to the expiry of their validity.

Article 21 - Procedures for amending the present Convention including its Annexes

1. Any Contracting Party may propose one or more amendments to the present Convention. The text of any proposed amendment shall be notified to the Customs Co-operation Council which shall communicate it to all Contracting Parties and inform the States referred to in Article 18 which are not Contracting Parties. The Customs Co-operation Council shall also, in accordance with the rules of procedure set out in Annex 7, convene an Administrative Committee.

2. Any amendment proposed in accordance with the preceding paragraph, or prepared during the meeting of the Committee, and adopted by a two-thirds majority of those present and voting in the Committee, shall be communicated to the Secretary-General of the United Nations.

3. The Secretary-General of the United Nations shall communicate the amendment to the Contracting Parties for their acceptance, and to the States referred to in Article 18 which are not Contracting Parties for their information.

4. Any proposed amendment communicated in accordance with the preceding paragraph shall be deemed to be accepted if no Contracting Party expressed an objection within a period of 12 months following the date of communication of the proposed amendment by the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall, as soon as possible, notify all Contracting Parties and the States referred to in Article 18 which are

not Contracting Parties whether an objection to the proposed amendment has been expressed. If an objection to the proposed amendment has been communicated to the Secretary-General of the United Nations the amendment shall be deemed not to have been accepted and shall be of no effect whatever. If no such objection has been communicated to the Secretary-General of the United Nations the amendment shall enter into force for all Contracting Parties three months after the expiry of the period of 12 months referred to in the preceding paragraph, or on such later date as may have been determined by the Administrative Committee at the time of its adoption.

6. Any Contracting Party may, by notification to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing the present Convention. The Secretary-General of the United Nations shall notify all Contracting Parties of the request and a revision conference shall be convened by the Secretary-General of the United Nations if, within a period of four months following the date of notification by the Secretary-General of the United Nations, not less than one-third of the Contracting Parties notify him of their concurrence with the request. Such conference shall also be convened by the Secretary-General of the United Nations upon notification of a request by the Administrative Committee. The Administrative Committee shall make such a request if agreed to by a majority of those present and voting in the Committee. If a conference is convened in accordance with this paragraph, the Secretary-General of the United Nations shall invite to it all States referred to in Article 18.

Article 22 - Special procedure for amending Annexes 1, 4, 5 and 6

1. Independently of the amendment procedures set out in Article 21, Annexes 1, 4, 5 and 6 may be amended as provided for in this Article and in accordance with the rules of procedure set out in Annex 7.

2. Any Contracting Party shall communicate proposed amendments to the Customs Co-operation Council. The Customs Co-operation Council shall bring them to the attention of the Contracting Parties and of the States

referred to in Article 18 which are not Contracting Parties, and shall convene the Administrative Committee.

3. Any amendment proposed in accordance with the preceding paragraph or prepared during the meeting of the Committee, and adopted by a two-thirds majority of those present and voting in the Committee, shall be communicated to the Secretary-General of the United Nations.

4. The Secretary-General of the United Nations shall communicate the amendment to the Contracting Parties for their acceptance, and to the States referred to in Article 18 which are not Contracting Parties for their information.

5. The amendment shall be deemed to have been accepted unless one-fifth or five of the Contracting Parties, whichever number is less, have notified the Secretary-General of the United Nations, within a period of 12 months from the date on which the proposed amendment has been communicated by the Secretary-General of the United Nations to the Contracting Parties, that they object to the proposal. A proposed amendment which is not accepted shall be of no effect whatever.

6. If an amendment is accepted, it shall enter into force, for all Contracting Parties which did not object to the proposed amendment, three months after the expiry of the period of 12 months referred to in the preceding paragraph, or on such later date as may have been determined by the Administrative Committee at the time of its adoption. At the time of adoption of an amendment, the Committee may also provide that, during a transitional period, the existing Annexes shall remain in force, wholly or in part, concurrently with such amendment.

7. The Secretary-General of the United Nations shall notify the date of the entry into force of the amendment to the Contracting Parties and inform the States referred to in Article 18 which are not Contracting Parties.

Article 23 - Denunciation

Any Contracting Party may denounce the present Convention by effecting the deposit of an instrument with the Secretary-General of the United Nations.

The denunciation shall take effect one year from the date of such deposit with the Secretary-General of the United Nations.

Article 24 - Termination

The present Convention shall cease to be in force if the number of Contracting Parties is less than five for any period of twelve consecutive months.

Article 25 - Settlement of disputes

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of the present Convention which cannot be settled by negotiation or other means of settlement shall, at the request of one of them, be referred to an arbitration tribunal composed as follows: each party to the dispute shall appoint an arbitrator and these two arbitrators shall appoint a third arbitrator, who shall be Chairman. If three months after receipt of a request one of the parties has failed to appoint an arbitrator or if the arbitrators have failed to elect the Chairman, any of the parties may request the Secretary-General of the United Nations to appoint an arbitrator or the Chairman of the arbitration tribunal.

2. The decision of the arbitration tribunal established under the provisions of paragraph 1 shall be binding on the parties to the dispute.

3. The arbitration tribunal shall determine its own rules of procedure.

4. Decisions of the arbitration tribunal, both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote.

5. Any controversy which may arise between the parties to the dispute as regards the interpretation and execution of the award may be submitted by any of the parties for judgement to the arbitration tribunal which made the award.

Article 26 - Reservations

1. Reservations to the present Convention shall be permitted, excepting those relating to the provisions of Articles 1-8, 12-17, 20, 25 and of the present Article, and those relating to the provisions contained in the Annexes on condition that such reservations are communicated in writing and, if communicated before the deposit of the instrument of ratification, acceptance, approval or accession, are confirmed in that instrument. The Secretary-General of the United Nations shall communicate such reservations to all States referred to in Article 18.

2. Any reservation made in accordance with paragraph 1:

(a) modifies for the Contracting Party which made the reservation the provisions of the present Convention to which the reservation relates, to the extent of the reservation; and

(b) modifies those provisions to the same extent for the other Contracting Parties in their relations with the Contracting Party which entered the reservation.

3. Any Contracting Party which has communicated a reservation under paragraph 1 may withdraw it at any time by notification to the Secretary-General of the United Nations.

Article 27 - Notification

In addition to the notifications and communications provided for in Articles 21, 22 and 26, the Secretary-General of the United Nations shall notify all the States referred to in Article 18 of the following:

(a) signatures, ratifications, acceptances, approvals and accessions under Article 18;

(b) the dates of entry into force of the present Convention in accordance with Article 19;

(c) the date of entry into force of amendments to the present Convention in accordance with Articles 21 and 22;

(d) denunciations under Article 23;

(e) the termination of the present Convention under Article 24.

Article 28 - Authentic texts

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall communicate certified true copies to all States referred to in Article 18.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE at Geneva this second day of December one thousand nine hundred and seventy-two.

Annex 1 - Provisions concerning the marking of containers

1. The following information shall be durably marked in an appropriate and clearly visible place on containers:

- (a) the identification of the owner or principal operator;
- (b) the identification marks and numbers of the container, given by the owner or operator; and
- (c) the tare weight of the container, including all its permanently fixed equipment.

2. The country to which the container belongs may be shown either in full or by the distinguishing sign used to indicate the country of registration of motor vehicles in international road traffic. Each country may subject the use of its name or distinguishing sign on the container to its national legislation. The identity of the owner or operator may be shown either by his full name or his initials, provided the latter constitute an established identification, symbols such as emblems or flags being excluded.

3. Containers approved for transport under Customs seal shall, in addition, bear the following details which shall also be put on the approval plate in accordance with the provisions of Annex 5:

- (a) the manufacturer's serial number (manufacturer's number); and
- (b) if they have been approved by design type, the identification numbers or letters of the type.

Annex 2 - Temporary admission procedure under article 7 of the present Convention

1. For the purpose of applying the provisions of Article 7 of the present Convention, each Contracting Party shall use, for checking movements of containers granted temporary admission, the records kept by the owners or operators or their representatives.

2. The following provisions shall be applied:

(a) the owner or operator of the containers will be represented in the country in which the containers are to be granted temporary admission;

(b) the owner or operator or the representative of either will under take in writing:

(i) to supply to the Customs authorities of the said country, at their request, detailed information concerning the movements of each container granted temporary admission including the dates and places of entry into and exit from of the said country;

(ii) to pay such import duties and taxes as may be required in cases where the conditions of temporary admission had not been fulfilled.

Annex 3 - Use of containers in internal traffic

Each Contracting Party shall be entitled to impose the following conditions on the use, within its territory, as provided for in Article 9 of the present Convention, of containers in internal traffic:

(a) the journey shall bring the container by a reasonably direct route to, or nearer to, the place where export cargo is to be loaded or from where the container is to be exported empty;

(b) the container will be used only once in internal traffic before being re-exported.

Annex 4 - Regulations on technical conditions applicable to containers which may be accepted for international transport under Customs seal

Article 1 - Basic principles

Approval for the international transport of goods under Customs seal may be granted only to containers constructed and equipped in such a manner that:

(a) no goods can be removed from, or introduced into, the sealed part of the container without leaving visible traces of tampering or without breaking the Customs seal;

(b) Customs seals can be simply and effectively affixed to them;

(c) they contain no concealed spaces where goods may be hidden;

(d) all spaces capable of holding goods are readily accessible for Customs inspection.

Article 2 - Structure of containers

1. To meet the requirements of Article 1 of these Regulations:

(a) the constituent parts of the container (sides, floor, doors, roof, uprights, frames, cross-pieces, etc.) shall be assembled either by means of devices which cannot be removed and replaced from the outside without leaving visible traces or by such method as will produce a structure which cannot be modified without leaving visible traces. When the sides, floor, doors and roof are made up of various components, these shall meet the same requirements and be of sufficient strength;

(b) doors and all other closing systems (including stopcocks, manhole-covers flanges, etc.) shall be fitted with a device on which Customs seals can be fixed. This device must be such that it cannot be removed and replaced from outside the container without leaving visible traces, or the door or fastening be opened without breaking the Customs seals. The latter shall be adequately protected. Opening roofs shall be permitted;

(c) apertures for ventilation and drainage shall be provided with a device preventing access to the interior of the container. This device must be such that it cannot be removed and replaced from outside the container without leaving visible traces.

2. Notwithstanding the provisions of Article 1(c) of these Regulations, constituent parts of the container which, for practical reasons, have to include empty spaces (for example, between the partitions of a double wall) shall be permitted. In order that the said spaces cannot be used to conceal goods:

(i) it shall not be possible to remove and replace the lining inside the container without leaving visible traces; or

(ii) the number of the said spaces shall be kept to a minimum and these spaces shall be readily accessible for Customs inspection.

Article 3 - Containers capable of being folded or dismantled

Containers capable of being folded or dismantled shall be subject to the provisions of Articles 1 and 2 of these Regulations; in addition, they shall be fitted with a bolting system which locks the various parts together once the container has been erected. This bolting system must be capable of being sealed by the Customs if it is on the outside of the container when the latter has been erected.

Article 4 - Sheeted containers

1. Where applicable, the provisions of Articles 1, 2 and 3 of these Regulations shall apply to sheeted containers. In addition, these containers shall conform to the provisions of this Article.

2. The sheet shall be either of strong canvas or of plastic-covered or rubberized cloth, which shall be of sufficient strength and unstretchable. It shall be in good condition and made up in such a way that once the closing device has been secured, it is impossible to gain access to the load without leaving visible traces.

3. If the sheet is made up of several pieces, their edges shall be folded into one another and sewn together with two seams at least 15mm apart. These

seams shall be made as shown in sketch No. 1 appended to these Regulations; however, where in the case of certain parts of the sheet (such as flaps at the rear and reinforced corners) it is not possible to assemble the pieces in that way, it shall be sufficient to fold the edge of the top section and make the seams as shown in sketch No. 2 appended to these Regulations. One of the seams shall be visible only from the inside and the colour of the thread used for that seam shall be clearly different from the colour of the sheet itself and from the colour of the thread used for the other seam. All seams shall be machine-sewn.

4. If the sheet is of plastic-covered cloth, and is made up of several pieces, the pieces may alternatively be welded together in the manner shown in sketch No. 3 appended to these Regulations. The edges of the pieces shall overlap by at least 15mm. The pieces shall be fused together over the whole width of the overlap. The edge of the outer sheet shall be covered with a band of plastic material at least 7 mm wide, affixed by the same welding process. The plastic band and a width of at least 3 mm on each side shall have a well-marked uniform relief stamped on it. The pieces shall be welded in such a way that they cannot be separated and rejoined without leaving visible traces.

5. Repairs shall be made in accordance with the method described in sketch No. 4 appended to these Regulations; the edges shall be folded into one another and sewn together with two visible seams at least 15 mm apart; the colour of the thread visible from the inside shall be different from that of the thread visible from the outside and from that of the sheet itself; all seams shall be machine-sewn. When a sheet which has been damaged near the edges is repaired by replacing the damaged part by a patch, the seam can also be made in accordance with the provisions of paragraph 3 of this article and sketch No. 1 appended to these Regulations. Sheets of plastic-covered cloth may alternatively be repaired in accordance with the method described in paragraph 4 of this Article, but in that case the weld must be made on both sides of the sheet, the patch being fitted on the inside of the sheet.

6. (a) The sheet shall be fixed to the container in strict compliance with the conditions set forth in Article 1(a) and (b) of these Regulations. The following types of fastening shall be provided:

- (i) metal rings fixed to the container;
- (ii) eyelets in the edge of the sheet;
- (iii) a fastening passing through the rings above the sheets and visible from the outside for its entire length.

The sheet shall overlap solid parts of the container by at least 250mm, measured from the centre of the securing rings, unless the system of construction of the container by itself prevents all access to the goods.

(b) When the edge of a sheet is to be permanently secured to a container, the joint shall be continuous and effected by means of solid devices.

7. The interval between rings and between eyelets shall not exceed 200mm. The eyelets shall be reinforced.

8. The following fastenings shall be used:

- (a) steel wire rope of at least 3mm diameter; or
- (b) a rope of hemp or sisal of at least 8mm diameter encased in a transparent unstretchable plastic sheath.

Wire ropes may have a transparent unstretchable plastic sheath.

9. Each rope shall be in one piece and have a hard metal end-piece at each end. The fastener of each metal end-piece shall include a hollow rivet passing through the rope so as to allow the introduction of the thread or the strap of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ensure that the rope is in one piece (see sketch No. 5 appended to these Regulations).

10. At the openings in the sheet, used for loading and unloading, the two edges of the sheet shall have an adequate overlap. They shall also be fastened by:

- (a) a flap sewn or welded in accordance with paragraphs 3 and 4 of this Article;
- (b) rings and eyelets meeting the conditions of paragraph 7 of this Article; and
- (c) a thong made of appropriate material, in one piece and unstretchable, at least 20 mm wide and 3 mm thick, passing through the rings and holding together the two edges of the sheet and the flap; the thong shall be secured inside the sheet and fitted with an eyelet to take the rope mentioned in paragraph 8 of this Article.

A flap shall not be required if a special device, such as a baffle plate, is fitted, which prevents access to the goods without leaving visible traces.

11. The identification marks, which must appear on the container in accordance with Annex 1 and the approval plate provided for in Annex 5, shall in no circumstances be covered by the sheet.

Article 5 - Transitional provisions

Until 1 January 1977, end-pieces shall be allowed which conform to sketch No. 5 appended to these Regulations, even if they include hollow rivets of a type previously accepted with holes of dimensions less than those given in the sketch.

Annex 5 - Procedures for the approval of containers complying with the technical conditions prescribed in annex 4

General

1. Containers may be approved for the transport of goods under Customs seal either:

(a) at the manufacturing stage, by design type (procedure for approval at the manufacturing stage); or

(b) at a stage subsequent to manufacture, either individually or in respect of a specified number of containers of the same type (procedure for approval at a stage subsequent to manufacture).

Provisions common to both approval procedures

2. The competent authority responsible for granting approval shall issue to the applicant, after approval, a certificate of approval valid, as the case may be, either for an unlimited series of containers of the approval type or for a specified number of containers.

3. The beneficiary of approval shall affix an approval plate to the approved container or containers before their use for the transport of goods under Customs seal.

4. The approval plate shall be affixed permanently and in a clearly visible place adjacent to any other approval plate issued for official purposes.

5. The approval plate, conforming to model No. 1 reproduced in appendix 1 to this Annex, shall take the form of a metal plate measuring not less than 20 cm by 10 cm. The following particulars shall be stamped into or embossed on the plate or indicated on its surface in any other permanent and legible way, in at least the English or the French language:

(a) the words "APPROVED FOR TRANSPORT UNDER CUSTOMS SEAL";

(b) an indication of the country in which approval was granted either by name or by means of the distinguishing sign used to indicate the country of registration of motor vehicles in international road traffic, and the number (figures, letters, etc.) of the certificate of approval and the year of approval (eg. "NL/26/73" means "Netherlands, Certificate of Approval No. 26, issued in 1973");

(c) the serial number assigned to the container by the manufacturer (manufacturer's number);

(d) if the container has been approved by type, the identification numbers or letters of the type of container.

6. If a container no longer complies with the technical conditions prescribed for its approval, it shall, before it can be used for the transport of goods under

Customs seal, be restored to the condition which had justified its approval, so as to comply again with the said technical conditions.

7. If the essential characteristics of a container are changed, the container shall cease to be covered by the approval and shall be reapproved by the competent authority before it can be used for the transport of goods under Customs seal.

Special provisions for approval by design type at the manufacturing stage

8. Where the containers are manufactured by type series, the manufacturer may apply to the competent authority of the country of manufacture for approval by design type.

9. The manufacturer shall state in his application the identification numbers or letters which he assigns to the type of container to which his application for approval relates.

10. The application shall be accompanied by drawings and a detailed design specification of the container type to be approved.

11. The manufacturer shall give an undertaking in writing that he will:

(a) produce to the competent authority such containers of the type concerned as that authority may wish to examine;

(b) permit the competent authority to examine further units at any time during the production of the type series concerned;

(c) advise the competent authority of any change, of whatever magnitude, in the design or specification before proceeding with such change;

(d) mark the containers in a visible place with, in addition to the markings required on the approval plate, the identification numbers or letters of the design type and the serial number of the container in the type series (manufacturer's number);

(e) keep a record of containers manufactured to the approved design type.

12. The competent authority shall state what changes, if any, must be made to the proposed design type so that approval may be granted.

13. No type-approval by design type shall be granted unless the competent authority has satisfied itself by examination of one or more containers manufactured to the design type concerned that containers of that type comply with the technical conditions prescribed in Annex 4.

14. When a container type is approved there shall be issued to the applicant a single certificate of approval conforming to model No. II reproduced in appendix 2 to this Annex and valid for all containers manufactured in conformity with the specifications of the type so approved. Such certificate shall entitle the manufacturer to affix to every container of the type series an approval plate in the form prescribed in paragraph 5 of this Annex.

Special provisions for approval at a stage subsequent to manufacture

15. If approval has not been applied for at the manufacturing stage, the owner, the operator, or the representative of either, may apply for approval to the competent authority to which he is able to produce the container or containers, and for which he seeks approval.

16. An application for approval submitted under paragraph 15 of this Annex shall state the serial number (manufacturer's number) placed on each container by the manufacturer.

17. When the competent authority has ascertained that the container or containers comply with the technical conditions prescribed in Annex 4, by examination of as many containers as it considers necessary, it shall issue a certificate or approval conforming to model No. III reproduced in appendix 3 to this Annex and valid solely for the number of containers approved. Such certificate, which shall bear the manufacturer's serial number or numbers assigned to the container or containers to which it relates, shall entitle the applicant to affix to each container so approved the approval plate prescribed in paragraph 5 of this Annex.

Appendix 2 to annex 5

Model No. II - Customs Convention on Containers, 1972

Certificate of Approval by Design Type

- 1 . Certificate No. 1
 2. This is to certify that the container design type described below has been approved and that containers manufactured to this type can be accepted for the transport of goods under Customs seal.
 3. Kind of container
 4. Identification number or letters of the design type
 5. Identification number of the working drawings
 6. Identification number of the design specifications
 7. Tare weight
 8. External dimensions in centimetres
 9. Essential characteristics of structure (nature of materials, kind of construction, etc.
..... .
 10. This certificate is valid for all containers manufactured in conformity with the drawings and specifications referred to above.
 11. Issued to
- (manufacturer's name and address)
who is authorized to affix an approval plate to each container of the approved design type manufactured by him,
at on 19
(place) (date)
by

(signature and stamp of issuing service or organization)

(See notice overleaf)

Important notice

(Annex 5, paragraphs 6 and 7, to the Customs Convention on Containers, 1972)

6. If a container no longer complies with the technical conditions prescribed for its approval, it shall, before it can be used for the transport of goods under Customs seal, be restored to the condition which had justified its approval, so as to comply again with the said technical conditions.

7. If the essential characteristics of a container are changed, the container shall cease to be covered by the approval and shall be reapproved by the competent authority before it can be used for the transport of goods under Customs seal.

Appendix 3 to annex 5

Model No. III - Customs Convention on Containers, 1972

Certificate of Approval Granted at a Stage Subsequent to Manufacture

1. Certificate No. 2
2. This is to certify that the container (containers) specified below has (have) been approved for the transport of goods under Customs seal.
3. Kind of container(s)
4. Serial number(s) assigned to the container(s) by the manufacturer
.....
5. Tare weight
6. External dimensions in centimetres

7. Essential characteristics of structure (nature of materials, kind of construction, etc.)

8. Issued to

(applicant's name and address)

who is authorized to affix an approval plate to the above-mentioned container(s),

at