

Preamble

The States signatory, to the present Convention,

Meeting under the auspices of the Customs Co-operation Council, in consultation with the United Nations Economic Commission for Europe (ECE) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO),

Having regard to proposals made by representatives of international trade and other interests,

Desiring to facilitate the display of goods at exhibitions, fairs, meetings, or similar events of a commercial, technical, religious, educational, scientific, cultural or charitable nature,

Convinced that the adoption of general rules on the Customs treatment of such goods would afford considerable advantages to international trade and promote the international exchange of ideas and knowledge,

Have agreed as follows:

Chapter 1 - Definitions

Article I

For the purposes of the present Convention:

(a) the term "event" means:

1. a trade, industrial, agricultural or crafts exhibition, fair, or similar show or display; or
2. an exhibition or meeting which is primarily organised for a charitable purpose; or
3. an exhibition or meeting which is primarily organised to promote any branch of learning, art craft, sport or scientific, educational or cultural activity, to

promote friendship between peoples, or to promote religious knowledge or worship; or

4. a meeting of representatives of any international organisation or international group of organisations; or

5. a representative meeting of an official or commemorative character; except exhibitions organised for private purposes in shops or business premises with a view to the sale of foreign goods;

(b) the term "import duties" means Customs duties and all other duties and taxes payable on, or in connection 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 cost of services rendered and do not represent an indirect protection to domestic products or a taxation of imports for fiscal purposes;

(c) the term "temporary admission" means temporary importation free of import duties and free of import prohibitions and restrictions, subject to re-exportation;

(d) the term "the Council" means the Organisation set up by the Convention establishing a Customs Co-operation Council, done at Brussels on 15th December 1950;

(e) the term "person" means both natural and legal persons, unless the context otherwise requires.

Chapter II - Temporary admission

Article 2

1. Temporary admission shall be granted to:

(a) goods intended for display or demonstration at an event;

(b) goods intended for use in connection with the display of foreign products at an event, including:

(i) goods necessary for the purpose of demonstrating foreign machinery or apparatus to be displayed,

- (ii) construction and decoration material, including electrical fittings, for the temporary stands of foreign exhibitors,
- (iii) advertising and demonstration material which is demonstrably publicity material for the foreign goods displayed, for example, sound recordings, films and lantern slides, as well as apparatus for use therewith;
- (c) equipment including interpretation apparatus, sound recording apparatus and films of an educational, scientific or cultural character intended for use at international meetings, conferences or congresses.

2. The facilities referred to in paragraph 1 of this Article shall be granted provided that:

- (a) the goods are capable of identification on re-exportation;
- (b) the number or quantity of identical articles is reasonable having regard to the purpose of importation;
- (c) the Customs authorities of the country of temporary importation are satisfied that the conditions of the present Convention shall be fulfilled.

Article 3

Unless the national laws and regulations of the country of temporary importation so permit, goods granted temporary admission shall not, whilst they are the subject of the facilities granted under the present Convention:

- (a) be loaned, or used in any way for hire or reward; or
- (b) be removed from the place of the event.

Article 4

1. Goods granted temporary admission shall be re-exported within six months from the date of importation. However Customs authorities of the country of temporary importation may, with due regard to the circumstances and in particular the duration and nature of the event, require that the goods be re-exported within a shorter period which shall, nevertheless, extend at least one month after the termination of the event.

2. Notwithstanding the provisions of paragraph 1 of this Article the Customs authorities shall allow such goods which are to be displayed or used at a

subsequent event to remain within the country of temporary importation, subject to compliance with such conditions as may be required by the laws and regulations of that country and provided that the goods are re-exported within one year of the date of importation.

3. For valid reasons the Customs authorities may, within the limits laid down by, the laws and regulations of the country of temporary importation, either grant longer periods than those provided for in paragraphs 1 and 2 of the present Article or extend the initial period.

4. When goods granted temporary admission cannot be re-exported as a result of a seizure, other than a seizure made at the suit of private persons, the requirement of re-exportation provided for in this Article shall be suspended for the duration of the seizure.

Article 5

1. Notwithstanding the requirement of reexportation laid down by the present Convention, the re-exportation of badly, damaged goods, goods of little value and perishable goods, shall not be required, provided that the goods:

(a) are subjected to the import duties to which they are liable; or

(b) are abandoned free of all expense to the Exchequer of the country into which they were temporarily imported ; or

(c) are destroyed, under official supervision, without expense to the Exchequer of the country into which they were temporarily imported; as the Customs authorities may require.

2. Goods granted temporary admission may be disposed of otherwise than by re-exportation, and in particular may be taken into home use, subject to compliance with the conditions and formalities applicable under the laws and regulations of the country of temporary importation in respect of such goods imported directly from abroad.

Chapter III - Waiver of import duties

Article 6

1. Unless a reservation has been notified in respect of certain goods under the terms of Article 23 of the present Convention, import duties shall not be levied and import prohibitions and restrictions shall be waived, and where temporary admission has been granted re-exportation shall not be required, in respect of the following goods:

(a) Small samples which are representative of foreign goods displayed at an event, including such samples of foods and beverages, either imported in the form of such samples or produced from imported bulk materials at that event, provided that:

(i) they are supplied free of charge from abroad and are used solely for distribution free of charge to the visiting public at the event, for individual use or consumption by the persons to whom they are distributed,

(ii) they are identifiable as advertising samples and are individually of little value,

(iii) they are unsuitable for commercial purposes and are, where appropriate, packed in quantities appreciably smaller than the smallest retail package,

(iv) samples of foods and beverages which are not distributed in packs as provided for in (iii) above are consumed at the event, and

(v) the aggregate value and quantity of the samples are, in the opinion of the Customs authorities of the country of importation, reasonable having regard to the nature of the event, the number of visitors to it and the extent of the exhibitor's participation therein;

(b) Goods imported solely for demonstration or for the purpose of demonstrating the operation of a foreign machine or apparatus displayed at an event and consumed or destroyed in the course of such demonstration, provided that the aggregate value and quantity of such goods are, in the opinion of the Customs authorities of the country of importation, reasonable having regard to the nature of the event, the number of visitors to it and the extent of the exhibitor's participation therein;

(c) Products of low value used up in constructing, furnishing or decorating the temporary stands of foreign exhibitors at an event, such as paint, varnish and wall paper;

(d) Printed matter, catalogues, trade notices, price lists, advertising posters, calendars, whether or not illustrated, and unframed photographs, which are demonstrably publicity material for the foreign goods displayed at an event, provided that:

- (i) they are supplied free of charge from abroad and are used solely for distribution free of charge to the visiting public at the event, and
- (ii) the aggregate value and quantity of such goods are, in the opinion of the Customs authorities of the country of importation, reasonable having regard to the nature of the event, the number of visitors to it and the extent of the exhibitor's participation therein.

2. The provisions of paragraph 1 of this Article shall not be applicable to alcoholic beverages, tobacco goods and fuels.

Article 7

Files, records, forms and other documents which are imported for use as such at or in connection with international meetings, conferences or congresses, shall be admitted free of import duties and free of any import prohibition or restriction.

Chapter IV - Simplification of formalities

Article 8

Each Contracting Party shall reduce to a minimum the Customs formalities required in connection with the facilities provided for in the present Convention. All regulations concerning such formalities shall be promptly published.

Article 9

1. In cases where a Contracting Party requires security for compliance with the conditions governing the granting of facilities provided for in the present

Convention, the amount of such security shall not exceed the amount of the import duties chargeable by more than 10.

2. Such Contracting Parties shall endeavour to accept whenever possible a general security from the organiser of the event or from any other person approved by the Customs authorities, in place of individual security which might be required under paragraph 1 of this Article.

Article 10

1. Customs examination and clearance on the importation and re-exportation of goods which are to be, or have been, displayed or used at any event shall, whenever possible and appropriate, be effected at that event.

2. Each Contracting Party shall endeavour, whenever it deems it appropriate in view of the importance and size of the event, to establish a Customs office for a reasonable period within the premises of an event held within its territory.

3. Goods granted temporary admission may be re-exported in one or several consignments and through any Customs office open for such operations, and such reexportation shall not be confined to the Customs office of importation, except in cases where, with a view to benefiting from a simplified procedure, the importer undertakes to re-export his goods through the Customs office of importation.

Chapter V - Miscellaneous provisions

Article 11

Products obtained incidentally during the event from temporarily imported goods, as a result of the demonstration of displayed machinery or apparatus, shall be subject to the provisions of the present Convention.

Article 12

The provisions of the present Convention set out the minimum facilities to be accorded. They do not prevent the application of greater facilities which

certain Contracting Parties grant or may grant in future by unilateral provisions or in virtue of bilateral and multilateral agreements.

Article 13

For the purpose of the present Convention the territories of Contracting Parties which form a Customs or economic union may be taken to be a single territory.

Article 14

The provisions of the present Convention shall not preclude the application of:

- (a) national or conventional provisions not of a Customs nature regulating the organisation of events;
- (b) prohibitions or restrictions imposed under national laws and regulations on grounds of public morality or order, public security, public hygiene or health, or for veterinary or phytopathological considerations, or relating to the protection of patents, trade marks and copyrights.

Article 15

Any breach of the provisions of the present Convention, any substitution, false declaration or act having the effect of causing a person or goods improperly to benefit from the facilities provided for in the present Convention, may render the offender liable in the country where the offence was committed to the penalties prescribed by the laws and regulations of that country and to payment of any import duties chargeable.

Chapter VI - Final provisions

Article 16

1. The Contracting Parties shall meet together when necessary in order to consider the operation of the present Convention and, in particular, in order to

consider measures to secure uniformity in the interpretation and application of the present Convention.

2. Such meetings shall be convened by the Secretary General of the Council at the request of any Contracting Party. Unless the Contracting Parties otherwise decide, the meetings shall be held at the Headquarters of the Council.

3. The Contracting Parties shall lay down the rules of procedure for their meetings. Decisions of the Contracting Parties shall be taken by a majority of not less than two-thirds of the Contracting Parties present at the meeting and voting.

4. The Contracting Parties shall not take a decision on any matter unless more than half of them are present.

Article 17

1. Any dispute between Contracting Parties concerning the interpretation or application of the present Convention shall so far as possible be settled by negotiation between them.

2. Any dispute which is not settled by negotiation shall be referred by the Contracting Parties in dispute to the Contracting Parties, meeting in conformity with Article 16 of the present Convention, which shall thereupon consider the dispute and make recommendations for its settlement.

3. The Contracting Parties in dispute may agree in advance to accept the recommendations of the Contracting Parties as binding.

Article 18

1. Any State Member of the Council and any State Member of the United Nations or its specialized agencies may become a Contracting Party to the present Convention:

(a) by signing it without reservation of ratification;

(b) by depositing an instrument of ratification after signing it subject to ratification;

or

(c) by acceding to it.

2. The present Convention shall be open until 31st March, 1962, for signature at the Headquarters of the Council in Brussels, by the States referred to in paragraph 1 of this Article. Thereafter, it shall be open for their accession.

3. In the case envisaged in paragraph 1 (b) of this Article, the present Convention shall be subject to ratification by the signatory States in accordance with their constitutional procedures.

4. Any State, not being a Member of the Organizations referred to in paragraph 1 of this Article, to which an invitation to that effect has been addressed by the Secretary General of the Council at the request of the Contracting Parties, may become a Contracting Party to the present Convention by acceding thereto after its entry into force.

5. The instruments of ratification or accession shall be deposited with the Secretary General of the Council.

Article 19

1. The present Convention shall enter into force three months after five of the States referred to in paragraph 1 of Article 18 thereof have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

2. For any State ratifying or acceding to the present Convention after five States have signed it without reservation of ratification or have deposited their instruments of ratification or accession, the present Convention shall enter into force three months after the said State has deposited its instrument of ratification or accession.

Article 20

1. The present Convention is of unlimited duration but any Contracting Party may denounce it at any time after the date of its entry into force under Article 19 thereof.

2. The denunciation shall be notified by an instrument in writing, deposited with the Secretary General of the Council.

3. The denunciation shall take effect six months after the receipt of the instrument of denunciation by the Secretary General of the Council.

Article 21

1. The Contracting Parties meeting in conformity, with Article 16 of the present Convention may recommend amendments thereto.

2. The text of any amendment so recommended shall be communicated by the Secretary General of the Council to all Contracting Parties, to all other signatory or acceding States, to the Secretary General of the United Nations, and to UNESCO.

3. Within a period of six months from the date on which the recommended amendment is so communicated, any Contracting Party may inform the Secretary General of the Council:

(a) that it has an objection to the recommended amendment, or

(b) that, although it intends to accept the recommended amendment, the Conditions necessary for such acceptance are not yet fulfilled in its country.

4. If a Contracting Party sends the Secretary General of the Council a communication as provided for in paragraph 3 (b) of this Article, it may, so long as it has not notified the Secretary General of its acceptance of the recommended amendment, submit an objection to that amendment within a period of nine months following the expiry of the six-month period referred to in paragraph 3 of this Article.

5. If an objection to the recommended amendment is stated in accordance with the terms of paragraphs 3 and 4 of this Article, the amendment shall be deemed not to have been accepted and shall be of no effect.

6. If no objection to the recommended amendment in accordance with paragraphs 3 and 4 of this Article has been stated, the amendment shall be deemed to have been accepted as from the date specified below:

(a) if no Contracting Party has sent a communication in accordance with paragraph 3 (b) of this Article, on the expiry of the period of six months referred to in paragraph 3;

(b) if any Contracting Party has sent a communication in accordance with paragraph 3 (b) of this Article, on the earlier of the following two dates:

(i) the date by which all the Contracting Parties which sent such communications have notified the Secretary General of the Council of their acceptance of the recommended amendment, provided that, if all the acceptances were notified before the expiry of the period of six months referred to in paragraph 3 of this Article, that date shall be taken to be the date of expiry of the said six-month period,

(ii) the date of expiry of the nine-month period referred to in paragraph 4 of this Article.

7. Any amendment deemed to be accepted shall enter into force six months after the date on which it was deemed to be accepted.

8. The Secretary General of the Council shall, as soon as possible, notify all Contracting Parties of any objection to the recommended amendment made in accordance with paragraph 3 (a), and of any communication received in accordance with paragraph 3 (b), of this Article. He shall subsequently inform all the Contracting Parties whether the Contracting Party or Parties which have sent such communication raise an objection to the recommended amendment or accept it.

9. Any State ratifying or acceding to the present Convention shall be deemed to have accepted any amendments thereto which have entered into force at the date of deposit of its instrument of ratification or accession.

Article 22

1. Any State may, at the time of signing the present Convention without reservation of ratification, or of depositing its instrument of ratification or accession or at any time thereafter, declare by notification given to the Secretary General of the Council that the present Convention shall extend to all or any of the territories for whose international relations it is responsible and the Convention shall extend to the territories named in the notification three months after the date of the receipt thereof by the Secretary General of

the Council but not before the Convention has entered into force for the State concerned.

2. Any State which has made a declaration under paragraph 1 of this Article extending the present Convention to any territory for whose international relations it is responsible may notify the Secretary General of the Council, in accordance with the provisions of Article 20 of the present Convention, that the territory in question will no longer apply the Convention.

Article 23

1. Any State may declare at the time of signing, ratifying or acceding to the present Convention, or notify the Secretary General of the Council after becoming a Contracting Party to the Convention, that it does not consider itself bound by the provisions of Article 6, paragraph 1 (a), of the present Convention. Such declarations or notifications shall stipulate the specific goods in respect of which the reservation is made. Notifications addressed to the Secretary General shall take effect, on the ninetieth day after their receipt by the Secretary General.

2. If a Contracting Party enters a reservation under paragraph 1 of this Article, the other Contracting Parties shall not be bound, in relation to that Contracting Party, by Article 6, paragraph 1 (a), of the present Convention in respect of the goods specified in that reservation.

3. Any Contracting Party having entered a reservation as provided for in paragraph 1 of this Article may at any time withdraw such reservation by notifying the Secretary General of the Council.

4. No other reservation to the present Convention shall be permitted.

Article 24

The Secretary General of the Council shall notify all Contracting Parties, the other signatory and acceding States, the Secretary General of the United Nations, and UNESCO of:

(a) signatures, ratifications and accessions under Article 18 of the present Convention;

- (b) the date of entry into force of the present Convention in accordance with Article 19;
- (c) denunciations and declarations under Article 20;
- (d) any amendment deemed to have been accepted in accordance with Article 21 and the date of its entry into force;
- (e) declarations and notifications received in accordance with Article 22;
- (f) declarations and notifications made in accordance with Article 23, paragraphs 1 and 3, and the date on which reservations or withdrawals of reservations enter into force.

Article 25

In accordance with Article 102 of the Charter of the United Nations, the present Convention shall be registered with the Secretariat of the United Nations at the request of the Secretary General of the Council.

IN WITNESS WHEREOF the undersigned plenipotentiaries have signed the present Convention.

DONE at Brussels this eighth day of June nineteen hundred and sixty-one, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited with the Secretary General of the Council who shall transmit certified copies to all the States referred to in Article 18, paragraph 1, of the present Convention.