

Preamble

The States signatory to the present Convention,

Meeting under the auspices of the Customs Co-operation Council and the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade (GATT), in consultation with the United Nations Educational, Scientific and Cultural Organization (UNESCO),

Having regard to proposals made by representatives of international trade and other interests for the extension of temporary duty-free importation procedures,

Convinced that the adoption of general rules on the temporary duty-free importation of professional equipment would facilitate the international exchange of specialised skills and techniques,

Have agreed as follows

Chapter 1 - Definitions

Article 1

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 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 ;

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

(c) 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 ;

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

Chapter II - Temporary Admission

Article 2

Each Contracting Party bound by any Annex 2 to the present Convention shall grant temporary admission to the equipment referred to in that Annex, subject to the conditions specified in Articles 1 to 22 and in that Annex. The term "equipment" shall be taken to include any relevant ancillary apparatus and accessories.

Article 3

In cases where a Contracting Party requires security for compliance with the conditions attached to temporary admission, the amount of such security shall not exceed the amount of the import duties chargeable by more than 10 %.

Article 4

Equipment granted temporary admission shall be re-exported within six months from the date of importation. 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 a longer period or extend the initial period.

Article 5

Equipment granted temporary admission may be re-exported in one or several consignments to any country, through any Customs office open for

such operations, and such re-exportation shall not be confined to the Customs office of importation.

Article 6

1. Notwithstanding the requirement of re-exportation laid down by the present Convention, the re-exportation of all or part of equipment badly damaged in duly authenticated accidents shall not be required, provided that it:

(a) is subjected to the import duties to which it is liable ; or

(b) is abandoned free of all expense to the Exchequer of the country into which it was temporarily imported ; or

(c) is destroyed, under official supervision, without expense to the Exchequer of the country into which it was temporarily imported ;

as the Customs authorities may require.

2. When all or part of equipment 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 shall be suspended for the duration of the seizure.

Article 7

Component parts imported to repair temporarily admitted equipment shall also be granted the facilities provided for in the present Convention.

Chapter III - Miscellaneous Provisions

Article 8

In the application of the present Convention, the Annex or Annexes for the time being in force to which a Contracting Party is bound shall be construed to be an integral part of the Convention, and in relation to that Contracting Party any reference to the Convention shall be deemed to include a reference to such Annex or Annexes.

Article 9

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 10

For the purposes 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 11

The provisions of the present Convention shall not preclude the application of 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 12

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 IV - Final Provisions

Article 13

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; provided that where the matter to be considered concerns only one or more Annexes for the time being in force, such request may be made only by a Contracting Party which is bound in respect of such Annex or Annexes. Unless the Contracting Parties concerned 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, provided that only those Contracting Parties which are bound by any Annex for the time being in force shall be entitled to vote on matters concerning that Annex.

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

Article 14

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 13 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 15

1. Any State Member of the Council and any State Member of the United Nations or its specialised 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 Organisations 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. Each State referred to in paragraph 1 or 4 of this Article shall at the time of signing, ratifying or acceding to the present Convention declare the Annex or Annexes in respect of which it shall be bound. It may subsequently declare itself to be bound in respect of one or more further Annexes, by notification given to the Secretary General of the Council.
6. The instruments of ratification or accession shall be deposited with the Secretary General of the Council.

Article 16

1. The present Convention shall enter into force in relation to any Annex thereto three months after five of the States referred to in paragraph 1 of Article 15 thereof have signed the Convention without reservation of ratification or have deposited their instruments of ratification or accession and have declared themselves to be bound in respect of that Annex.

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 and have declared themselves to be bound in respect of the same Annex or Annexes, the present Convention shall enter into force, in relation to such Annex or Annexes, three months after the said State has deposited its instrument of ratification or accession together with a declaration that it will be bound in respect of such Annex or Annexes.

3. For any State which after signing the present Convention without reservation of ratification, or having ratified or acceded to it, declares itself to be bound in respect of any further Annex after five States have declared themselves to be bound in respect of that Annex, the present Convention shall enter into force in relation to such Annex three months after the said State has declared itself to be so bound.

Article 17

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 16 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.

4. The provisions of paragraphs 2 and 3 of this Article shall also apply in respect of the Annexes to the present Convention, any Contracting Party being entitled, at any time after the date of their entry into force under Article 16 thereof, to declare that it is no longer bound in respect of one or more Annexes. Any Contracting Party which denounces all the Annexes in respect of which it was bound shall be deemed to have denounced the Convention.

Article 18

1. The Contracting Parties meeting in conformity with Article 13 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, to the CONTRACTING PARTIES to GATT, and to UNESCO.

3. Within a period of six months from the date on which the recommended amendment is so communicated, any Contracting Party or, in the case of an amendment concerning only an Annex for the time being in force any Contracting Party bound in respect of that Annex 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 sixmonth 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 a 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.

10. Any State which, after signing the present Convention without reservation of ratification or having ratified or acceded to it, declares itself to be bound in respect of any further Annex shall be deemed to have accepted any amendments thereto which have entered into force at the date of its notification to the Secretary General of the Council.

Article 19

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 17 of the present Convention, that the territory in question will no longer apply the Convention.

Article 20

No reservation to the present Convention shall be permitted.

Article 21

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

- (a) signatures, ratifications, accessions and declarations under Article 15 of the present Convention ;
- (b) the date of entry into force of the present Convention and of each of the Annexes in accordance with Article 16 ;
- (c) denunciations and declarations under Article 17 ;
- (d) any amendment deemed to have been accepted in accordance with Article 18 and the date of its entry into force ;
- (e) declarations and notifications received in accordance with Article 19.

Article 22

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 15, paragraph 1, of the present Convention.

Annex A - Equipment for the Press or for Sound or Television Broadcasting

I. - Definition and Conditions

1. Definition

For the purposes of the present Annex the term "equipment for the press or for sound or television broadcasting" means equipment necessary for representatives of the press or of broadcasting or television organisations visiting a country for purposes of reporting or in order to transmit or record material for specified programmes.

2. Conditions of grant of temporary admission

The equipment:

- (a) shall be owned by a natural person resident abroad or by a legal person established abroad;
- (b) shall be imported by a natural person resident abroad or by a legal person established abroad;
- (c) shall be capable of identification on re-exportation ; provided that in the case of blank sound or image recording media the most flexible means of identification shall be applied;
- (d) shall be used solely by or under the personal supervision of the visiting person;
- (e) shall not be the subject of a hire contract or similar arrangement to which a person resident or established in the country of temporary importation is a party, provided that this condition shall not apply in the case of joint sound or television broadcasting programmes.

II. - Illustrative List

A. Equipment for the press, such as

Typewriters;

Photographic or cinematographic cameras;

Sound or image transmitting, recording or reproducing apparatus;

Blank sound or image recording media.

B. Sound broadcasting equipment, such as :

Transmission and communication apparatus;

Sound recording or reproducing apparatus;

Testing and measuring instruments and apparatus;

Operational accessories (clocks, stop-watches, compasses, generating sets, transformers, batteries and accumulators, heating and ventilating apparatus, etc.);

Blank sound recording media.

C. Television broadcasting equipment, such as :

Television cameras;

Telecinema;

Testing and measuring instruments and apparatus;

Transmission and retransmission apparatus;

Communication apparatus;

Sound or image recording or reproducing apparatus Lighting equipment;

Operational accessories (clocks, stop-watches, compasses, generating sets, transformers, batteries and accumulators, heating and ventilating apparatus, etc.);

Blank sound or image recording media;

Film "rushes" ;

Musical instruments, costumes, scenery, and other stage properties.

D. Vehicles designed or specially adapted for the purposes specified above.

Annex B - Cinematographic Equipment

I. - Definition and Conditions

1. Definition

For the purposes of the present Annex, the term "cinematographic equipment" means equipment necessary for a person visiting a country in order to make a specified film or films.

2. Conditions of grant of temporary admission

The equipment:

- (a) shall be owned by a natural person resident abroad or by a legal person established abroad;
- (b) shall be imported by a natural person resident abroad or by a legal person established abroad;
- (c) shall be capable of identification on re-exportation ; provided that in the case of blank image or sound recording media the most flexible means of identification shall be applied;
- (d) shall be used solely by or under the personal supervision of the visiting person, provided that this condition shall not apply in the case of equipment imported for the production of a film under a co-production contract to which a person resident or established in the country of temporary importation is a party and which is approved by the competent authorities of that country under an inter-governmental agreement concerning cinematographic co-production;
- (e) shall not be the subject of a hire contract or similar arrangement to which a person resident or established in the country of temporary importation is a party.

II. - Illustrative List

A. Equipment, such as :

Cameras of all kinds;
Testing and measuring instruments and apparatus;
Camera "dollies" and booms;
Lighting equipment;
Sound recording or reproducing apparatus;
Blank image or sound recording media;
Film "rushes" ;
Operational accessories (clocks, stop-watches, compasses, generating sets, transformers, batteries and accumulators, heating and ventilating apparatus, etc.);
Musical instruments, costumes, scenery, and other stage properties.
B. Vehicles designed or specially adapted for the purposes specified above.

Annex C - Other Professional Equipment

I. - Definition and Conditions

1. Definition

For the purposes of the present Annex the term "other professional equipment" means equipment, of a kind not referred to in the other Annexes to the present Convention, necessary for the exercise of the calling, trade or profession of a person visiting a country to perform a specified task. It does not include equipment which is to be used for internal transport or for the industrial manufacture or packaging of goods or (except in the case of hand-tools) for the exploitation of natural resources, for the construction, repair or maintenance of buildings or for earth moving and like projects.

2. Conditions of grant of temporary admission

The equipment:

(a) shall be owned by a natural person resident abroad or by a legal person established abroad;

(b) shall be imported by a natural person resident abroad or by a legal person established abroad;

(c) shall be capable of identification on re-exportation ;

(d) shall be used solely by or under the personal supervision of the visiting person.

II. - Illustrative List

A. Equipment for erection, testing, commissioning, checking, control, maintenance or repair of machinery, plant, means of transport, etc., such as:

Tools;

Measuring, checking or testing equipment and instruments (temperature, pressure, distance, height, surface, speed, etc.) including electrical instruments (voltmeters, ammeters, measuring cables, comparators, transformers, recording instruments, etc.) and jigs;

Apparatus and equipment for taking photographs of machines and plant during or after erection;

Apparatus for survey of ships.

B. Equipment necessary for businessmen, business efficiency consultants, productivity experts, accountants and members of similar professions, such as:

Typewriters;

Sound transmitting, recording or reproducing apparatus;

Calculating instruments and apparatus.

C. Equipment necessary for experts undertaking topographical surveys or geophysical prospecting work, such as:

Measuring instruments and apparatus;

Drilling equipment;

Transmission and communication equipment.

D. Instruments and apparatus necessary for doctors, surgeons, veterinary surgeons, midwives and members of similar professions.

E. Equipment necessary for archeologists, paleontologists, geographers, zoologists and other scientists.

F. Equipment necessary for entertainers, theatre companies and orchestras, including all articles used for public or private performances (musical instruments, costumes, scenery, animals, etc.).

G. Equipment necessary for lecturers to illustrate their lectures.

H. Vehicles designed or specially adapted for the purposes specified above, such as mobile inspection units, travelling workshops and travelling laboratories.