

Preamble

The Governments signatory to the present Convention,

Meeting under the auspices of the Customs Co-operation Council and of the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade,

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

Desiring to facilitate international trade,

Convinced that the adoption of general rules on the temporary duty-free importation of packings would afford considerable advantages to international trade,

Have agreed as follows:

## **Chapter I - Definitions**

### **Article 1**

For the purposes of the present Convention:

(a) the term "packings" includes all articles used, or to be used, as packing in the State in which they are imported; it includes, in particular:

(i) holders used, or to be used, as external or internal coverings for goods,

(ii) holders on which goods are, or are to be, rolled, wound, or attached;

it excludes packing materials such as straw, paper, glass-wool and shavings, when imported in bulk;

it also excludes transport equipment, in particular "containers" as defined in Article 1 (b) of the Customs Convention on Containers done at Geneva on 18 May 1956;

(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 "filled", as applied to packings, means used in conjunction with other goods;

(e) the term "contained goods" means goods with which packings are filled;

(f) the term "person" shall mean both natural and legal persons.

## **Chapter II - Scope**

### **Article 2**

Temporary admission shall be granted to packings provided that they are identifiable at re-exportation, and that :

(a) if imported filled, they are declared as being for re-exportation empty or filled;

(b) if imported empty, they are declared as being for re-exportation filled; such re-exportation to be effected by the person to whom the temporary admission facilities are granted.

### **Article 3**

The present Convention does not modify the legislation of Contracting Parties regarding the assessment of import duties on contained goods.

## **Chapter III - Special Provisions**

### **Article 4**

Each Contracting Party undertakes wherever it deems it possible to dispense with the requirement of security in favour of an undertaking to re-export the packings in question.

## **Article 5**

Packings, granted temporary admission shall be re-exported within six months from the date of importation in the case of packings imported filled and within three months from that date in the case of packings imported empty. These periods may be extended for valid reasons by the Customs authorities of the country of importation within the limits laid down by the legislation of that country.

## **Article 6**

Packings granted temporary admission may be re-exported in one or several consignments, to any country, through any Customs office open to such operations, and such re-exportation shall not be confined to the Customs office of importation.

## **Article 7**

Packings granted temporary admission shall not, even occasionally, be used within the country of importation except for the purpose of exportation of goods. In the case of packings imported filled, this restriction shall apply only as from the time when the packings have been emptied.

## **Article 8**

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

(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. When packings temporarily Imported 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.

## **Chapter IV - Miscellaneous Provisions**

### **Article 9**

Any breach of the provisions of the present Convention, any substitution, false declaration or act having the effect of causing a person or an article 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 of that country and to payment of any import duties chargeable.

### **Article 10**

The provisions of the present Convention shall not preclude the application of restrictions and controls imposed under national regulations on grounds of public morality, public security, hygiene or public health, or for veterinary or phytopathological considerations.

### **Article 11**

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 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.

## **Chapter V - 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 Customs Cooperation Council at the request of any Contracting Party and, unless the Contracting Parties otherwise decide, shall be held at the Headquarters of the Customs Cooperation Council. The Contracting Parties shall lay down the rules of procedure for such meetings.
3. 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 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, who 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. The Government of any Member of the Customs Co-operation Council and of any 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 ratifying it after signing it subject to ratification; or
- (c) by acceding to it.

2. The present Convention shall be open until 31st March, 1961 for signature in Brussels at the Headquarters of the Customs Co-operation Council by the Governments of 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. The Government of any State, not being a Member of the Organizations referred to in paragraph 1 of this Article, to whom an invitation to that effect has been addressed by the Secretary General of the Customs Co-operation 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 Customs Co-operation Council.

## **Article 16**

1. The present Convention shall enter into force three months after five of the States referred to in paragraph 1 of Article 15 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 it 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 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 Customs Co-operation Council.
3. The denunciation shall take effect six months after the receipt of the instrument of denunciation by the Secretary General of the Customs Co-operation Council.

## **Article 18**

1. The Contracting Parties may recommend amendments to the present Convention.
2. The text of any amendment so recommended shall be communicated by the Secretary General of the Customs Co-operation Council to all Contracting Parties, to the Governments of all other signatory or acceding States, to the Secretary General of the United Nations and to the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade.
3. Any recommended amendment communicated in accordance with the provisions of the preceding paragraph shall be deemed to be accepted if no Contracting Party has notified its objection to such amendment within six months of the date on which the Secretary General of the Customs Co-operation Council has communicated the amendment.
4. The Secretary General of the Customs Co-operation Council shall inform all Contracting Parties if an objection has been notified against a proposed amendment and should there have been no objection the amendment shall enter into force for all Contracting Parties three months after the expiry of the six months referred to in the preceding paragraph.
5. The Secretary General of the Customs Co-operation Council shall notify all Contracting Parties, the other signatory or acceding States, the Secretary General of the United Nations and the CONTRACTING PARTIES to the

General Agreement on Tariffs and Trade of accepted amendments or amendments deemed to have been accepted.

6. Any Government 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 19**

1. Any Government 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 Customs Co-operation 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 but not before the Convention has entered into force for the Government concerned.

2. Any Government 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 Customs Co-operation 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**

1. Any Contracting Party may, at the time of signing, ratifying or acceding to the present Convention, declare that it considers itself bound by Article 2 of the Convention only in relation to packings other than those imported on purchase, hire purchase or under any similar contract, by a person established or resident in its territory.

2. 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 Customs Co-operation Council.

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

## **Article 21**

The Secretary General of the Customs Co-operation Council shall notify all signatory and acceding States, the Secretary General of the United Nations and the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade of:

- (a) signatures, ratifications and accessions under Article 15;
- (b) the date of entry into force of the present Convention in accordance with Article 16;
- (c) denunciations under Article 17;
- (d) the entry into force of any amendment in accordance with Article 18;
- (e) notifications received in accordance with Article 19;
- (f) declarations and notifications received in accordance with paragraphs 1 and 2 of Article 20.

## **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 Customs Co-operation Council.

- (i) IN WITNESS WHEREOF the undersigned plenipotentiaries have signed the present Convention.
- (ii) DONE at Brussels this sixth day of October nineteen hundred and sixty 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 Customs Co-operation Council who shall transmit certified copies to all signatory and acceding States.