

CUSTOMS CONVENTION CONCERNING WELFARE MATERIAL FOR SEAFARERS

PREAMBLE

THE CONTRACTING PARTIES to the present Convention established under the auspices of the Customs Cooperation Council on the initiative of and in consultation with the International Labour Organisation,

DESIRING to promote the welfare of seafarers on ships in international maritime traffic,

CONVINCED that the adoption of uniform Customs provisions to facilitate the transfer of welfare material and its utilisation by seafarers can contribute to this end,

HAVE AGREED as follows:

CHAPTER I DEFINITIONS AND SCOPE

Article 1

For the purposes of the present Convention:

- (a) the term "welfare material" means material for the pursuit of cultural, educational, recreational, religious or sporting activities by seafarers and shall include reading material, audio-visual material, sports gear, hobby material and equipment for religious activities (including vestments), as set out in the list, which is not exhaustive, in the Annex to the present Convention;
- (b) the term "seafarer" means any person carried on board a ship and charged with duties in connection with its working or service at sea;
- (c) the term "welfare establishments" means hostels, clubs or recreation centres for seafarers, managed either by official organisations or by religious or other not-for-profit organisations, and places of worship where services for seafarers are regularly held;
- (d) the term "import duties and taxes" means Customs duties and all other duties, taxes, fees or other charges which are collected on or in connection with the importation of goods, but not including fees and charges which are limited in amount to the approximate cost of services rendered;
- (e) the term "ratification" means ratification, acceptance or approval;

(f) the term "the Council" means the Organisation set up by the Convention establishing a Customs Cooperation Council, done at Brussels on 15 December 1950.[\[1\]](#)

Article 2

This Convention shall apply to the importation into the territory of a Contracting Party of welfare material for the use of seafarers on foreign ships engaged in international maritime traffic.

CHAPTER II

FACILITIES FOR WELFARE MATERIAL USED OR INTENDED TO BE USED ON BOARD SHIP

Article 3

1. The Contracting Parties undertake to grant to welfare material in the circumstances set out in Article 4, and subject to re-exportation, conditional relief from:

- (a) import duties and taxes,
- (b) all prohibitions or restrictions other than those enforced under regulations concerning public morality or security, public hygiene or health, or based on veterinary or phytopathological considerations.

2. These facilities shall be granted by the Contracting Parties under procedures involving the minimum of formalities and delay.

3. The application of provisions relating to prohibitions and restrictions imposed for the purposes of protection of public morality shall not hinder the speed of transfer of welfare material in the cases referred to in paragraphs

- (a), (b) and (c) of Article 4.

Article 4

The facilities provided for in Article 3 shall apply to welfare material which is:

- (a) imported into the territory of a Contracting Party for delivery to and use on board a foreign ship engaged in international maritime traffic, lying in a port in that territory;
- (b) taken off a ship for delivery to and use on board a foreign ship engaged in international maritime traffic lying in the same port or in another port in the same territory;
- (c) taken off a ship for re-exportation;
- (d) intended for repair;

(e) awaiting disposal in accordance with paragraph (a), (b) or (c) of this Article;

(f) landed from a ship for temporary use ashore by the crew for a period not exceeding the ship's stay in port.

CHAPTER III

FACILITIES FOR WELFARE MATERIAL FOR USE IN WELFARE ESTABLISHMENTS

Article 5

The facilities provided for in Article 3 shall be extended to welfare material temporarily imported for a period not exceeding six months for use in welfare establishments, subject to the minimum formalities necessary for control.

CHAPTER IV

MISCELLANEOUS

Article 6

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 7

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 8

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 and taxes chargeable.

Article 9

The Annex to the present Convention shall be construed to be an integral part of the Convention.

CHAPTER V

FINAL PROVISIONS

Article 10

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 11

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 10 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 12

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;^[2] or

(c) by acceding to it.

2. The present Convention shall be open until 30 September 1965, 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. 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.

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

Article 13

1. The present Convention shall enter into force three months after five of the States referred to in paragraph 1 of Article 12 thereof have signed it without reservation of ratification or have deposited their instruments of ratification or accession.[\[3\]](#)

2. For any State signing without reservation of ratification, 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 signed without reservation of ratification or deposited its instrument of ratification or accession.[\[4\]](#)

Article 14

1. The present Convention is of unlimited duration. However, any Contracting Party may denounce it at any time after the date of its entry into force under Article 13 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 15

1. The Contracting Parties meeting in conformity with Article 10 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 States, to the Secretary General of the United Nations and to the Director-General of the International Labour Office.

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, if 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 or 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 paragraph 3 or 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 and other signatory States 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 and other signatory States 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 16

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. Such notification shall take effect three months after the date of the receipt thereof by the Secretary General of the Council provided, however, that the Convention shall not apply to the territories named in the notification before the Convention has entered into force for the State concerned.

2. Any State which has made a notification 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 14 of the present Convention, that the territory in question will no longer apply the Convention.

Article 17

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 5. Such notification shall take effect three months after the date of its receipt by the Secretary General.

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 Council.

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

Article 18

The Secretary General of the Council shall notify all Contracting Parties, the other signatory States, the Secretary General of the United Nations and the Director General of the International Labour Office, of:

- (a) signatures, ratifications and accessions under Article 12 of the present Convention;
- (b) the date of entry into force of the present Convention in accordance with Article 13;
- (c) denunciations under Article 14;
- (d) any amendment deemed to have been accepted in accordance with Article 15 and the date of its entry into force;
- (e) notifications received in accordance with Article 16;
- (f) declarations and notifications made in accordance with Article 17 and the date on which reservations or withdrawals of reservations take effect.

Article 19

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, being duly authorised thereto, have signed the present Convention.

DONE at Brussels this first day of December, nineteen hundred and sixty-four 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 paragraph 1 of Article 12 of the present Convention.

[Signatures not reproduced here.]

ANNEX

ILLUSTRATIVE LIST OF WELFARE MATERIAL

(a) Reading material, such as:

Books;

Correspondence courses;

Newspapers, journals and periodicals;

Pamphlets on welfare facilities in ports.

(b) Audio-visual material, such as:

Sound reproducing instruments;

Tape-recorders;

Radio sets, television sets;

Cinematographic and other projectors;

Recordings on tapes or discs (language courses, radio programs, greetings, music and entertainment);

Films, exposed and developed;

Film slides.

(c) Sports gear, such as:

Sports wear;

Balls;

Racquets and nets;

Deck games;

Athletic equipment;

Gymnastic equipment.

(d) Hobby material, such as:

Indoor games;

Musical instruments;

Material for amateur dramatics;

Materials for painting, sculpture, woodwork and metalwork, etc, and for carpet making.

(e) Equipment for religious activities (including vestments).

(f) Parts and accessories for welfare material.