

CONVENTION ON NOMENCLATURE FOR THE CLASSIFICATION OF GOODS IN CUSTOMS TARIFFS

[\[1\]](#)

THE GOVERNMENTS SIGNATORY TO THE PRESENT CONVENTION,

DESIRING to facilitate international trade,

OBSERVING that the progressive removal of quantitative restrictions results in customs tariffs becoming an increasingly important factor in international trade,

DESIRING to simplify international customs tariff negotiations and to facilitate the comparison of trade statistics so far as the data for such statistics are based on the classification of goods in customs tariffs,

BEING CONVINCED that the adoption of a common basis for the classification of goods in customs tariffs will constitute an important step towards the attainment of these objects,

HAVING TAKEN into consideration the work already accomplished in Brussels in this sphere by the European Customs Union Study Group, and

CONSIDERING that the best way of achieving results in this respect is to conclude an international Convention,

HAVE AGREED as follows:

Article I

For the purpose of the present Convention,

(a) "Nomenclature" means the headings and their relative numbers, the section and chapter notes, and the General Rules for the Interpretation of the Nomenclature, set out in the Annex to this Convention;

(b) "the Convention establishing the Council" means the Convention establishing the Customs Co-operation Council opened for signature in Brussels on 15th December 1950;

(c) "the Council" means the Customs Co-operation Council referred to in paragraph (b) above;

(d) "the Secretary General" means the Secretary General of the Council.

Article II

- (a) Each Contracting Party shall compile its customs tariff in conformity with the Nomenclature, subject to such textual adaptations as may be necessary to give effect to the Nomenclature in its domestic law, and shall apply, in conformity with the Nomenclature, the tariff so compiled as from the date on which the Convention comes into force in respect of it.
- (b) Each Contracting Party undertakes that, as respects its customs tariff,
- (i) it will not omit any of the headings of the Nomenclature nor add any new headings nor depart from any of the numbers of the headings;
 - (ii) it will make no changes in the chapter or section notes in a manner modifying the scope of the chapters, sections and headings as laid down in the Nomenclature; and
 - (iii) it will include the General Rules for the Interpretation of the Nomenclature.
- (c) Nothing in this Article shall prevent any Contracting Party from adopting, in its customs tariff, sub-divisions classifying goods under any of the headings of the Nomenclature.

Article III

- (a) The Council shall supervise the operation of the present Convention with a view to securing uniformity in its interpretation and application.
- (b) To this end, the Council shall establish a Nomenclature Committee on which each Member of the Council to which the present Convention applies shall have the right to be represented.

Article IV

The Nomenclature Committee shall have the following functions which shall be exercised under the authority of the Council and in accordance with any directions which the Council may give:

- (a) to collate and circulate information concerning the application of the Nomenclature in the customs tariffs of the Contracting Parties;
- (b) to study the procedures and practices of the Contracting Parties in relation to the classification of goods for customs purposes and, accordingly, to make recommendations to the Council or to the Contracting Parties to secure uniformity in the interpretation and application of the Nomenclature;
- (c) to prepare explanatory notes as a guide to the interpretation and application of the Nomenclature;

- (d) on its own initiative or on request, to furnish to Contracting Parties information or advice on any matters concerning the classification of goods for customs purposes;
- (e) to submit to the Council proposals for any amendments to the present Convention which it may consider desirable;
- (f) to exercise such other powers and functions of the Council in relation to classification of goods for customs purposes as the Council may delegate to it.

Article V

- (a) The Nomenclature Committee shall meet at least three times a year.
- (b) It shall elect its own Chairman and one or more Vice-Chairmen.
- (c) It shall draw up its own Rules of Procedure by decision taken by not less than two-thirds of its members. The Rules of Procedure so drawn up shall be subject to the approval of the Council.

Article VI

The Annex to the present Convention shall form an integral part thereof, and any reference to the Convention shall be deemed to include a reference to the Annex.

Article VII

The Contracting Parties do not assume by the present Convention any obligation in relation to rates of customs duty.

Article VIII

- (a) The present Convention shall abrogate as between the Contracting Parties all obligations under other international agreements in so far as they are inconsistent with the present Convention.
- (b) The present Convention shall not derogate from the obligations, under any other international agreement, incurred by any Contracting Party before the coming into force of the present Convention in respect of it towards any Government not a party to the present Convention. However, the Contracting Parties shall, as soon as circumstances permit and in any case on the renewal of such prior agreements, arrange to make any necessary amendments thereto in order to bring them into conformity with the provisions of the present Convention.

Article IX

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

(b) Any dispute which is not settled by negotiation shall be referred by the Contracting Parties in dispute to the Nomenclature Committee which shall thereupon consider the dispute, and make recommendations for its settlement.

(c) If the Nomenclature Committee is unable to settle the dispute, it shall refer the matter to the Council which shall make recommendations in conformity with Article III(e) of the Convention establishing the Council.

(d) The Contracting Parties in dispute may agree in advance to accept the recommendations of the Committee or Council as binding.

Article X

The present Convention shall be open for signature until 31st March 1951, by any Government which has signed the Convention establishing the Council.

Article XI

(a) The present Convention shall be subject to ratification.

(b) Instruments of ratification shall be deposited with the Belgian Ministry of Foreign Affairs, which shall notify all signatory and acceding Governments and the Secretary General of each such deposit. However, no Government may deposit its instrument of ratification of the present Convention until it has deposited its instrument of ratification of the Convention establishing the Council.

Article XII

(a) Three months after the date on which the Belgian Ministry of Foreign Affairs has received the instruments of ratification of seven Governments, the present Convention shall come into force in respect of those Governments.

(b) For each signatory Government ratifying after that date, the Convention shall come into force three months after the date of the deposit of its instrument of ratification with the Belgian Ministry of Foreign Affairs.

Article XIII

(a) The Government of any State which is not a signatory to the present Convention, but which has ratified or acceded to the Convention establishing the Council, may accede to the present Convention as from 1st April 1951.

(b) Instruments of accession shall be deposited with the Belgian Ministry of Foreign Affairs, which shall notify all signatory and acceding Governments and the Secretary General of each such deposit.

(c) The present Convention shall come into force for any acceding Government three months after the date of the deposit of its instrument of accession, but not before it comes into force in accordance with paragraph (a) of Article XII.

Article XIV

(a) The present Convention is of unlimited duration but at any time after the expiry of five years from its entry into force under paragraph (a) of Article XII, any Contracting Party may withdraw therefrom. Withdrawal shall take effect one year after the date of receipt by the Belgian Ministry of Foreign Affairs of a notification of withdrawal. The Belgian Ministry of Foreign Affairs shall notify each withdrawal to all signatory and acceding Governments and to the Secretary General.

(b) Any Contracting Party which ceases to be a party to the Convention establishing the Council shall thereupon cease to be a party to the present Convention.

Article XV

(a) Any Government may at the time of its ratification or accession or at any time thereafter, declare by notification given to the Belgian Ministry of Foreign Affairs that the present Convention shall extend to 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 Belgian Ministry of Foreign Affairs but not before the Convention has come into force for the Government concerned.

(b) Any Government which has made a declaration under paragraph (a) above extending the present Convention to any territory for whose international relations it is responsible may by notification given to the Belgian Ministry of Foreign Affairs withdraw in respect of that territory in accordance with the provisions of Article XIV.

(c) The Belgian Ministry of Foreign Affairs shall inform all signatory and acceding Governments and the Secretary General of any notification received by it under this Article.

Article XVI

- (a) The Council may recommend amendments to the present Convention to the Contracting Parties.
- (b) The text of any amendments so recommended shall be communicated by the Belgian Ministry of Foreign Affairs to all Contracting Parties and to the Governments of all other signatory or acceding States.
- (c) Any recommended amendment communicated in accordance with the provisions of paragraph (b) of this Article 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 Belgian Ministry of Foreign Affairs has communicated such amendment.
- (d) The Belgian Ministry of Foreign Affairs shall inform all Contracting Parties and the Secretary General of the Council if an objection has been notified against a recommended amendment. Should there have been no objection, the amendment shall come into force for all Contracting Parties six months after the expiry of the period referred to in paragraph (c) of this Article, and as regards amendments to the Nomenclature in particular, the national tariffs of the Contracting Parties shall be brought into agreement with the amended Nomenclature by that date.
- (e) The Belgian Ministry of Foreign Affairs shall notify all Contracting Parties, other signatory or acceding States and the Secretary General of the Council of accepted amendments or amendments deemed to have been accepted.
- (f) 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 the deposit of its instrument of ratification or accession.

IN WITNESS WHEREOF the undersigned, having been duly authorised thereto by their respective Governments, have signed the present Convention.

DONE at Brussels on the fifteenth day of December, nineteen hundred and fifty (December 15th, 1950) in the English and French languages, both texts being equally authentic, in a single original, which shall be deposited in the archives of the Government of Belgium which shall transmit certified copies thereof to each signatory and acceding Government.

[Signatures not reproduced here.]

ANNEX

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Replaced, before entry into force, by the Annex to the Protocol of 1 July 1955, pursuant to Article 1 thereof.

**PROTOCOL OF AMENDMENT TO THE CONVENTION ON
NOMENCLATURE FOR THE CLASSIFICATION OF GOODS IN
CUSTOMS TARIFFS OF 15 DECEMBER 1950**

The Governments signatory to the Convention on Nomenclature for the Classification of Goods in Customs Tariffs signed in Brussels on 15th December 1950, and the Government of the Republic of Turkey which acceded to that Convention,

CONSIDERING that it is advisable to modify the Annex to the said Convention, and to eliminate certain discrepancies between the English and the French texts thereof,

CONSIDERING that the said Convention has not yet come into force,

HAVE AGREED as follows:

Article 1

The Annex referred to in Article VI of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs, signed in Brussels on 15th December 1950 (hereinafter referred to as "the Convention") shall be replaced by the Annex attached hereto.

Article 2

The present Protocol shall be open for signature until 31st December 1955 by any Government which has signed the Convention, and by the Government of the Republic of Turkey.

Article 3

A. The present Protocol shall be subject to ratification.

B. The instruments of ratification shall be deposited with the Belgian Ministry of Foreign Affairs, which shall notify all signatory and acceding Governments and the Secretary General of the Customs Co-operation Council of each such deposit. However, no Government may deposit its instrument of ratification of

the present Protocol unless it has previously deposited or deposits at the same time its instrument of ratification of, or of accession to, the Convention.

Article 4

A. The Convention and the present Protocol shall come into force simultaneously.

B. Three months after the date on which the Belgian Ministry of Foreign Affairs has received, in respect of the present Protocol, the instruments of ratification of seven Governments signatory to the Convention and to the present Protocol, the Convention and the present Protocol shall come into force in respect of those Governments.[\[2\]](#)

An instrument of ratification of the present Protocol by the Government of the Republic of Turkey shall be considered as such an instrument as aforesaid should the case arise.

C. For each Government signatory to the present Protocol depositing its instrument of ratification after that date, the Convention and the present Protocol shall come into force three months after the date of deposit of such instrument of ratification with the Belgian Ministry of Foreign Affairs.

Article 5

A. The Government of any State which is not a signatory to the present Protocol, but which has ratified or acceded to the Convention, may accede to the present Protocol as from 1st January 1956.

B. Instruments of accession shall be deposited with the Belgian Ministry of Foreign Affairs, which shall notify all signatory and acceding Governments and the Secretary General of each such deposit.[\[3\]](#)

C. The Convention and the present Protocol shall come into force for any acceding Government three months after the date of deposit of its instrument of accession to the present Protocol, but not before it comes into force in accordance with paragraph B of Article 4 of the present Protocol.[\[4\]](#)

Article 6

Articles XII and XIII(c) of the Convention are rescinded.

Article 7

The present Protocol and its Annex form an integral part of the Convention and, inter alia, the provisions of Articles XIV and XV of the Convention shall apply to the present Protocol.

IN WITNESS WHEREOF the undersigned, having been duly authorised thereto by their respective Governments, have signed the present Protocol. **DONE** at Brussels on the 1st July 1955, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of Belgium which shall transmit certified copies thereof to each signatory and acceding Government.

[Signatures not reproduced here.]

ANNEX

**NOMENCLATURE FOR THE CLASSIFICATION OF GOODS IN CUSTOMS
TARIFFS 1955**

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[\[1\]](#) As amended by Amendments to Article XVI of 16 June 1960 which entered into force generally 30 September 1965.

[\[2\]](#) The Convention and Protocol entered into force generally 11 September 1959.

[\[3\]](#) Instrument of accession to the Convention and Protocol deposited for Australia 18 April 1973.

[\[4\]](#) The Convention and Protocol entered into force for Australia 18 July 1973.