

Customs Convention on the Temporary Importation of Scientific Equipment

PREAMBLE

The Contracting Parties to the present Convention, established under the auspices of the Customs Co-operation Council in consultation with the United Nations Educational, Scientific and Cultural Organization (UNESCO),

Considering that the development of scientific research and education is vitally important to economic and social progress,

Convinced that the adoption of general facilities for the temporary duty and tax-free importation of equipment for scientific research or for education can make an effective contribution to that end,

Have agree as follows:

CHAPTER I DEFINITIONS

ARTICLE 1

For the purposes of this Convention:

- (a) the term "scientific equipment" means instruments, apparatus, machines or accessories therefor used for purposes of scientific research or education;
- (b) 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;
- (c) the term "temporary admission" means temporary importation free of import duties and taxes and free of import prohibitions and restrictions, subject to re-exportation;
- (d) the term "approved institutions" means public or private scientific or educational institutions whose aims are essentially non-profit making and which have been approved by the competent authorities of the importing country for the purpose of receiving scientific equipment on temporary admission;
- (e) the term "ratification" means ratification, acceptance or approval;
- (f) the term "the Council" means the Organization set up by the Convention establishing a Customs Co-

operation Council, done at Brussels on 15th December, 1950.

CHAPTER II

SCOPE

ARTICLE 2

Each Contracting Party undertakes to grant temporary admission to:

- (a) scientific equipment which is to be used within its territory solely for purposes of scientific research or education;
- (b) spare parts for scientific equipment which has been granted temporary admission under paragraph (a) of this Article;
- (c) tools specially designed for the maintenance, checking, gauging or repair of scientific equipment which is used within its territory solely for purposes of scientific research or education.

ARTICLE 3

Temporary admission of the scientific equipment, spare parts and tools may be made subject to the following conditions:

- (a) that they are imported by approved institutions and used under their control and responsibility;
- (b) that they are used for non-commercial purposes within the country of importation;
- (c) that they are imported in reasonable quantities having regard to the purpose of the importation;
- (d) that they are capable of identification on re-exportation;
- (e) that while they are in the country of importation they remain in the ownership of a natural person resident abroad or a legal person established abroad.

ARTICLE 4

Each Contracting Party may suspend, in whole or in part, the undertakings given under this Convention where goods of equivalent scientific value to the scientific equipment or spare parts whose temporary admission is sought are produced and available in the country of importation.

CHAPTER III

SPECIAL PROVISIONS

ARTICLE 5

Each Contracting Party undertakes wherever it deems it possible not to require security for the amount of import duties and taxes, but to be satisfied with a written undertaking. Such undertaking may be required for each importation or on a general basis for a specified period or, where applicable, for the period of approval of the institution.

ARTICLE 6

1. Scientific equipment granted temporary admission shall be re-exported within six months from the date of importation. However, the Customs authorities of the country of temporary importation may require re-exportation within a shorter period considered sufficient to achieve the object of temporary importation.

2. For valid reasons, the Customs authorities may either grant a longer period or extend the initial period.

3. When all or part of the scientific 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

Scientific equipment granted temporary admission may be re-exported in one or several consignments, through any Customs office open for such operations, and not necessarily through the Customs office of importation.

ARTICLE 8

Scientific equipment 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 laid down by the laws and regulations of the country of temporary importation.

ARTICLE 9

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

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

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

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

ARTICLE 10

The provisions laid down in Article 9 above shall also apply to parts which have been replaced as a result of repairs or alterations undergone by the scientific equipment while in the country of temporary importation.

ARTICLE 11

The provisions of Articles 6, 7, 8 and 9 shall also apply to the spare parts and tools referred to in Article 2.

CHAPTER IV MISCELLANEOUS PROVISIONS

ARTICLE 12

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

2. Customs examination and clearance on the importation and re-exportation of scientific equipment shall, whenever possible and appropriate, be effected at the place of use of the equipment.

ARTICLE 13

The provisions of this 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 by virtue of bilateral or multilateral agreements.

ARTICLE 14

For the purpose of this Convention, the territories of Contracting Parties which form a Customs or

economic union may be taken to be a single territory.

ARTICLE 15

The provisions of this 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 relating to the protection of patents and trade marks.

ARTICLE 16

Any breach of the provisions of this Convention, any substitution, false declaration or act having the effect of causing a person (natural or legal) or equipment improperly to benefit from the facilities provided for in this 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.

CHAPTER V FINAL PROVISIONS

ARTICLE 17

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 18

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 17 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 19

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 30th June 1969, 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 in force.
4. The instruments of ratification or accession shall be deposited with the Secretary General of the Council.

ARTICLE 20

1. The present Convention shall enter into force three months after five of the States referred to in paragraph 1 of Article 19 thereof have signed it without reservation of ratification or have deposited their

instruments of ratification or accession.

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.

ARTICLE 21

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 20 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 22

1. The Contracting Parties meeting in conformity with Article 17 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 United Nations Educational, Scientific and Cultural Organization (UNESCO).

3. Within a period of six months from the date on which the recommended amendment it 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 state in accordance with the terms of paragraph 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:

a) 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;

b) 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 and 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 23

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 or for which it assumes international responsibility. 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 by any territory for whose international relations it is responsible or for which it assumes international responsibility may notify the Secretary General of the Council, in accordance with the provisions of Article 21 of the present Convention, that the territory in question will no longer apply the Convention.

ARTICLE 24

No reservation to this Convention shall be permitted.

ARTICLE 25

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 United Nations Educational, Scientific and Cultural Organization (UNESCO), of:

- (a) signatures, ratifications and accessions under Article 19 of the present Convention;
- (b) the date of entry into force of the present Convention in accordance with Article 20;
- (c) denunciations under Article 21;
- (d) any amendment deemed to have been accepted in accordance with Article 22 and the date of its entry into force;
- (e) notifications received in accordance with Article 23.

ARTICLE 26

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 eleventh day of June, nineteen hundred and sixty-eight, 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 19 of the present Convention.