

No. 5377

**BELGIUM, DENMARK, FRANCE,
FEDERAL REPUBLIC OF GERMANY, GREECE, etc.**

**Agreement on the temporary importation, free of duty, of
medical, surgical and laboratory equipment for use on
free loan in hospitals and other medical institutions
for purposes of diagnosis or treatment. Done at Stras-
bourg, on 28 April 1960**

Official texts: English and French.

*Registered on 1 October 1960 by the Council of Europe acting on behalf of the
Contracting Parties, in accordance with resolution (54) 6 of the Committee
of Ministers of the Council of Europe adopted on 3 April 1954.*

**BELGIQUE, DANEMARK, FRANCE,
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, GRÈCE, etc.**

**Accord pour l'importation temporaire en franchise de
douane, à titre de prêt gratuit et à des fins diagnostiques
ou thérapeutiques, de matériel médico-chirurgical et de
laboratoire destiné aux établissements sanitaires. Fait
à Strasbourg, le 28 avril 1960**

Textes officiels anglais et français.

*Enregistré le 1^{er} octobre 1960 par le Conseil de l'Europe agissant au nom des Parties
contractantes, conformément à la résolution (54) 6 du Comité des Ministres
du Conseil de l'Europe, adoptée le 3 avril 1954.*

No. 5377. AGREEMENT¹ ON THE TEMPORARY IMPORTATION, FREE OF DUTY, OF MEDICAL, SURGICAL AND LABORATORY EQUIPMENT FOR USE ON FREE LOAN IN HOSPITALS AND OTHER MEDICAL INSTITUTIONS FOR PURPOSES OF DIAGNOSIS OR TREATMENT. DONE AT STRASBOURG, ON 28 APRIL 1960

The Governments signatory hereto, being Members of the Council of Europe,

Considering that a State may in exceptional circumstances find itself suddenly to be without sufficient stocks of medical, surgical and laboratory equipment to satisfy the most urgent requirements of the population;

Considering that it is desirable to facilitate the crossing of frontiers for medical, surgical and laboratory equipment which one Member State may be able to make available to another;

Considering, further, that the aim of the Council of Europe is to achieve a greater unity between its Members and to facilitate their economic and social progress by various means including the conclusion of European agreements;

Recognising that a practical way of achieving that aim would be the conclusion of an agreement providing for the free passage of medical, surgical and laboratory equipment on loan,

Have agreed as follows :

Article 1

1. The Contracting Parties shall, provided that they have sufficient stocks for their own needs, make medical, surgical and laboratory equipment available on free loan to such other Contracting Parties as may, in exceptional circumstances, have urgent need of it; such equipment shall, upon request, be sent to the Party concerned and shall subsequently be returned.

2. Each Contracting Party benefiting under the terms of the previous paragraph shall grant all possible facilities for the importation on a temporary basis of the equipment loaned.

¹ In accordance with article 6, the Agreement came into force on the dates indicated below in respect of the following States which had signed the Agreement without reservation in respect of ratification :

<i>States</i>	<i>Date of signature</i>	<i>Date of entry into force</i>
France	28 April 1960	29 July 1960
Ireland	28 April 1960	29 July 1960
Norway	28 April 1960	29 July 1960
United Kingdom of Great Britain and Northern Ireland	28 April 1960	29 July 1960
Belgium	8 June 1960	9 September 1960

Article 2

1. The period of temporary importation shall not exceed six months in the first instance but may, with the agreement of the exporting country, be extended for a further period subject to the same conditions.
2. The above facilities shall be granted only in respect of medical, surgical and laboratory equipment for use in hospitals and other medical institutions. They shall include the issue of any licences required for the temporary importation of such equipment and the suspension of import duties and import taxes (including all duties and taxes whatsoever chargeable by reason of importation) other than charges for actual expenses incurred by the authorities of the country of temporary importation.

Article 3

Notwithstanding the provisions of Articles 1 and 2 above, the competent authorities of the importing State may take such measures as may be necessary either to ensure the re-exportation of any such equipment imported on a temporary basis, once the exceptional circumstances shall have ceased to exist or the time-limit provided for under paragraph 1 of Article 2 above has elapsed, whichever is the earlier, or to ensure payment of any import duties and import taxes which become payable in the case of any failure to re-export the equipment.

Article 4

The provisions of this Agreement shall not prejudice more favourable provisions for the temporary importation of the equipment referred to in Article 1, contained in the laws or regulations of any Contracting Party or in any Convention, Treaty or Agreement in force between two or more Contracting Parties to the present Agreement.

Article 5

1. This Agreement shall be open to the signature of Members of the Council of Europe, who may become Parties to it by :
 - (a) signature without reservation in respect of ratification, or
 - (b) signature with reservation in respect of ratification, followed by ratification.
2. Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.

Article 6

1. This Agreement shall enter into force three months after the date on which three Members of the Council shall, in accordance with Article 5, have signed the Agreement without reservation in respect of ratification or shall have ratified it.

2. In the case of any Member of the Council who subsequently shall sign the Agreement without reservation in respect of ratification or who shall ratify it, the Agreement shall enter into force three months after the date of such signature or of the deposit of the instrument of ratification.

Article 7

The Committee of Ministers of the Council of Europe may invite any non-Member State to accede to this Agreement. Such accession shall take effect three months after the date on which the instrument of accession was deposited with the Secretary-General of the Council of Europe.

Article 8

The Secretary-General of the Council of Europe shall notify Members of the Council and acceding States :

- (a) of the date of entry into force of this Agreement and the names of any Members who have signed without reservation in respect of ratification or who have ratified it;
- (b) of the deposit of any instrument of accession in accordance with Article 7.

Article 9

1. This Agreement shall remain in force indefinitely.
2. Any Contracting Party may withdraw from the Agreement by giving one year's notice to that effect to the Secretary-General of the Council of Europe.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Agreement.

DONE at Strasbourg, this 28th day of April 1960, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General shall send certified copies to each of the signatory and acceding Governments.

For the Government
of the Republic of Austria :

Pour le Gouvernement
de la République d'Autriche :

For the Government
of the Kingdom of Belgium :

Pour le Gouvernement
du Royaume de Belgique :

Strasbourg, le 8 juin 1960
Jean SALMON

For the Government
of the Kingdom of Denmark :

Pour le Gouvernement
du Royaume de Danemark :

with reservation
in respect of ratification

sous réserve
de ratification

J. O. KRAG

For the Government
of the French Republic :

Pour le Gouvernement
de la République française :

LECOMPTE BOINET

For the Government
of the Federal Republic of Germany :

Pour le Gouvernement
de la République fédérale d'Allemagne:

with reservation
in respect of ratification

sous réserve
de ratification

Dr. Hans Joachim VON MERKATZ

For the Government
of the Kingdom of Greece :

Pour le Gouvernement
du Royaume de Grèce :

with reservation
in respect of ratification

sous réserve
de ratification

CAMBALOURIS

For the Government
of the Icelandic Republic :

Pour le Gouvernement
de la République islandaise :

For the Government
of Ireland :

Pour le Gouvernement
d'Irlande :

Thomas WOODS

For the Government
of the Italian Republic :¹

Pour le Gouvernement
de la République italienne¹ :

sous réserve de ratification²
BOMBASSEI DE VETTOR

For the Government
of the Grand Duchy of Luxembourg :

Pour le Gouvernement
du Grand-Duché de Luxembourg :

sous réserve de ratification²
Pierre WURTH

For the Government
of the Kingdom of the Netherlands :

Pour le Gouvernement
du Royaume des Pays-Bas :

For the Government
of the Kingdom of Norway :

Pour le Gouvernement
du Royaume de Norvège :

Hans ENGEN

¹ Au moment de la signature, le délégué de l'Italie a fait la déclaration d'interprétation suivante :
« De l'avis du Gouvernement italien, les facilités prévues aux articles 1^{er} et 2 du présent Accord ne s'appliqueront pas au matériel destiné à la consommation. »

At the time of signature, the delegate of Italy made the following declaration of interpretation :
[Translation by the Secretariat General of the Council of Europe — Traduction du Secrétariat Général du Conseil de l'Europe] The Italian Government are of opinion that the facilities to be granted under articles 1 and 2 of this Agreement shall not apply to expendable equipment.

² Subject to ratification.

For the Government
of the Kingdom of Sweden :

Pour le Gouvernement
du Royaume de Suède :

sous réserve de ratification¹

Leif BELFRAGE

For the Government
of the Turkish Republic :

Pour le Gouvernement
de la République turque :

with reservation
in respect of ratification

sous réserve
de ratification

For the Government
of the United Kingdom of Great
Britain and Northern Ireland :

Pour le Gouvernement
du Royaume-Uni de Grande-
Bretagne et d'Irlande du Nord :

John H. PECK

¹ Subject to ratification,