

**No. 5503**

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

**Customs Convention concerning spare parts used for repairing  
EUROP wagons. Done at Geneva, on 15 January  
1958**

*Official text: French.*

*Registered ex officio on 1 January 1961.*

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

**Convention douanière relative aux pièces de rechange uti-  
lisées pour la réparation des wagons EUROP. Faite  
à Genève, le 15 janvier 1958**

*Texte officiel français.*

*Enregistrée d'office le 1<sup>er</sup> janvier 1961.*

[TRANSLATION — TRADUCTION]

No. 5503. CUSTOMS CONVENTION<sup>1</sup> CONCERNING SPARE PARTS USED FOR REPAIRING EUROP WAGONS. DONE AT GENEVA, ON 15 JANUARY 1958

*The Contracting Parties,*

*Desiring* to facilitate the use of EUROP wagons in traffic between the railway administrations pooling these wagons.

*Have agreed* as follows:

## CHAPTER I

## GENERAL PROVISIONS

*Article 1*

For the purpose of this Convention,

(a) "Import duties and taxes" shall mean Customs duties and all duties and taxes chargeable by reason of importation;

(b) "EUROP wagons" shall mean wagons pooled under the provisions agreed for that purpose between the railway administrations concerned;

(c) "Owning administration" shall mean the railway administration which owns the wagons concerned or, in the case of wagons belonging to the European Company

<sup>1</sup> Came into force on 1 January 1961, in accordance with article 6. The following States signed the Convention without reservation of ratification (\*) or deposited their instruments of ratification on the dates indicated:

Austria . . . . .	3 March	1959	Italy . . . . .	8 March	1960
Belgium . . . . .	10 September	1959	Liechtenstein . . . . .	7 July	1960
Denmark* . . . . .	5 February	1958	Luxembourg . . . . .	19 February	1960
France . . . . .	19 August	1959	Netherlands . . . . .	7 May	1959
Federal Republic of Germany (with a declaration indicating that the Convention will also apply to <i>Land Berlin</i> as from the day on which it enters into force for the Federal Republic of Germany) . . . . .	21 October	1960	Switzerland (with a declaration indicating that the provisions of the Convention will apply to the Principality of Liechtenstein, so long as it is linked to Switzerland by a customs union treaty) . . . . .	7 July	1960

to Finance Purchases of Railway Rolling Stock (EUROFIMA)<sup>1</sup>, to which the wagons have been made available by hire-purchase or similar means ;

(d) "Using administration" shall mean any other railway administration participating in the EUROP wagon pool on whose network the wagons concerned happen to be.

#### Article 2

A using administration may fit spare parts from its own stocks on EUROP wagons on condition that :

(a) the internal duties and taxes, and the import duties and taxes if any, have been paid on the parts in the country of the using administration ;

(b) no duties or taxes are refunded nor any other export privileges granted wholly or in part on account of the fitting of the said parts.

#### Article 3

EUROP wagons repaired by a using administration with spare parts from its own stocks shall not on that account be subject when crossing frontiers to any formality, or duty or tax whatsoever, provided that the cost of fitting the spare parts and of the spare parts themselves is borne by the said using administration.

#### Article 4

1. If a using administration utilizes spare parts drawn from the stocks of the owning administrations for the repair of EUROP wagons, the said parts shall be admitted temporarily into the country of the using administration without payment of import duties and taxes, always provided that :

(a) The internal duties and taxes, and the import duties and taxes if any, have been paid on the parts in the country of the owning administration ;

(b) No duties or taxes have been refunded nor any other export privileges granted on account of the despatch of the said parts to the using administration.

2. The procedure for this purpose shall be determined by the Customs authorities of the country of the using administration in consultation with that administration.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 378, p. 159.

CHAPTER II  
FINAL PROVISIONS

*Article 5*

1. Countries which are members of the Economic Commission for Europe and countries which are admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's Terms of Reference may become Contracting Parties to this Convention :

- (a) By signing it ;
- (b) By ratifying it after signing it subject to ratification ;
- (c) By acceding to it.

2. The Convention shall be open for signature until 20 February 1958 inclusive. Thereafter, it shall be open for accession.

3. Ratification or accession shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

*Article 6*

1. This Convention shall come into force on 1 January of the year following that in which all the countries referred to in article 5, paragraph 1, whose railway administrations were participating in the EUROP wagon pool prior to the day on which this Convention is opened for signature, have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

2. For any country acceding to it after the date specified in paragraph 1 of this article, this Convention shall enter into force on the thirtieth day after the said country has deposited its instrument of accession.

*Article 7*

1. Any Contracting Party may denounce this Convention by so notifying the Secretary-General of the United Nations.

2. Denunciation shall take effect six months after the date of receipt by the Secretary-General of the notification of denunciation.

*Article 8*

This Convention shall cease to have effect if, for any period of twelve consecutive months after its entry into force, the number of Contracting Parties is less than five

*Article 9*

1. Any dispute between two or more contracting Parties concerning the interpretation or application of this Convention shall so far as possible be settled by negotiation between them.

2. Any dispute which is not settled by negotiation shall be submitted to arbitration if any one of the Contracting Parties in dispute so requests and shall be referred accordingly to one or more arbitrators selected by agreement between the Parties in dispute. If within three months from the date of the request for arbitration the Parties in dispute are unable to agree on the selection of an arbitrator or arbitrators, any of those Parties may request the Secretary-General of the United Nations to nominate a single arbitrator to whom the dispute shall be referred for decision.

3. The decision of the arbitrator or arbitrators appointed under paragraph 2 of this article shall be binding on the Contracting Parties in dispute.

#### *Article 10*

No reservation to this Convention shall be permitted.

#### *Article 11*

1. Any Contracting Party may propose one or more amendments to this Convention. The text of any proposed amendments shall be transmitted to the Secretary-General of the United Nations, who shall transmit it to all Contracting Parties and inform all other countries referred to in article 5, paragraph 1.

2. Any proposed amendment circulated in accordance with the preceding paragraph shall be deemed to be accepted if no Contracting Party expresses an objection within a period of six months following the date of circulation of the proposed amendment by the Secretary-General.

3. The Secretary-General shall, as soon as possible, notify all Contracting Parties whether an objection to the proposed amendment has been expressed. If an objection to the proposed amendment has been expressed, the amendment shall be deemed not to have been accepted and shall be of no effect whatever. If no such objection has been expressed the amendment shall enter into force for all Contracting Parties three months after the expiry of the period of six months referred to in paragraph 2 of this article.

#### *Article 12*

In addition to the notifications provided for in article 11, the Secretary-General of the United Nations shall notify the countries referred to in article 5, paragraph 1, of :

- (a) Signatures, ratifications and accessions in accordance with article 5 ;
- (b) The dates of entry into force of this Convention in accordance with article 6 ;
- (c) Denunciations in accordance with article 7 ;
- (d) The termination of this Convention in accordance with article 8 ;
- (e) The entry into force of any amendment in accordance with article 11.

*Article 13*

After 20 February 1958, the original of this Convention shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies to each of the countries mentioned in article 5, paragraph 1.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Geneva, this fifteenth day of January, one thousand nine hundred and fifty-eight, in a single copy in the French language.

For Austria :

Subject to ratification  
Dr. J. STANGELBERGER  
20 February 1958

For Belgium.

Subject to ratification  
J. ÉTIENNE  
5 February 1958

For Denmark :

Subject to ratification<sup>1</sup>  
Finn Olav GUNDELACH  
5 February 1958

For France :

Subject to ratification  
DE CURTON  
7 February 1958

For Italy :

Subject to ratification  
Marcello DEL DRAGO  
5 February 1958

For Luxembourg :

Subject to ratification  
J. STURM  
12 February 1958

<sup>1</sup> By notification received on 16 May 1958, the Government of Denmark informed the Secretary-General of the United Nations of the withdrawal of the reservation concerning ratification.

For the Netherlands :

For the Realm in Europe

Subject to ratification

W. H. J. VAN ASCH VAN WIJCK

7 February 1958

For the Federal Republic of Germany :

Subject to ratification

R. THIERFELDER

10 February 1958

For Switzerland :

Subject to ratification

C. LENZ

20 February 1958