

1158

No. 9884 ✓

CUSTOMS CO-OPERATION COUNCIL

Customs Convention on the temporary importation of scientific equipment. Done at Brussels on 11 June 1968

Authentic texts: French and English.

Registered by the Customs Co-operation Council on 11 September 1969.

CONSEIL DE COOPÉRATION DOUANIÈRE

Convention douanière relative à l'importation temporaire de matériel scientifique. Faite à Bruxelles le 11 juin 1968

Textes authentiques: français et anglais.

Enregistré par le Conseil de coopération douanière le 11 septembre 1969.

CUSTOMS CONVENTION¹ 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 Organisation (UNESCO),

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

¹ Came into force on 5 September 1969 in respect of the following five States, i.e., three months after the last of the said States had signed it without reservation as to ratification, in accordance with article 20 (1):

<i>State</i>	<i>Date of signature, without reservation</i>
Dahomey <i>have</i>	16 January 1969
Denmark <i>have p. 112-124</i>	5 June 1969
(The Convention extends to the Customs territory of Denmark with the exception of the Faroe Islands and Greenland.)	
France <i>have</i>	22 May 1969
Ghana <i>have</i>	15 January 1969
Niger <i>have</i>	22 February 1969

The Convention subsequently came into force, in respect of each of the following States, three months after it had signed it without reservation as to ratification (s) or deposited its instrument of accession (a), with the Secretary General of the Customs Co-operation Council, in accordance with article 20 (2):

<i>State</i>	<i>Date of signature or of deposit of the instrument</i>
Algeria	5 August 1969 <i>a</i>
Australia	30 June 1969 <i>s</i> (To take effect on 5 November 1969.)
Chad	30 June 1969 <i>s</i> (To take effect on 30 September 1969.)
Federal Republic of Germany	10 June 1969 <i>s</i> (To take effect on 10 September 1969.)
Gabon	25 August 1969 <i>a</i> (To take effect on 25 November 1969.)
Libya	18 June 1969 <i>s</i> (To take effect on 18 September 1969.)
United Kingdom of Great Britain and Northern Ireland	30 June 1969 <i>s</i> (To take effect on 30 September 1969.)
Singapore	8 September 1969 <i>a</i> (To take effect on 8 December 1969.)

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 agreed as follows:

CHAPTER I DEFINITIONS

Article I

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 Organisation set up by the Convention establishing a Customs Co-operation Council, done at Brussels on 15th December, 1950¹.

CHAPTER II

SCOPE

Article II

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;

¹ United Nations, *Treaty Series*, vol. 157, p. 129, and vol. 347, p. 379.

- (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 III

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 IV

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 V

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 VI

(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 VII

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 VIII

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 IX

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 X

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

Article XI

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 XII

(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 XIII

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 XIV

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 XV

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 XVI

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 XVII

(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 XVIII

(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 XIX

(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 into force.

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

Article XX

(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 XXI

(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 XXII

(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 Organisation (UNESCO).

(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, 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 stated 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:
- (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 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 XXIII

(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 to 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 XXIV

No reservation to this Convention shall be permitted.

Article XXV

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 Organisation (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 XXVI

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.

Pour l'Afghanistan:	For Afghanistan:
Pour l'Afrique du Sud (Rép. d'):	For the Republic of South Africa:
Pour l'Albanie:	For Albania:
Pour l'Algérie:	For Algeria:
Pour l'Allemagne (Rép. Féd. d'):	For the <u>Federal Republic of Germany</u> :

Walter SCHÄDEL

10.6.1969

Pour l'Arabie Saoudite:	For Saudi Arabia:
Pour l'Argentine:	For Argentina:
Pour l' <u>Australie</u> :	For Australia:

O. L. DAVIS

Ambassador of Australia

30.6.1969

Pour l' <u>Autriche</u> :	For <u>Austria</u> :
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sous réserve de ratification ¹
Dr Josef HAMMERSCHMIDT

Pour la Barbade:	For Barbados:
Pour la Belgique:	For Belgium:
Pour la Biélorussie (RSS de):	For the Byelorussian SSR:
Pour la Birmanie:	For Burma:
Pour la Bolivie:	For Bolivia:
Pour le Botswana:	For Botswana:
Pour le Brésil:	For Brazil:
Pour la Bulgarie:	For Bulgaria:
Pour le Burundi:	For Burundi:
Pour le Cambodge:	For Cambodia:
Pour le Cameroun:	For Cameroon:
Pour le Canada:	For Canada:

¹ Subject to ratification.

Pour Ceylan:	For Ceylon:
Pour le Chili:	For Chile:
Pour la Chine (Rép. de):	For the <u>Republic of China</u>

TCHEN Hiong-Feï
 sous réserve de ratification ¹
 25 juin 1969

<u>Pour Chypre:</u>	<u>For Cyprus:</u>
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P. MODINOS
 sous réserve de ratification ¹
 26 juin 1969

Pour la Colombie:	For Colombia:
Pour le Congo (Brazzaville):	For Congo (Brazzaville):
Pour le Congo (Kinshasa):	For Congo (Kinshasa):
Pour la Corée (Rép. de):	For the Republic of Korea:
Pour le Costa-Rica:	For Costa Rica:
Pour la Côte-d'Ivoire:	For Ivory Coast:
Pour Cuba:	For Cuba:
Pour le <u>Dahomey:</u>	For <u>Dahomey:</u>

Laurent Cyrille FABOUMY
 Ambassadeur
 16.1.1969

<u>Pour le Danemark ²:</u>	<u>For Denmark ²:</u>
	H. HJORTH-NIELSEN
	5.6.1969

¹ Subject to ratification.

² Lors de la signature de la Convention, le plénipotentiaire danois a déclaré que cette dernière s'appliquerait au territoire douanier du Danemark à l'exception des îles Féroé et du Groenland.
 At the time of signing the Convention, the Plenipotentiary of Denmark declared that it would extend to the customs territory of Denmark with the exception of the Faroe Islands and Greenland.

Pour l'Équateur:

For Ecuador:

Antonio J. LUCIO PAREDES
sous réserve de ratification ¹

21.3.1969

Pour l'Espagne:

For Spain:

Pour les États-Unis d'Amérique:

For the United States of America:

Pour l'Éthiopie:

For Ethiopia:

Pour la Finlande:

For Finland:

Pour la France:

For France:

Étienne de CROUY-CHANEL

22.5.1969

Pour le Gabon:

For Gabon:

Pour la Gambie:

For Gambia:

Pour le Ghana:

For Ghana:

J. C. de GRAFT-JOHNSON

15th January 1969

Pour la Grèce:

For Greece:

Pour le Guatemala:

For Guatemala:

Pour la Guinée:

For Guinea:

Pour la Guyane:

For Guyana:

Pour Haïti:

For Haiti:

Pour la Haute-Volta:

For Upper Volta:

Pour le Honduras:

For Honduras:

Pour la Hongrie:

For Hungary:

Pour l'Inde:

For India:

Pour l'Indonésie:

For Indonesia:

Pour l'Iran:

For Iran:

Pour l'Irak:

For Iraq:

Pour l'Irlande:

For Ireland:

¹ Subject to ratification.

2

3

Pour l'Islande:	For Iceland:
Pour Israël:	For Israel:
Pour l'Italie:	For Italy:
Pour la Jamaïque:	For Jamaica:
Pour le Japon:	For Japan:
Pour la Jordanie:	For Jordan:
Pour le Kenya:	For Kenya:
Pour le Koweït:	For Kuwait:
Pour le Laos:	For Laos:
Pour le Lesotho:	For Lesotho:
Pour le Liban:	For Lebanon:

K. LABAKI

sous réserve de ratification ¹

17.6.1969

Pour le Libéria:	For Liberia:
Pour la Libye:	For Libya:

Aref BEN MUSA

18.6.1969

Pour le Luxembourg:	For Luxembourg:
Pour Madagascar:	For Madagascar:
Pour le Malaisie:	For Malaysia:
Pour le Malawi:	For Malawi:
Pour le Mali:	For Mali:
Pour Malte:	For Malta:
Pour le Maroc:	For Morocco:

En application des lois constitutionnelles,
ma signature est sujette à ratification,
acceptation ou approbation ²

B. GUESSOUS

28 avril 1969

3

¹ Subject to ratification.

² In accordance with the constitutional laws, my signature is subject to ratification, acceptance or approbation.

Pour la Mauritanie:	For Mauritania:
Pour le Mexique:	For Mexico:
Pour la Mongolie:	For Mongolia:
Pour le Népal:	For Nepal:
Pour le Nicaragua:	For Nicaragua:
Pour le <u>Niger</u> :	For <u>Niger</u> :

Diougou SANGARÉ

21 février 1969

Pour le Nigeria:	For Nigeria:
Pour la Norvège:	For Norway:
Pour la Nouvelle-Zélande:	For New Zealand:
Pour l'Ouganda:	For Uganda:
Pour le Pakistan:	For Pakistan:
Pour le Panama:	For Panama:
Pour le Paraguay:	For Paraguay:
Pour les Pays-Bas (Royaume des):	For the Kingdom of the Netherlands:
Pour le Pérou:	For Peru:
Pour les <u>Philippines</u> :	For the <u>Philippines</u> :

Vicente I. SINGIAN

Subject to Ratification ¹

19 March 1969

Pour la <u>Pologne</u> :	For <u>Poland</u> :
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F. MODRZEWSKI

26 juin 1969

sous réserve de ratification ²

Pour le Portugal:	For Portugal:
Pour la République arabe syrienne:	For the Syrian Arab Republic:
Pour la <u>République arabe unie</u> :	For the <u>United Arab Republic</u> :

Aly Hamdy HUSSEIN

sous réserve de ratification ²

30.5.1969

¹ Sous réserve de ratification.

² Subject to ratification.

Pour la République centrafricaine:	For the Central African Republic:
Pour la République dominicaine:	For the Dominican Republic:
Pour la Roumanie:	For Rumania:
Pour le <u>Royaume-Uni</u> de Grande-Bretagne et d'Irlande du Nord:	For the <u>United Kingdom</u> of Great Britain and Northern Ireland:

John BEITH

June 30 1969

Pour le Ruanda:	For Rwanda:
Pour le Salvador:	For El Salvador:
Pour le Sénégal:	For Senegal:
Pour le Sierra Leone:	For Sierra Leone:
Pour Singapour:	For Singapore:
Pour la Somalie:	For Somalia:
Pour le Soudan:	For Sudan:
Pour la Suède:	For Sweden:
Pour la Suisse:	For <u>Switzerland</u> :

K. BIFFIGER

sous réserve de ratification¹

10 juin 1969

Pour la Tanzanie:	For Tanzania:
Pour le <u>Tchad</u> :	For <u>Chad</u> :

J. NIVELLE-MALOUM

30 juin 1969

Pour la Tchécoslovaquie:	For Czechoslovakia:
Pour la Thaïlande:	For Thailand:
Pour le Togo:	For Togo:
Pour la Trinité et Tobago:	For Trinidad and Tobago:
Pour la Tunisie:	For Tunisia:
Pour la Turquie:	For Turkey:
Pour l'Ukraine (RSS d'):	For the Ukrainian SSR:

¹ Subject to ratification.

Pour l'Union des Républiques socialistes soviétiques:	For the Union of Soviet Socialist Republics:
Pour l'Uruguay:	For Uruguay:
Pour le Venezuela:	For Venezuela:
Pour le Viet-Nam (Rép. du):	For the Republic of Vietnam:
Pour le Yémen:	For Yemen:
Pour le Yémen du Sud:	For South Yemen:
Pour la Yougoslavie:	For Yugoslavia:
Pour la Zambie:	For Zambia:
