No. 32498

MULTILATERAL

Convention on the temporary importation of passenger vehicles into Member States of the Economic Community of West African States (with annex). Concluded at Lomé on 6 July 1985

Authentic texts: English and French.

Registered by the Economic Community of West African States on 1 February 1996.

MULTILATÉRAL

Convention relative à l'importation temporaire dans les États Membres de la Communauté économique des États de l'Afrique de l'Ouest des véhicules de transports de personnes (avec annexe). Conclue à Lomé le 6 juillet 1985

Textes authentiques : anglais et français.

Enregistrée par la Communauté économique des États de l'Afrique de l'Ouest le 1^{er} février 1996.

of the instrument

CONVENTION¹ ON THE TEMPORARY IMPORTATION OF PASSEN-GER VEHICLES INTO MEMBER STATES

THE HIGH CONTRACTING PARTIES,

- CONSIDERING Article 23 of the ECOWAS Treaty, 2
- CONSIDERING Article 5 of the Protocol on the Free Movement of Persons, the right of residence and establishment,³
- DESIROUS of promoting an effective implementation of the Protocol on the Free Movement of Persons, Right of Residence and Establishment signed on 29 May, 1979 in Dakar, particularly in respect of the movement of passenger vehicles,
- CONSCIOUS of the need to regulate the temporary importation of passenger vehicles into a Member State whereas they are registered in another Member State,
- CONVINCED that the adoption of common procedures in respect of temporary importation of passenger vehicles will ensure

¹ Came into force provisionally on 6 July 1985 in respect of the following States, on whose behalf it was signed on that date, and definitively on 13 October 1989, upon deposit with the Executive Secretary of the Economic Community of West African States of instruments of ratification by seven signatory States(*), in accordance with article XI (1):

Date of deposit

Participant	of ratification	on
Benin		
Burkina Faso		
Cape Verde		
Côte d'Ivoire		
Gambia		
Ghana*	12 May	1989
Guinea*	13 October	1989
Guinea-Bissau		
Liberia		
Mali*	18 January	1989
Mauritania	•	
Niger*	4 May	1989
Nigeria*	18 April	1988
Senegal	•	
Sierra Leone*	8 November	1988
Togo*	17 February	1988
Subsequently, instruments of ratification were deposited with the Executive Secreta	ry of the Econo	mic Commu-
nity of West African States on the dates indicated hereafter, to take effect on the same dates	ite:	
Burkina Faso	25 April	1990
Gambia	25 May	1990
Guinea-Bissau	13 November	1990
Senegal	8 April	1991
Côte d'Ivoire	19 July	1991
Liberia	9 April	1992
Cape Verde	13 April	1992
² United Nations, <i>Treaty Series</i> , vol. 1010, p. 17.	-	
³ See p. 56 of this volume.		

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the customs systems of Member States of a greater degree of harmonisation and uniformity,

- DECIDE TO CONCLUDE a Convention between themselves on the temporary importation of private passenger vehicles registered in Member States of the Community, and agree on the following provisions:

CHAPTER I : DEFINITION

ARTICLE 1

For the purpose of this Convention:

"Community" means the Economic Community of West African States;
"Member State" or "Member States" means the Member State or the
Member States of the Economic Community of West African States;
"Authority" means the Authority of Heads of State and
Government established by Article 5 of the Treaty;
"Executive Secretary and Executive Secretariat" means the
Executive Secretary and the Executive Secretariat of the
Community as defined in Article B of the Treaty;
"Import duties and taxes" mean customs duties and all duties
and taxes chargeable by reason of importation;
"Vehicles" mean passenger vehicles (road motor vehicles,
including motorcycles) and trailers (imported with the
vehicles, or separately) registered in any one of the Member
States (and including the accessories and normal component
parts imported with the vehicles);

"Accessories and normal component parts" mean those elements delivered with the vehicle from the factory;

"Private use" means use of the vehicle for purposes other than the conveyance of fare-paying passengers, for gain or any other material consideration, and other than the conveyance of industrial or commercial goods, with or without remuneration;

"Commercial use" means use of the vehicle for the conveyance of fare-paying passengers, for gain or any other material consideration within its country of registration;

"Temporary importation permit" means the customs document on which the guarantee or consignation of import taxes and duties is entered;

"Persons" means individual or legal entities;

"Resident" means any person whose permanent residence is in a Member State, and who resides there more than six months in a year, or who owns a permanent commercial or industrial enterprise or carries on any other remunerative activity in the said state;

"Temporary admission" means importation, free of all import duties and taxes, subject to the conditions laid down by this convention or by the laws and regulations of the country of importation;

"Issuing Association or Body" means an association or body approved by the competent authorities or a Member State, and authorised to issue customs clearance papers;

"Guaranteeing Association or Body" means an association or body approved by the customs authorities of a Member State and authorities to guarantee the duties, taxes and other sums chargeable for non-compliance with the conditions governing temporary admission of vehicles into the territory of that Member State.

CHAPTER II : SCOPE OF IMPLEMENTATION

- 1. Each Member State of the Community shall grant temporary admission free of import duties and taxes, without import prohibitions or restrictions subject to re-exportation under the conditions laid down by this Convention, to passenger vehicles owned by persons normally resident outside its territory, and which are being imported for private or commercial use during a visit either by owners of these vehicles or by other persons normally resident outside its territory.
- 2. At the time of importation, these vehicles shall be covered by a temporary import permit guaranteeing payment of import duties and taxes waived and any customs penalties incurred.

3. Vehicles belonging to Diplomatic Missions and International Organisations, and all other official vehicles covered by a travel authorisation, are excluded from the provisions of paragraphs 1 and 2 above.

ARTICLE 3

The following are admitted without payment of import duties and taxes and free of import prohibitions and restrictions:

- fuel and petrol contained in the normal fuel tanks of vehicles temporarily imported, it being understood that the normal fuel tank is that designed by the maker for the type of vehicle concerned.

CHAPTER III : ISSUE OF TEMPORARY IMPORT PERMITS

- 1. In conformity with the guarantees, and under such conditions as it may lay down, each Member State may authorise Associations and Bodies, especially those affiliated to an International Organisation to issue and deliver the temporary import permits provided for by this Convention.
- 2. Temporary import permits are valid in all customs territories of Member States.
- 3. Each Member State shall accept in place of its national customs papers, the import permit indicated in Article 5.1 hereafter which guarantee the payment of import duties and taxes and any customs penalties incurred.
- a. The period of validity shall not exceed one year from the date of issue.
 - b. The maximum duration of temporary importation shall not exceed ninety (90) days for private vehicles and fifteen (15) days for commercial vehicles. Any day begun is considered a full day.

- 1. Temporary importation papers valid for the customs territories of all Member States shall be known and entitled "Customs Clearance Booklet" and must conform to the sample attached to this Convention.
- 2. Any issuing association or body from a given Member State must indicate on the cover leaf of the "Customs Clearance Booklet" the names of the other fifteen (15) Member States for which the Booklet is valid, as well as the corresponding guaranteeing associations or bodies in the Member State into which the vehicle is being imported.
- 3. Each Member State shall transmit to the other Member States, and to the Executive Secretariat, its own sample of the "Customs Clearance Booklet".

CHAPTER IV : PARTICULARS TO BE DECLARED IN THE CUSTOMS CLEARANCE BOOKLET

ARTICLE 6

- 1. "Customs Clearance Booklets" issued by authorised Associations and Bodies shall be made out in the name of the persons who own the vehicles temporarily imported.
- 2. The holder shall sign the Customs Clearance Booklet at the bottom of page two (2) of the cover and undertake to respect the regulations applicable to vehicles in the importing Member State, and re-export the vehicle within the prescribed period of validity, failing which the penalties stipulated by the customs laws of the host Member State shall be imposed without prejudice to the payment of duties and taxes due.

- 1. Page two (2) of the cover and each leaf of the Booklet shall carry all the information necessary for the identification of the vehicle and the payment of any duties and taxes.
 - registration number and country of registration
 - make and type of vehicle, type of body, serial number,

- engine number, number of cylinders and horse power
- vehicle colour, uphoIstery, number of seats or load capacity
- radio and other gadgets
- net weight of vehicle in kilogrammes, date of purchase, date of insurance, value of vehicle
- name of owner
- 2. In addition to this information the residence leaflets shall bear the name and address of the issuing association or body; the name of the permit holder and their permanent or business address; the name of the driver and driving licence number; the type, number, date and place of issue of the drivers valid travel documents.

- Weight to be declared in the CUSTOMS CLEARANCE BOOKLET shall be the net weight of vehicle in kilogrammes.
- 2. Value to be declared in the CUSTOMS CLEARANCE BOOKLET shall be in the currency of the country in which the Booklet was issued.
- Accessories and normal fittings imported with the vehicle shall be declared in the CUSTOMS CLEARANCE BOOKLET.

ARTICLE 9

Vehicles admitted under the cover of temporary importation CUSTOMS
CLEARANCE PAPERS may be used, for private purposes, by third persons duly
authorised by the holders of the clearance papers, normally residing
outside the Member State of importation and fulfilling the other conditions
laid down by this convention. The customs authorities of Member States
have the right to demand evidence that such persons have been duly
authorised by the holders of the papers and fulfil the afore-said conditions.

CHAPTER V : GUARANTEE

ARTICLE 10

- 1. Each guaranteeing Association or Body guarantees to the customs authorities of the country in which its headquarters is located, the payment of amounts accruing from import duties and taxes and other amounts chargeable as a result of non-compliance with the conditions governing temporary importation of vehicles into its territory under the cover of temporary importation papers issued by a corresponding issuing Association or Body. They are held severally or jointly responsible with the persons so charged for the payment of the amounts mentioned above.
- 2. Customs Authorities may not in any circumstances demand from the guaranteeing Association or Body the payment of the import duties and taxes referred to in paragraph 1 of this Article if the claim has not been notified to the Association or Body concerned within 3 years of the date of expiry of the validity of the Booklet.

CHAPTER VI : CONDITIONS OF TEMPORARY IMPORTATION

ARTICLE 11

- 1. The vehicles mentioned in the "Customs Clearance Booklet" shall be re-exported in the same general state, except for wear and tear, within the authorised period of stay. In the case of vehicles which have been hired, customs authorities have the right to demand the re-exportation of the vehicles at the time the hirer leaves the Member State of temporary importation.
- Evidence of re-exportation shall be provided by the exit visa properly appended to the Booklet by the Customs Authorities of the Member State into which the vehicle was temporarily imported.

ARTICLE 12

The re-exportation of badly damaged vehicles shall not be required provided that the vehicles' conditions are assessed by the Customs

Authorities and such vehicles are:

- a. subjected to import duties and taxes to which they are liable;
- abandoned free of all expense to the treasury of the
 Member State into which they are temporarily imported;
- destroyed under official supervision at the expense of the parties concerned.

Vehicles imported into the territory of one of the Member States under cover of the "Customs Clearance Booklet" may not be used even incidentally for transport against payments, reward or other consideration between points within the frontiers of that territory.

ARTICLE 14

A person entitled to temporary importation papers may during the period of validity of the "Customs Clearance Booklet" import the vehicle covered by the temporary importation papers as often as necessary on condition that they have each passage (entry and exit) established by a visa of the customs officers concerned and provided that the length of each stay does not exceed the period allowed.

CHAPTER VII : EXTENSION OF VALIDITY OF TEMPORARY IMPORTATION PAPERS AND OF PERIOD OF STAY OF VEHICLE

- 1. The provisions of Article 4 paragraph 4 above notwithstanding, the duration of the validity of "Customs Clearance Booklet" may be extended for a maximum period of one year.
- 2. Each Member State shall recognise as valid the extension of validity obtained in any other Member State.

Extensions of stay for vehicles imported temporarily shall be granted when the persons concerned can establish to the satisfaction of the Customa Authorities that they are prevented by force majeure from re-exporting the said vehicles within the time allowed.

CHAPTER VIII : REGULARISATION OF TEMPORARY IMPORTATION PAPERS

ARTICLE 17

- 1. Ihe re-exportation of vehicles temporarily imported into Member States under the cover of the temporary importation papers, shall be effected by returning the Exportation Voucher to the Customs entry-point of the Member State of importation.
- 2. In the event of destruction, loss or theft of a "Customs Clearance Booklet" while the vehicle is in the territory of one of the Member States, the Customs Authorities of State shall, at the request of the representative of the Association or Body concerned accept a replacement Booklet the validity of which shall coincide with the expiry date of the Booklet it replaces. This acceptance of the replacement document shall annul the previous acceptance of the paper destroyed, lost or stolen.
- 3. In case of destruction; loss or theft of a "Customs Clearance Booklet" which has not gone through re-exportation formalities the Customs Authorities may accept a certificate issued by the appropriate Authorities in place of the said Booklet.

ARTICLE 18

1. In the case of non-re-exportation within the stipulated time of vehicles imported under cover of the "Customs Clearance Booklet" import duties and taxes due at the time of importation shall be paid compulsorily notwithstanding the penalties provided for under the legislation and regulations existing to that effect in the Member State concerned and imposed by the customs administration.

2. When proof of re-exportation of vehicles is not furnished by the guaranteeing association or its agent within the period of three years from the date of notification of the fact that the re-exportation counterfoil of the Customs Clearance Booklet has not been submitted import duties and taxes shall be charged.

ARTICLE 19

In the event of fraud, contravention or abuse, the Member States shall have the right to embark on legal proceedings against persons holding Customs Clearance Booklets or against their guaranteeing Associations for the recovery of the import duties and taxes and also for the imposition of any penalties to which such persons have rendered themselves liable.

CHAPTER IX : MISCELLANEOUS PROVISIONS

ARTICLE 20

Neither the processing nor the stamping of the Customs Clearance Booklets under the provisions of this Convention shall give rise to any remuneration for such customs services rendered.

CHAPTER X : FINAL PROVISIONS

ARTICLE 21

Any dispute which may arise between Member States regarding the interpretation or application of this Convention shall be settled in conformity with the procedure for the settlement of disputes stipulated in Article 56 of the Treaty.

- Any Member State may submit proposals for the amendment or revision of this Convention.
- 2. Any such proposals shall be aubmitted to the Executive Secretary who shall communicate them to other Member States within (30) thirty days of the receipt of such proposals. The amendments or revisions shall

be examined by the Authority at the expiration of the thirty (30) days notice period given to Member States.

CHAPTER XI : DEPOSIT AND ENTRY INTO FORCE

ARTICLE 23

- This Convention shall enter into force provisionally upon signature by the Heads of State and Government of Member States and definitively upon ratification by at least seven (7) signatory States in accordance with the constitutional procedures applicable for each signatory Member State.
- This Convention and all the instruments of ratification shall 2. be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposits of the instruments of ratification and shall register this Convention with the Organisation of African Unity, the United Nations Organisation and all other Organisations.
- 3. This Convention shall be annexed to and shall form an integral part of the Treaty.

In faith whereof, we the Heads of State and Government of the Economic Community of West African States have signed this Convention.

> DONE IN LOME THE 6TH OF JULY 1985 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES. BOTH TEXTS BEING EQUALLY AUTHENTIC. Howthouse L

H.E. GENERAL MATHIEU KEREKOU President of the Central Committee of the People's Revolutionary Party of Benin, President of the National Executive Council, Head of State, President of the Republic

H. E. MR. FELIX HOUPHOUET-BOIGNY President of the Republic of **IVORY COAST**

H. E. CAPTAIN THOMAS SANKARA President of FASO H. E. SIR DAUDA JAWARA
President of THE GAMBIA

HONOURABLE OSHALDO LOPEZ DA SILVA

Minister of Economic Affairs and Finance, for and on behalf of the President of the Republic of CAPE VERDE HONOURABLE DR. KWASI BOTCHWEY

P.N.D.C. Secretary for Finance and Economic Planning, for and on behalf of the Head of State of the Republic of GHANA

H. E. COLUNEL LANSANA CONTE President of the Republic

of GUINEA

HONOURABLE MR. MARTO CABRAL

Minister of Commerce and Idurism, for and on behalf of the President of

GUINEA BISSAU

H. E. COLONEL SEYNI KOUNTCHE
President of the Republic of
N I G E R

H.E. GENERAL MUHAMMADU BUHARI Head of State of the Federal Republic of NIGERIA H.E. DR. SAMUEL/KANYON DOE Commander-in-Chief, Chairman of the People's Redemption Council and Head of State of LIBERIA

H.E. MR. ABDOU DIOUF President of the Republic of SENEGAL

H.E. GENERAL MOUSA TRAORE President of the Republic of MALI H.E. DR. SIAKA STEVENS President of the Republic of SIERRA LEONE

HONOURABLE LT. COL. ANNE MAMADOU BABALY Minister of Finance and Commerce, for and on behalf of the President of the Islamic Republic of MAURITANIA H.E. GENERAL GNASSINGBE EYADEMA President of the Republic of TOGO

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

CUSTOMS CLEARANCE BOOKLET FOR PASSENGER VEHICLES

- All particulars of the Customs Clearance Booklet shall be printed in English and French
- The dimensions shall be 22 x 27 cm
- The Issuing Association shall insert its name on each voucher and also include where applicable, the abbreviation of the International Organisation to which it is affiliated.

6. Republic of GHANA

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

CUSTOMS CLEARANCE BOOKLET FOR PASSENGER VEHICLES

	Total Colonia	TON THOUSENESS TENTO				
MEMBER STATE :		ASSOCIATION				
		INTERNATIONAL ORGANISATION:				
	N o					
Valid for one year that is, unti		inclusive.				
	(înșert date in r	ed ink)				
Subject to compliance by the hol- visited.	der during this period	with the Customs law	is and regulations of the country			
ISSUED BY		·	···			
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· ·	•		Federal Republic of NIGERIA			
3. Republic of CAPE VERDE	9. Republic of tI	BERIA 14.	Republic of SENEGAL			
4. Republic of IVORY COAS!	10. Republic of MA		Republic of SI RRA LEONE			
>. Republic of The GAMBIA		ic of MAURITANIA 16.	•			

DESCRIPTION VEHICLE

1.	Motor vehic	ele driven by internal combustion, electricity, steam;						
	Trailer.							
2	Type (car, b	ous, lorry, van, tractor, motorcycle with or without	EXTENSION OF VALIDITY OF					
	side-car, c	cycle with auxilliary engine)*	THE BOOKLET					
3.		ın						
4.	Registration	No						
5.	_	(Make						
6.	Chassis	(No						
7.	Body	(Type of Shape						
8. 9.		(Colour						
		(Upholstery						
10.		(Number of Seats						
11.		(or Carrying capacity						
12.	Engine	(Make,						
13.		(No,,,						
14.		(Number of Cylinders						
15.		(Horse Power						
16.	Spare'fyres							
17.	Radio							
18.								
19.								
20.								
21.	and the same of th							
	(De)							

OBLIGATIONS OF HOLDER

- 1. The Holder of this Booklet is bound to re-export the vehicle within the period specified and to comply with the laws and customs regulations on temporary importation of motor vehicles in the Member States visited, under the guarantee of the Guaranteeing Association of each Member State.
- 2. Upon expiry this Booklet should be returned to the Association which issued it.

Signature of Holder

Signature of the representative of the International Organisation if the issuing Association is affiliated to an International Organisation

Signature of the Authority representing the Association issuing the Bookiet

IMPORTATION VOUCHER	Of Customs Clearance Card No	Valid until	Holder(in block letters)	Permanent or Business Address Address in country visited	for a motor vehicle driven by internal combustion, electricity, steam, traile	lype (car. bus, van, tractor, motor- cycle with or without side-car, cycle with auxilliary engine)	Registere in		Chassis Make	Nu		Colour		
	2.	. ,	۶.	6.	8.	9.	10.	11.	12.		13.	15.	16.	18. 19. 20. 21.
EXPORTATION VOUCHER	Of Customs Clearance Card No	Valid until	Issued by	Holder	Permanent or Business Address	Address in country visited	Type (car, bus, lorry, van, tractor motorcycle with or without sidecar, cycle with auxilliary engine	Registered in	Registration No	Chassis	Make	Body	Type of Shape	Colour Unnolstery Unnolstery Wake NO Numbrr of cylinders No Numbrr of cylinders
	2.	۶.	4.	۶.	.	7. 8.	9.	10.	Ξ.	12.	13.		14.	15. 16. 17. 18. 19. 20.
COUNTERFOIL	1. Importation into	 Of Vehicle described in Booklet 	3. No		5. At the Customy Office of	6. Voucher Registration No	7. Name of Driver	8. Driving Licence No	9. Identification	lype		10. Address in the country visited	11. Customs Stamp :	AND Visa 12. Exported from 13. Jour place on 14. At the Customs Office of
	-	7	~	7	N.	9	7	89	6			10	Ξ	13 13 14

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15,	Duration of Stay	22.	Spare Tyres	22.	Spare Tyres
		23.	Radio (indicate make)	23.	Radio (indicate make)
16.	Customs Stamp	24.	Other particulars	24.	Other particulars
		25.	Net weight of vehicle in kg	25.	Net weight of vehicle in kg
		26.	Date first put on the road	26.	Date first nut on the road
		27.	Value of vehicle	27.	Value of Vehicle
		28.	Date of re-exportation	28.	Date of importation
		29.	At the Customs Office of	29.	At the Customs Office of
		30.	Booklet registered under no	30.	Voucher registered under no
		31.	Customs Stamp/Customs Officer's Signature	31.	Customs Star:
		32.		32.	Custom's Officer's Signature
		33.	of importation at	33.	N.B. The Customs Entry Post shall fill in lines 32 and 33 of adjacent exportation voucher

INSTRUCT LONS

- 1. The Customs Clearance Booklet is issued to the Holder by an Association authorised by the Customs Administration of the State of his residence at a cost of
- 2. The Holder must sign the Booklet at the bottom of the back outer cover.
- 3. Each Voucher covers a temporary stay within a Member State visited.
- 4. The total number of stays in a year shall not exceed 180 days.
- 5. Each day commenced is considered a full day.
- 6. On importation the Customs Entry Post shall detach and retain the Importation Voucher, append a visa on the Counterfoil and fill in lines 32 and 33 of the Exportation Voucher.
- 7. On re-exportation, the Customs Exit Post shall detach and retain the exportation yourher and append a visa on the Counterfoil.
- 8. The visa must include the customs stamp, date and signature of the Customs Officer. The Holder should verify on the spot that visas are authentic and complete in order to avoid any inconveniences later.
- 9. The Booklet must be filled in clearly and boldly, all alterations and additions are strictly forbidden. Any alteration must be approved and initialled by the competent Customs authority.
- 10. The Customs Clearance Booklet cannot be used either for final importation of a vehicle if the Holder has his principal residence in the Member State of importation or for lending the vehicle to a person who resides in the country of importation.
- 11. On expiry the Voucher must be returned to the authorized Issuing Association.
- 12. In the event of the Holder being in any difficulties in the Member State of temporary importation (as a result of loss of the Booklet for example), he should immediately notify the nearest Customs Office of that State and he should follow the instructions given to him.
- 13. The vehicle can neither be sold nor destroyed without permission and compliance with relevant Customs formalities and the Booklet should be returned thereafter to the authorized Association which issued it.
- 14. In the event of changes made to the vehicle (e.g. change of engine), the Holder must notify the Customs Administration of the Member State visited.

^{*} Currency of State of residence

I declare that the particulars overleaf are true and correct, that I am normally resident outside the country of importation, that I am visiting that country for a temporary period, that I will comply with all customs conditions and requirements regarding the temporary importation of passenger vehicles and that I will re-export the vehicle referred to overleaf within the period of validity of this document.

...../Holder's Signature

At 19.....