

Treaty Series No. 10 (1993)

Amendments

to the Customs Convention on the Temporary Importation of Private Road Vehicles, done at New York on 4 June 1954

[The Amendments entered into force on 30 October 1992]

Presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs by Command of Her Majesty February 1993

LONDON: HMSO

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AMENDMENTS¹

TO THE CUSTOMS CONVENTION ON THE TEMPORARY IMPORTATION OF PRIVATE ROAD VEHICLES DONE AT NEW YORK ON 4 JUNE 1954²

adopted by the ECE Working Party on Customs Questions affecting Transport

Preamble

Replace: "THE CONTRACTING STATES, . . ." by: "THE CONTRACTING PARTIES, . . .".

Article 1, paragraph (a)

For the existing text, substitute:

"(a) The term "import duties and import taxes" shall mean customs duties, and all other duties, taxes, fees and other charges which are collected on, or in connection with, the import of goods mentioned in this Convention, but not including fees and charges limited in amount to the approximate costs of services rendered;"

Article 1, paragraph (e)

For the existing text, substitute:

"(e) The term "persons" shall mean both natural and legal persons;"

Article I, new paragraphs (f) to (j)

Add the following new paragraphs:

- "(f) The term "issuing association" shall mean an association authorized to issue temporary importation papers;
- (g) The term "guaranteeing association" shall mean an association approved by the Customs authorities of a Contracting Party to act as surety for persons using temporary importation papers;
- (h) The term "international organization" shall mean an organization to which national associations are affiliated which are entitled to issue and to guarantee temporary importation papers;
- (i) The term "Contracting Party" shall mean a State or regional economic integration organization, Party to this Convention;
- (j) The term "regional economic integration organization" shall mean an organization constituted by and composed of States as referred to in article 33, paragraph 1 of this Convention, which has competence to adopt its own legislation that is binding on its Member States, in respect of matters governed by this Convention, and has competence to decide, in accordance with its internal procedures, to accede to this Convention."

Article 2, paragraph 1

Replace: "... Contracting States..." by: "... Contracting Parties...".

Article 2, paragraph 2

For the existing text, substitute:

"2. The Contracting Parties may under the conditions set out in this Convention prescribe that such vehicles shall be covered by temporary importation papers guaranteeing payment of import duties and import taxes or an equivalent sum subject to the special provisions of article 27, paragraph 4, should the vehicles covered by temporary importation papers not be re-exported within the prescribed time limit."

¹The Secretary-General of the United Nations, acting in his capacity as depositary, circulated a proposal for amendments to the text of the Convention under cover of a Note reference C.N.315.1991. TREATIES-1 dated 30 January 1992.

In a Note reference C.N.228.1992. TREATIES-1 dated 17 August 1992 the Secretary-General confirmed that no objection had been notified. Consequently in accordance with the provisions of Article 42(3) of the Convention, the proposed amendment was deemed accepted and would enter into force for all Contracting Parties on 30 October 1992. ² Treaty Series No. 1 (1959), Cmnd. 602.

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Article 4, paragraph 1
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Replace: "Contracting States..." by: "Contracting Parties...".

Article 5

Replace: ". . . Contracting States . . . " by: ". . . Contracting Parties . . . ".

Article 6, paragraph 1

Replace: "... Contracting State..." by: "... Contracting Party...".

Article 7, paragraph 1

Replace: ". . . Contracting States . . . " by: ". . . Contracting Parties . . . ".

Article 7, paragraph 3

For the existing text, substitute:

"3. Temporary importation papers valid only for the territory of a single Contracting Party may conform to the standard form contained in Annex 2 of this Convention. Contracting Parties may also use other documents, in accordance with their legislation or regulations."

Article 7, paragraph 4

Replace: ". . . Contracting State . . . " by: ". . . Contracting Party . . . ".

Article 7, paragraph 5

Replace: "... Contracting State..." by: "... Contracting Party..." and: "... Contracting States..." by: "... Contracting Parties...".

Article 11, paragraph 1

Replace: "... Contracting States..." by: "... Contracting Parties..." and: "... Contracting State..." by: "... Contracting Party...".

Article 11 paragraph 2

Replace: ". . . Contracting States . . . " by: ". . . Contracting Parties . . . ".

Article 12, paragraph 1

Replace: ". . . Contracting States . . . " by: ". . . Contracting Parties . . . ".

Article 13, paragraph 1(b)

For the existing text, substitute:

"(b) are abandoned free of all expenses to the Exchequer of the country into which they were imported temporarily, in which case the holder of the temporary importation papers shall be exempt from import duties and import taxes; or "

Article 13, paragraph 1(c)

For the existing text, substitute:

"(c) are destroyed, under official supervision, at the expense of the parties concerned, any salvaged parts and materials being subjected to the import duties and import taxes to which they are liable. . . "

Article 13, new paragraph 4

Add the following new paragraph:

"4. When the vehicle or the object listed in the papers are either lost or stolen during the course of the seizure other than a seizure made at the suit of private persons, no import duties or import taxes can be levied against the holder of the temporary importation papers, who should submit evidence of seizure to the Customs authorities."

Article 14

Replace: "... Contracting States..." by: "... Contracting Parties...".

Article 20

For the existing text, substitute:

"The lack of proof of re-exportation within the time allowed of vehicles temporarily imported shall be disregarded when the vehicles are presented to the Customs authorities for re-exportation within fourteen days from the expiry of the temporary entry deadline for the vehicles and satisfactory explanations of the delay are given."

Article 21

- (a) Replace: "... Contracting States..." by: "... Contracting Parties..." and: "... Contracting State..." by: "... Contracting Party...".
- (b) Replace: "... Annex 4..." by: "... Annex 3...".

Article 22, new paragraph 3

Add the following new paragraph:

"3. The validity of temporary importation papers can only be extended once for not more than one year. After this period, a new *carnet* must be issued and delivered in replacement of the former *carnet*."

Article 23

Replace: "... Contracting States..." by: "... Contracting Parties...".

Article 24, paragraph 1

- (a) Replace: "... Annex 5..." by: "... Annex 4...".
- (b) After the first sentence, for the remaining text, substitute:

". . . As an alternative they shall accept any other valid documentary evidence that the vehicle or component parts are outside the country of temporary importation. In the case of papers, other than the carnets de passages en douane, which have not expired, the papers shall be produced at the same time as the evidence referred to above. In the case of carnets the Customs authorities shall accept, as evidence of re-exportation of the vehicles or component parts, the visas entered thereon by the Customs authorities of countries subsequently visited."

Article 24, paragraph 2

- (a) Replace: "... Annex 5..." by: "... Annex 4...".
- (b) For the last phrase, substitute:
 - ". . . As an alternative they shall accept any other valid documentary evidence that the vehicle or component parts are outside the country of temporary importation."

Article 24, paragraph 3

- (a) Replace: "... Contracting States..." by: "... Contracting Parties...".
- (b) Replace: "... State..." by: "... Party...".
- (c) Insert between the second and third sentences, the following wording:
 - "... In case of the misuse of a *carnet* after cancellation by the Customs authorities and the issuing association, the latter cannot be held responsible for import duties and import taxes payable..."

Article 26

After the first sentence, add the following wording:

"... The Customs authorities shall provide the guaranteeing associations with details of the amount of import duties and import taxes within one year from the notification of the non-discharge. The guaranteeing associations' liability for these sums shall cease if such information is not furnished within this one-year period."

Article 27, paragraph I

After the first sentence, add the following wording:

". . . Nevertheless, this period can come into force only as of the date of expiry of the temporary importation papers. If the Customs authorities contest the validity of the proof provided they must so inform the guarantor within a period not exceeding one year."

Article 27, paragraph 2

For the first sentence substitute:

"2. If such proof is not furnished within the time limit allowed, the guaranteeing association shall deposit or pay provisionally within a maximum period of three months the import duties and import taxes payable. . . ."

Article 28

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Replace: "... Contracting States..." by: "... Contracting Parties...".
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Article 29

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Replace: "... Contracting States..." by: "... Contracting Parties...".
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Article 30

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Replace: "... Contracting States..." by: "... Contracting Parties...".
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Article 32

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Replace: "... Contracting States..." by: "... Contracting Parties...".
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New article 32 bis

Add the following new article:

"This Convention shall not prevent the application of greater facilities which Contracting Parties may grant or may wish to grant, either by unilateral provisions or in virtue of bilateral or multilateral agreements, provided that such facilities do not impede the application of the provisions of this Convention. The Contracting Parties are recommended to waive the request for temporary importation papers and guarantees."

Article 34, new paragraph 1 bis

Insert the following paragraph between paragraph 1 and paragraph 2:

"I bis. Any regional economic integration organization may become, in accordance with paragraph 1 of this article, a Contracting Party to this Convention. Such organization which has acceded to this Convention shall inform the Secretary-General of the United Nations of its competence and any subsequent changes thereto, with respect to the matters governed by this Convention. The organization and its Member States may, without however any derogation from the obligations under this Convention, decide on their respective responsibilities for the performance of their obligations under this Convention."

Article 35, paragraph 2

Replace: "...each State..." by: "each State or regional economic integration organization..." and: "...such State..." by: "...such State or regional economic integration organization...".

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Article 36, paragraph 1
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Replace: "... Contracting State..." by: "... Contracting Party...".
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Article 37

Replace: "... Contracting States..." by: "... Contracting Parties...".

Article 39, paragraph 2

Replace: "... Contracting States..." by: "... Contracting Parties...".

Article 39, paragraph 3

- (a) For the first sentence, substitute:
 - "3. The text of any reservation submitted to the Secretary-General of the United Nations by a State or a regional economic integration organization at the time of the signature, the deposit of an instrument of ratification or accession or of any notification under article 38 shall be circulated by the Secretary-General to all Contracting Parties which have at that time signed, ratified or acceded to the Convention..."
- (b) In the second and third sentences, replace: "... Contracting States..." by: "... Contracting Parties...".

Article 39, paragraph 4

In the second sentence, replace: "...States..." by: "...Contracting Parties...".

Article 39, paragraph 5

In the first sentence, replace: "The State..." by: "The Contracting Party..." and: "... such State..." by: "... such Contracting Party...".

Article 39, paragraph 7

- (a) In the first sentence, replace: "No Contracting State..." by: "No Contracting Party..." and: "... a State..." by: "... a Contracting Party...".
- (b) In the second sentence, replace: "Any State..." by: "Any Contracting Party..." and: "...all signatory and Contracting States." by: "...all signatory States and Contracting Parties."

Article 40, paragraph 1

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Replace: "... Contracting States..." by: "... Contracting Parties...".

Article 40, paragraph 2

- (a) In the first sentence, replace: "... Contracting States..." by: "... Contracting Parties..." and: "... States..." by: "... Contracting Parties...".
- (b) In the second sentence, replace: "...the States..." by: "...the Contracting Parties..." and: "...those States..." by: "...those Contracting Parties..."

Article 40, paragraph 3

Replace: "... Contracting States..." by: "... Contracting Parties...".

Article 41, paragraph 1

Replace: "... Contracting State..." by: "... Contracting Party...", "... all Contracting States..." by: "... all Contracting Parties..." and: "... the Contracting States..."

Article 41, paragraph 2

- (a) In the first sentence, replace: ". . . Contracting States . . ." by: ". . . Contracting Parties . . .".
- (b) In the second sentence, replace: ". . . Contracting States . . . "by: ". . . Contracting Parties . . . ".

Article 41, paragraph 3

Replace: "... Contracting States..." by: "... Contracting Parties...".

Article 42, paragraph 1

- (a) In the first sentence, replace: ". . . Contracting State. . ." by: ". . . Contracting Party. . .".
- (b) In the second sentence, replace: ". . . Contracting States . . ." by: ". . . Contracting Parties.".

Article 42, paragraph 2

- (a) Replace: "... Contracting State..." by: "... Contracting Party...".
- (b) After the existing text, add the following wording:
 - "... Regional economic integration organizations which are Contracting Parties to this Convention, for the matters within their competence, shall exercise their right to express an objection. In such case the Member States of said organizations, which are Contracting Parties to this Convention, shall not be entitled to exercise individually such right."

Article 42, paragraph 3

Replace twice: "...all Contracting States..." by: "...all Contracting Parties..."

Article 43

- (a) For the first part of the sentence, substitute:
 - "The Secretary-General of the United Nations shall notify all Contracting Parties and all Member States of the United Nations of the following: . . ."
- (b) Add the following new subparagraph (a) bis:
 - "(a) bis Information on the competence of regional economic integration organizations and any subsequent changes thereto in accordance with article 34, paragraph 1 bis;"

Article 44

For the existing text, substitute:

"The original of this Convention shall be deposited with the Secretary-General of the United Nations who shall transmit certified copies thereof to all Contracting Parties and all Member States of the United Nations."

Annex 1: "Carnet de Passages en Douane"

For the existing text, substitute:

""CARNET DE PASSAGES EN DOUANE"

The Carnet is issued in English and French.

The dimensions are 21×29.7 cm.

The issuing association shall insert its name on each voucher and shall include the initials of the international organization to which it belongs.

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10	This carnet, which has been drawn up in accordance with the provisions of the Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956), may be used in the countries listed on the back cover of this document, under the guarantee of the authorized associations indicated. It is issued on condition that the holder re-exports the vehicle within the specified period of validity and complies with the customs laws and regulations relating to the temporary admission of motor vehicles in the countries visited under the guarantee, in each country where the document is valid, of the authorized association attiliated to the undersigned international organization. ON EXPIRY, THE CARNET MUST BE RETURNED TO THE ASSOCIATION WHICH DELIVERED IT TO THE HOLDER.			
,	Ce carnet, qui a été élaboré selon les dispositions des Conventions douanières relatives à l'importation temporaire des véhicules routiers privés (1954) et des véhicules routiers commerciaux (1956), peut être utilisé dans les pays qui figurent au dos de la couverture de ce document, sous la garantie des associations autorisées indiquées.			
10	A charge pour le titulaire de réexporter le véhicule dans le délai de validité imparti et de se conformer aux tois et réglements de douane sur l'importation temporaire des véhicules à moteur dans les pays visités, sous la garantie, dans chaque pays où le document est valable, de l'Association agréée, affiliée à l'organisation Internationale soussignée. À L'EXPIRATION, LE CARNET DOIT ÉTRE RETOURNÉ À L'ASSOCIATION QUI L'A DÉLIVRÉ.			
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< Inside front cover / Verso de la page de couverture >

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< Inside back cover/Intérieur du dos de la couverture >

The following information is provided by the issuing association to motorists.

L'association qui a délivré le présent carnet fournit les renseignements suivants aux usagers.

< Back Cover/Extérieur du dos de la couverture >

This carnet, which has been drawn up in accordance with the provisions of the Customs Conventions on the Temporary importation of Private Road Vehicles (1954 and Commercial Road Vehicles (1956), may be used in the following countries under the guarantee of the authorized associations indicated:/

Ce carnet, qui a été élaboré selon les dispositions des Conventions douanières relatives à l'importation temporaire de véhicules routiers privés (1954) et des véhicules routiers commerciaux (1956), peut être utilisé dans les pays suivants, sous la garantie des associations autorisées ci-aprés:

(LIST OF COUNTRIES AND AUTHORIZED ASSOCIATIONS)
(LISTE DES PAYS ET ASSOCIATIONS AUTORISÉES)





¹ Treaty Series No. 1 (1960), Cmnd. 919.

Annex 3: Diptych

Annex 3 should be deleted.

Annex 4: Extension of Validity of the "Carnet de Passages en Douane"

- (a) For paragraph 1, substitute:
 - "1. The stamp for extension of validity shall conform to the model contained in this annex.

The stamp shall be drawn up in English or French. The inscribed wording may be repeated in another language."

(b) Existing Annex 4 becomes Annex 3.

Annex 5: Model Certificate for the Adjustment of Undischarged, Destroyed, Lost or Stolen Temporary Importation Papers

- (a) For the existing model certificate, substitute: (see page 17)
- (b) Existing Annex 5 becomes Annex 4.

ANNEX 5 / ANNEXE 5

MODEL CERTIFICATE FOR THE ADJUSTMENT OF UNDISCHARGED, DESTROYED, LOST OR STOLEN TEMPORARY IMPORTATION PAPERS (CERTIFICATE OF LOCATION)

MODÈLE DE CERTIFICAT POUR LA RÉGULARISATION DES TITRES D'IMPORTATION TEMPORAIRE NON DECHARGES, DETRUITS, PERDUS OU VOLÉS (CERTIFICAT DE PRÉSENCE)

Name of country / Nom du pays		
The undersigned authority / l'autorité soussignée		
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a vehicle was produced at / un véhicule a été présenté à		
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Net weight of vehicle (kg) / Poids net du véhicule (kg)	Cet examen a été effectué sur présentation du carnet de passages délivré	
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	CPD no.	
Engine / Moteur Nº		
Make / Marque		
Na. al cylinders / Nombre de cylindres	8.* No temporary importation papers were produced / Il n'a été presenté aucun titre d'importation temporaire	
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Coachwork / Carrossene	Stamp	
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Colour / Couleur	 \ / /	
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Equipment / Equipement		
Radio (make) / Appareil radio (marque)	Official position / Qualité du (des) signataire(s)	
Spare tyres / Pneus de rechange	1	
Other particulars / Divers		

Choose formule A or B as applicable I Formula A ou B à adopter suivant le cas

M.B. THIS CERTIFICATE MUST BE COMPLETED ETHER BY A CONSULAR M.B. CE CERTIFICAT DOIT ÉTRE REMPLISOIT PAR UNE AUTORITÉ CONSULAIRE AUTHORITY OF THE COUNTRY IN WHICH THE PAPERS SHOULD HAVE BEEN AUTHORITY OF THE COUNTRY IN WHICH THE PAPERS SHOULD HAVE BEEN DU PAYS OÙ LE TITRE D'IMPORTATION TEMPORAIRE AURAIT OÙ ETRE DISCHARGED, OR BY AN OFFICIAL AUTHORITY ICUSTOMS, POLICE, MAYOR, DICHARGE, SOIT PAR UNE AUTORITE OFFICIELLE IDOUANE, POLICE, MAIRE, POLICE, POLICE, MAIRE, POLICE, POLICE, MAIRE, POLICE, POLICE, POLICE, MAIRE, POLICE, POLI



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