

**ECONOMIC
AND
SOCIAL COUNCIL****CONSEIL
ECONOMIQUE
ET SOCIAL**E/CONF.8/7
29 April 1949

ORIGINAL: ENGLISH

UNITED NATIONS CONFERENCE ON ROAD
AND MOTOR TRANSPORT

Geneva

23 August 1949

Item 5 of the provisional agenda

DRAFT INTERNATIONAL CUSTOMS CONVENTION ON COMMERCIAL ROAD VEHICLES
PREPARED BY THE SUB-COMMITTEE ON ROAD TRANSPORT OF THE INLAND
TRANSPORT COMMITTEE OF THE ECONOMIC COMMISSION FOR EUROPENote by the Secretary-General

The annexed draft International Customs Convention on Commercial Road Vehicles which was prepared by the Sub-Committee on Road Transport of the Economic Commission for Europe is transmitted to the Governments invited to the United Nations Conference on Road and Motor Transport in conjunction with item 5 of the draft provisional agenda - "Discussion of other problems in the field of road transport which may require international action." The views of the Sub-Committee concerning the urgency of reaching practical conclusions with respect to the question of customs formalities in the field of road transport are found in the Sub-Committee's Explanatory Memorandum which is contained in Working Paper I for the Conference (document E/CONF.8/3). The Secretary-General is bringing this question, together with others discussed in Conference document E/CONF.8/5 - "International Road Transport - Further Problems", to the attention of the Conference in order to have the views of the assembled experts on the further steps which should be taken internationally in the field of road transport.

ANNEX

DRAFT INTERNATIONAL CUSTOMS CONVENTION
ON COMMERCIAL ROAD VEHICLES

(Documents E/ECE/89, E/ECE/TRANS/SC.1/36, 9 February 1949)

Prepared by the Sub-Committee on Road Transport of the
Inland Transport Committee of the Economic
Commission for Europe

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desiring to facilitate international road traffic, have decided to
conclude a Convention for this purpose. They have appointed as their
Plenipotentiaries

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who, after having communicated their full powers, found in good and
due form, have agreed as follows:

Chapter I

GENERAL PROVISIONS

Article 1

For the purpose of this Convention:

(a) the term "import duties and import taxes" shall mean not only
Customs duties but also all duties and taxes whatever chargeable
~~by reason of importation;~~

(b) the term "vehicle" shall mean all road vehicles (including
trailers and cycles with or without engines) used for the transport
of persons for remuneration and also such vehicles used for the
industrial or commercial transport of goods with or without
remuneration;

(c) the term "temporary importation papers" shall include a
Customs receipt showing the deposit of import duties and import
taxes;

(d) unless the context otherwise requires, the term "persons"
shall include both natural and legal persons.

Article 2

1. Each of the Contracting States shall grant temporary free admission
subject to re-exportation, on the conditions laid down in this Convention,
to vehicles registered in the territories of any of the other Contracting
States and imported by undertakings operating from those territories,
and used for the commercial conveyance of passengers or goods on
international routes.

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2. The vehicles shall be covered by temporary importation papers guaranteeing the payment of import duties and import taxes on the vehicle and, if the contingency should arise, of any Customs penalties incurred, subject to the special provisions of Article 31.3 of this Convention.

Article 3

1. Subject to such conditions as the Customs authorities may impose, the driver and other members of the crew of the vehicle shall be allowed to import temporarily a reasonable quantity of personal effects, having regard to the period of stay in the country of importation.
2. Provisions for the journey and small quantities of tobacco, cigars and cigarettes for personal consumption, shall be admitted free of import duties and import taxes.
3. The fuel contained in the ordinary tanks of vehicles temporarily imported shall be admitted free of import duties and import taxes. Each Contracting State may determine in relation to its territory the limits and conditions under which this concession will be granted.

Article 4

Temporary importation or international circulation papers sent to the authorized associations by their corresponding associations or federations or by the Customs authorities of the Contracting States and which are to be used by road transport operators for the admission of their vehicles into other countries shall be admitted free of import duties and import taxes.

Chapter II

TEMPORARY IMPORTATION PAPERS

Article 5

1. Temporary importation papers may be valid for a single country or for several countries.
2. Each of the Contracting States may obtain from the other Contracting States information as to the form or forms of temporary importation paper valid exclusively in its territory.

Article 6

1. Temporary importation papers valid for the territories of all or several of the Contracting States shall be known as "carnets de passages en douane" and shall conform to the standard form contained in Annex 1.
2. If a carnet is not to be used in the territory of one or several of the Contracting States it may be made not valid for that or those territories by the issuing associations.

3. Temporary importation papers valid only for the territory of a single Contracting State may conform to the standard form contained in Annex 2. Contracting States are free to use other documents if they so desire.

4. Additional standard forms and amendments to existing standard forms may be introduced in accordance with the amendment procedure for annexes laid down in Article...

Article 7

The period of validity of temporary importation papers other than those issued by authorized associations as provided for in Article 10 shall be laid down by each Contracting State in accordance with its regulations.

Article 8

1. The vehicles temporarily imported must be re-exported in the same state within the period of validity of the temporary importation papers.
2. Evidence of re-exportation shall be provided by the exit visa properly appended to the temporary importation papers by the Customs authorities of the country into which the vehicles were temporarily imported.

Article 9

1. Notwithstanding the requirement of re-exportation laid down in Article 8, the re-exportation of badly damaged vehicles shall not be required in the case of a duly authenticated accident, provided that the vehicles are either subjected to the import duties and import taxes to which they are liable, or abandoned free of all expense to the Exchequer of the country into which they were imported temporarily, or destroyed at the expense of the parties concerned, as the Customs authorities may require.
2. When a vehicle temporarily admitted cannot be re-exported as the result of a seizure, other than a seizure made at the suit of private persons, the period of validity of the temporary importation papers shall be suspended for the duration of the seizure.
3. The Customs authorities shall notify, so far as possible, to the guaranteeing association, seizures made by or on behalf of these Customs authorities of vehicles in respect of which temporary importation papers guaranteed by that association have been issued and shall advise it of the measures they intend to take.

Chapter III

FACILITIES ACCORDED TO AUTHORIZED ASSOCIATIONS

Article 10

1. Subject to such guarantees and conditions as it shall determine, each of the Contracting States may authorize associations, such as those affiliated to an international organization, to issue directly or through corresponding associations the temporary importation papers covered by this Convention.
2. The period of validity of these papers shall not exceed a year from the day of issue.

Chapter IV

CONDITIONS OF APPLICATION FOR TEMPORARY ADMISSION

Article 11

1. Temporary importation papers issued by the authorized associations shall be made out in the name of the undertakings operating the vehicles temporarily imported.
2. The vehicles may be driven by persons duly authorized by the holders.

Article 12

1. The weight to be declared on temporary importation papers is the net weight of the vehicles. It shall be expressed in the metric system. In the case of papers valid for one country only, the Customs authorities of that country may prescribe the use of another system.
2. The value to be declared on temporary importation papers valid for one country only is to be expressed in the currency of that country. The value to be declared on a carnet de passages en douanes is to be expressed in the currency of the country where the temporary importation papers are issued.
3. The articles and tool-kit which form the normal equipment of vehicles need not be specially declared on the temporary importation papers.
4. When the Customs authorities so require, spare parts (such as tyres, inner tubes or bulbs) and accessories not considered as constituting the normal equipment of vehicles (such as wireless sets or luggage carriers) shall be declared on the temporary importation papers with the necessary particulars (such as weight or value) and shall be produced on exit from the country visited.
5. Trailers accompanying vehicles shall be declared on separate temporary importation papers.

Article 13

Any particulars inserted on temporary importation papers by the issuing association may not be altered unless the alteration is duly approved by the issuing or guaranteeing association. No alteration to the papers may be made after they have been passed by the Customs authorities of the country of importation except with the consent of those authorities.

Article 14

Separate parts imported privately for the repair of vehicles imported temporarily under this Convention into the territory of one of the Contracting States shall be given temporary free admission, subject to re-exportation.

Article 15

Replaced parts shall be liable to import duties and import taxes unless re-exported except where the regulations of the country concerned allow payment of such duties or taxes to be waived when the parts are abandoned free of all expense to the Exchequer or destroyed at the expense of the parties concerned.

Chapter V

EXTENSION OF VALIDITY AND RENEWAL
OF TEMPORARY IMPORTATION PAPERS

Article 16

The lack of proof of re-exportation within the time allowed of vehicles temporarily imported shall be disregarded when the vehicles are presented within eight days from the expiry of the papers and satisfactory explanations of the delay are given.

Article 17

1. Requests for extension of validity of temporary importation papers shall be presented to the competent Customs authorities before the expiry of these papers, unless this is rendered impossible by force majeure.
2. Extensions of time necessary for the re-exportation of vehicles imported temporarily shall be granted when the persons concerned can establish to the satisfaction of the Customs authorities concerned that they are prevented by force majeure from re-exporting the said vehicles within the time allowed.

Article 18

The Contracting States shall recognize as valid for their territories extensions of validity to carnets de passages en douane, where these extensions are granted on conditions agreed between their Customs authorities.

/Article 19

Article 19

Each of the Contracting States shall, unless the conditions of temporary admission are no longer satisfied, authorize, subject to whatever measures of control they may consider necessary, the renewal of temporary importation papers issued by the authorized associations and relating to vehicles temporarily imported into its territory. Requests for renewal shall be presented by the guaranteeing association.

Chapter VI

VISAS ON TEMPORARY IMPORTATION PAPERS
ISSUED BY THE AUTHORIZED ASSOCIATIONS

Article 20

Persons entitled to temporary admission facilities may, during the period of validity of temporary importation papers, import the vehicles covered by those papers as often as necessary, on condition that they have each passage (entry and exit) established by a visa of the Customs officers concerned, if the Customs authorities so require. Temporary importation papers may be made valid for a single journey only.

Article 21

When temporary importation papers without detachable vouchers for each passage are used, the visas given by the Customs officers between the first entry and the final exit are provisional. Provisional visas given on exit may, nevertheless, under the conditions determined by each country, be admitted, while the papers are still valid, as proof of the re-exportation of the vehicles temporarily imported.

Article 22

When temporary importation papers with a detachable voucher for each passage are used, each entry and each exit shall be regarded as final.

Article 23

When the Customs authorities of a country have finally and unconditionally discharged temporary importation papers they can no longer claim from the guaranteeing association payment of import duties and import taxes on the vehicle unless the certificate of discharge was obtained improperly.

Article 24

Visas on temporary importation papers used under the conditions laid down in this Convention shall not be subject to the payment of charges for Customs attendance during the authorized hours for Customs offices and posts.

Chapter VII
REGULARIZATION OF TEMPORARY IMPORTATION
PAPERS ISSUED BY THE AUTHORIZED ASSOCIATIONS

Article 25

1. If the Customs authorities so permit, the lack of a certificate of discharge for temporary importation papers which have been destroyed, lost or stolen, may be disregarded provided that a certificate issued either by a Consular authority of the country concerned, by a Customs authority, or a Police authority, is produced, testifying that the vehicles described on the papers have been presented to them and are outside the country of importation after the date of expiry of the papers. If the vehicle is stolen after having been re-exported from the country of temporary importation without the exit being regularly endorsed on the temporary importation papers, the papers may be regularized provided that the guaranteeing association furnishes the papers together with proof of the theft. If the temporary importation papers have not expired, the Customs authorities may require their surrender.
2. Undischarged papers may likewise be regularized, before or after expiry, if the Customs authorities so permit and on condition that the papers are produced to them, accompanied by a certificate issued by one of the competent authorities mentioned above, or by such other proof as may be required, showing that the vehicles are outside the country of importation. Nevertheless, if the papers in question have not expired, the said certificate or the said proof may only be accepted after the deposit of the said papers with the Customs authorities.
3. A standard form of such certificate is shown in Annex 3.

Article 26

Subject to the conditions determined by the Customs authorities of each country, the lack of a certificate of discharge for outdated temporary importation papers without detachable vouchers may also be disregarded when the last provisional visa on those papers is an exit visa.

Article 27

When an exit visa of a country has been omitted from, or has been irregularly appended to, a carnet de passages en douane, the visas entered thereon by the Customs authorities of countries subsequently visited may be taken into account for the purpose of discharging that carnet.

Article 28

Unless contrary to import prohibitions and restrictions or other measures, the discharge of the undertakings entered into may be authorized exceptionally on payment of the import duties and import taxes applicable to the vehicles temporarily imported.

Article 29

In the cases referred to in Articles 25, 26, 27 and 28 of this Convention, each Customs authority shall have the right to charge a regularization fee and interest.

Article 30

Customs authorities shall not have the right to demand from the guaranteeing associations payment of import duties and import taxes on vehicles temporarily imported when the non-discharge of the temporary importation papers has not been notified to the guaranteeing associations within six months of the date of expiry of the validity of those papers.

Article 31

1. The guaranteeing associations shall have a period of six months as from the notification of the non-discharge of temporary importation papers in which to furnish proof of the re-exportation of the vehicles under the conditions laid down in this Convention.
2. If such proof is not furnished within the time allowed, the guaranteeing association shall deposit or pay provisionally the import duties and import taxes payable. This deposit or payment shall become final after a period of six months from the date of the deposit or provisional payment. During the latter period, the guaranteeing associations may still avail themselves of the facilities provided by the first paragraph of this Article with a view to repayment of the sums deposited or paid.
3. In the case of the non-discharge of temporary importation papers, the guaranteeing association shall not be required to pay a sum greater than the total of the import duties and import taxes applicable to the vehicles not exported, together with interest if required.

Article 32

Nothing in this Convention shall prevent the Customs authorities from proceeding to recover from the holders of temporary importation papers the import duties and import taxes and also any penalties to which they have rendered themselves liable in the event of fraud, contravention or abuse. In such a case, the guaranteeing associations shall lend their assistance to the Customs authorities.

Chapter VIII
MISCELLANEOUS PROVISIONS

Article 33

For the fulfilment of the formalities laid down in this Convention the Contracting States will endeavour to keep open during the same hours Customs offices and posts next to each other on the same international road.

Article 34

The Contracting States will endeavour not to institute Customs measures which might have the effect of impeding the development of international commercial road traffic.

Article 35

Any breach of the provisions of this Convention, any substitution, false declaration or act having the effect of causing a person, a vehicle or an article improperly to benefit from the system of importation laid down in this Convention, any use of a vehicle or an article thus imported for a purpose other than laid down therein, or by a person not fulfilling the conditions necessary to benefit from the aforesaid system of importation may render the offender liable to the penalties prescribed by the laws of the country in which the offence was committed.

Chapter IX

FINAL PROVISION

Article 36

Nothing in this Convention shall be deemed to prejudice the right of each Contracting State to prohibit the use of vehicles accorded temporary importation facilities, even occasionally, for the purpose of picking up passengers or goods at any point within the frontiers of the country into which the vehicle is imported, for conveyance to another point within these frontiers.

PROTOCOL OF SIGNATURE

At the time of signing the Convention of this day's date, the undersigned plenipotentiaries make the following declarations:

The terms of this Convention set out minimum facilities. It is not the intention of the Contracting States to restrict the wider facilities which are granted or may be granted by certain of them in regard to international road traffic. This Convention shall not preclude the application of the provisions of other conventions and national laws concerning road traffic.

/The Contracting

The Contracting States reserve the right to grant the same advantages to undertakings in non-Contracting States.

The Customs authorities of the Contracting States reserve the right to take all appropriate measures of control to prevent frauds, contraventions or abuses which might be committed as a result of the facilities laid down in this Convention.

The Contracting States recognize that the satisfactory operation of this Convention requires the provision of facilities to the authorized associations for:

- (a) the transfer of the exchange necessary for the payment of import duties and import taxes claimed by Customs authorities of one of the Contracting States for non-discharge of the temporary importation papers covered by this Convention;
- (b) the transfer of currency when repayment of import duties or import taxes is made in accordance with the arrangements laid down in Article 31 of this Convention; and
- (c) the issue of any necessary import or export licences and the transfer of currency for payment for temporary importation or international circulation papers sent to the authorized associations by the corresponding associations or federations.

Ad Article 2, Paragraph 1

It is understood that the grant of free admission shall not preclude the levying of small charges in the nature of statistical fees.

Ad Article 20

The Customs authorities of the Contracting States will endeavour to bring into general use, for visas on temporary importation papers, date stamps marking the date of the entry or exit and the name of the Customs office at which the entry or exit was recorded.

Ad Article 31

For countries whose regulations do not provide for the deposit or provisional payment of import duties, the payments made under Article 31 will be regarded as final, it being understood that the sums paid may be refunded when the conditions laid down in the said Articles are fulfilled.

ANNEX 1

"CARNET DE PASSAGES EN DOUANE"

(See Annex 1 to the Draft International Customs
Convention on Touring - document E/ECE/88)

ANNEX 2

TRIPTYCH

(See Annex 3 to the Draft International Customs
Convention on Touring - document E/ECE/88)

ANNEX 3

CERTIFICATE FOR THE ADJUSTMENT OF UNDISCHARGED
OR LOST TEMPORARY IMPORTATION PAPERS

(See Annex 4 to the Draft International Customs
Convention on Touring - document E/ECE/88)
