

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 16 December 1993

on the conclusion of the Customs Convention on the Temporary Importation of Private Road Vehicles (1954) and the acceptance of the United Nations' resolution of 2 July 1993 on the applicability of carnets de passage en douane and CPD carnets to private road vehicles

(94/110/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 113 thereof, in conjunction with Article 228 (2) thereof,

Having regard to the proposal from the Commission,

Whereas the Customs Convention on the Temporary Importation of Private Road Vehicles, negotiated under the auspices of the United Nations Organization and signed in New York on 4 June 1954, covers temporary import conditions and procedures for private road vehicles in the customs territories of the Community and third countries and is a customs agreement which could help international trade;

Whereas, under Article 34 (*1bis*), the Convention is open to accession by regional economic integration organizations;

Whereas, moreover, all the Member States of the Community except Greece are Contracting Parties of the Convention;

Whereas, if the Community is to become a Contracting Party, it must deposit an accession instrument with the Secretary-General of the United Nations Organization;

Whereas the current Community provisions on the temporary importation of road vehicles for private use comply with those of the Convention and there is therefore no need to enter any reservations with regard to the Convention;

Whereas it is appropriate to approve the Convention;

Whereas, it would be appropriate to accept at the same time the United Nations' resolution of 2 July 1993 on the applicability of carnets de passage en douane and CPD carnets to private road vehicles,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Customs Convention on the Temporary Importation of Private Road Vehicles is hereby approved on behalf of the Community.

The text of the Convention appears in Annex I.

2. The United Nations resolution of 2 July 1993 on the applicability of carnets de passage en douane and CPD carnets to private road vehicles is hereby accepted by the

Community, subject to the conditions set out in Annex II to this Decision.

Article 2

1. The President of the Council is hereby authorized to designate the person empowered to deposit the instrument of accession to the Convention on behalf of the Community.

2. The person so designated shall notify the Secretary-General of the United Nations Organization of the acceptance of the resolution.

3. The Commission is hereby authorized to transmit to the Secretary-General of the United Nations the information provided for in Article 34(1bis) of the Convention, after consulting the Member States and depositing the instrument of accession referred to in paragraph 1.

Done at Brussels, 16 December 1993.

For the Council

The President

R. URBAIN

ANNEX I

CUSTOMS CONVENTION

ON THE TEMPORARY IMPORTATION OF PRIVATE ROAD VEHICLES (1954)

THE CONTRACTING PARTIES,

DESIRING to facilitate the development of international touring,

HAVING REGARD to the aims of the Convention on Road Traffic, adopted by the United Nations Conference on Road and Motor Transport held at Geneva from 23 August to 1 September 1949 and opened for signature at Geneva on 19 September 1949,

HAVE DECIDED to conclude a Convention and have agreed upon the following provisions:

CHAPTER I

Definitions

Article 1

For the purpose of this Convention:

- (a) the term 'import duties and import taxes' shall mean customs duties and all other duties, taxes, fees and other charges which are connected 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;
- (b) the term 'vehicles' shall, unless the context otherwise requires, mean all road motor vehicles (including cycles with engines) and trailer (whether imported with the vehicle or separately), together with their component parts, and normal accessories and equipment, when imported with the vehicle;
- (c) the term 'private use' shall exclude the transport of persons for remuneration, reward or other consideration and the industrial or commercial transport of goods or without remunerations;
- (d) the term 'temporary importation papers' shall include the customs document showing the guarantee or deposit of import duties and import taxes;
- (e) the term 'persons' shall mean both natural and legal persons;
- (f) the term 'issuing association' shall mean an association authorized to issue temporary importations 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 (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.

CHAPTER II

Importation without payment of import duties and import taxes and free of import prohibitions and restrictions

Article 2

1. Each of the Contracting Parties shall grant temporary admission without payment of import duties and import taxes and free of import prohibitions and restrictions, subject to re-exportation and to the other conditions laid down in this Convention, to vehicles owned by persons normally resident outside its territory which are imported and utilized, for their private use on the occasion of a temporary visit, either by the owners of the vehicles or by other persons normally resident outside its territory.

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 (4), should the vehicles covered by temporary importation papers not be re-exported within the prescribed time limit.

Article 3

The fuel contained in the ordinary supply tanks of vehicles temporarily imported shall be admitted without payment of import duties and import taxes and free of import prohibitions and restrictions, it being understood that the ordinary tank is that designed by the maker for the type of vehicle concerned.

Article 4

1. Component parts imported for the repair of a particular vehicle already temporarily imported shall be admitted temporarily without payment of import duties and import taxes and free of import prohibitions and restrictions. Contracting Parties may require these parts to be covered by temporary importation papers.

2. Replaced parts which are not re-exported shall be liable to import duties and import taxes except where, in conformity with regulations of the country concerned, they may be abandoned free of all expense to the Exchequer or destroyed, under official supervision, at the expense of the parties concerned.

Article 5

Temporary importation papers and international circulation papers intended to be issued to persons residing in the country into which the papers are imported who wish to enter other countries and which are sent to the authorized touring associations by the corresponding foreign associations, by international organizations or by the customs authorities of the Contracting Parties shall be admitted without payment of import duties and import taxes and free import prohibitions and restrictions.

CHAPTER III

Issue of temporary importation papers

Article 6

1. Subject to such guarantees and under such conditions as it may determine, each Contracting Party may

authorize associations, such as those affiliated to an international organization, to issue either directly or through corresponding associations the temporary importation papers covered by this Convention.

2. Temporary importation papers may be valid for a single country or customs territory, or for several countries or customs territories.

3. The period of validity of these papers shall not exceed a year from the date of issue.

Article 7

1. Temporary importation papers valid for the territories of all or several of the Contracting Parties shall be known as carnets de passage en douane and shall conform to the standard form contained in Annex I to this Convention.

2. If a carnet de passage en douane is not valid for one or several territories, the issuing association shall indicate the fact on the cover and on the importation vouchers of the carnet.

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

4. The period of validity of temporary importation papers, other than those issued by authorized associations as provided for in Article 6, shall be laid down by each Contracting Party in accordance with its legislation or regulations.

5. Each Contracting Party shall, upon request, supply the other Contracting Parties with models of temporary importation papers valid for its territory, other than those appearing in the Annexes to this Convention.

CHAPTER IV

Particulars on temporary importation papers

Article 8

Temporary importation papers issued by authorized associations shall be made out in the name of the persons who own the vehicles temporarily imported or who have

the possession or control of them provided that, if the vehicle has been hired, the papers shall be made out in the name of the hirer.

Article 9

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 cleared on temporary importation papers valid for one country only shall be expressed in the currency of that country. The value to be declared on a carnet de passage en douane shall be expressed in the currency of the country where the carnet is issued.

3. The article 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, parts (such as wheels, tyres, and inner tubes) and accessories not considered as constituting the normal equipment of the vehicle (such as radio sets, trailers not declared on a separate document, or luggage carriers) shall be declared on the temporary importation papers with the necessary particulars (such as weight and value) and shall be produced on exit from the country visited.

Article 10

Any particulars inserted on temporary importation papers by the issuing association may be altered only with the approval of 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 11

1. Vehicles admitted under the cover of temporary importation papers may be used, for their private use, by third persons duly authorized by the holders of the papers, provided that those third persons normally reside outside the country of importation, and also fulfil the other conditions laid down in this Convention. The customs authorities of the Contracting Parties have the right to require evidence that such persons have been duly authorized by the holders of the papers and fulfil the aforesaid conditions. If this evidence does not appear

sufficient, the customs authorities may refuse use of the vehicle in their country under cover of the papers. In the case of vehicles which have been hired, each Contracting Party may, in the case of fear of abuse, require that the holder of the temporary importation paper be present at the time of importation of the vehicle.

2. Notwithstanding the provisions of the preceding paragraph, the customs authorities of the Contracting Parties may permit, in special circumstances and under conditions of which they shall be sole judges, a vehicle circulating under cover of temporary importation papers to be driven by a person who is normally resident in the country of importation, in particular when the driver drives the vehicle on behalf of or under instructions from the holder of the temporary importation papers.

CHAPTER V

Conditions of temporary importation

Article 12

1. The vehicles mentioned in the temporary importation papers shall be re-exported in the same general state, except for war and tear, within the period of validity for such papers. In the case of vehicles which have been hired, the customs authorities of the Contracting Parties shall have the right to require the re-exportation of the vehicle as soon as the hirer has left the country of temporary importation.

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 13

1. Notwithstanding the requirement of re-exportation laid down in Article 12, the re-exportation of badly damaged vehicles shall not be required, in the case of duly authenticated accidents, provided that the vehicles:

- (a) are subjected to the import duties and import taxes to which they are liable; or
- (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

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

as the customs authorities may require.

2. When a vehicle temporarily admitted 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 within 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 admitted under cover of temporary importation papers guaranteed by that association and shall advise it of the measures they intend to take.

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 and 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

Vehicles imported into the territory of one of the Contracting Parties under cover of temporary importation papers may not be used even incidentally for transport against payment, reward or other consideration between points within the frontiers of that territory.

Article 15

Persons entitled to temporary importation 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 16

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. Nevertheless, when the last visa is a provisional exit visa, it will be admitted as proof of the re-exportation of the vehicle or component parts temporarily imported.

Article 17

When temporary importation papers with a detachable voucher for each passage are used, each entry implies the passing of the document by the customs, and each subsequent exit constitutes its final discharge, except as provided in Article 18.

Article 18

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, unless the certificat of discharge was obtained improperly or fraudulently.

Article 19

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 VI

Extension of validity and renewal of temporary importation papers

Article 20

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 14 days from the expiry of the temporary entry deadline for the vehicles and satisfactory explanations of the delay are given.

Article 21

Each of the Contracting Parties shall recognize as valid extensions of validity of carnets de passage en douane granted by another Contracting Party in accordance with the procedure laid down in Annex 3 to this Convention.

Article 22

1. Requests for extension of validity of temporary importation papers shall be presented to the competent customs authorities before the expiry of the period of validity of these papers, unless this is rendered impossible by *force majeure*. If the temporary importation paper has been issued by an authorized association, the request for extension shall be made by the association which guarantees the papers.

2. Extensions of time necessary for the re-exportation of vehicles or component parts imported temporarily shall be granted when the persons concerned can establish to the satisfaction of the customs authorities that they are prevented by *force majeure* from re-exporting the said vehicles or component parts within the time allowed.

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

Each of the Contracting Parties 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 or component parts temporarily imported into its territory. Requests for renewal shall be presented by the guaranteeing association.

CHAPTER VII

Regularization of temporary importation papers

Article 24

1. If temporary importation papers have not been regularly discharged, the customs authorities of the country of importation shall (whether the papers have expired or not) accept as evidence of re-exportation of the vehicle or component parts the presentation of a certificate based on the standard form shown in Annex 4 to this Convention issued by an official authority (consul, customs, police, mayor, judicial officer, etc.), attesting the facts that the vehicle or component parts in question have been presented to it and are outside the country of importation. 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 passage 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.

2. In the case of destruction, loss or theft of a temporary importation paper not regularly discharged but relating to a vehicle or component parts which have been re-exported, the customs authorities of the country of importation shall accept as proof of re-exportation the presentation of a certificate based on the standard form shown in Annex 4 to this Convention issued by an official authority (consul, customs, police, mayor, judicial officer, etc.), attesting the facts that the vehicle or component parts in question have been presented to it and are outside the country of importation after the date of expiry of the paper. As an alternative they shall accept any other valid documentary evidence that the vehicle or component parts are outside the country of temporary importation.

3. In the case of destructions, loss or theft of a carnet de passage en douane while the vehicle or component parts to which it refers are in the territory of one of the Contracting Parties, the customs authorities of that Party shall, at the request of the association concerned, accept a replacement document, the validity of which expires on the date of expiration of validity of the carnet which it replaces. This acceptance will annul the previous acceptance of the carnet destroyed, lost or stolen. 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. If, instead of a replacement document, an export licence or similar document is issued for the re-exportation of the vehicle or component parts, the exit visa on this licence or document shall be considered as sufficient proof of re-exportation.

4. If the vehicle is stolen after having been re-exported from the country of temporary importation, without the exit having been regularly endorsed on the temporary importation papers and in the absence of entry visas on the papers entered thereon by the customs authorities of countries subsequently visited, the papers may nevertheless be regularized provided that the guaranteeing association furnishes the papers together with such evidence of theft as may be considered sufficient. If the temporary importation papers have not expired, the Customs authorities may require their surrender.

Article 25

In the case referred to in Article 24, the customs authorities shall have the right to charge a regularization fee.

Article 25(bis)

The competent customs authorities shall not require payment of import duties and import taxes where it is proved to their satisfaction that a vehicle imported under cover of temporary importation papers can no longer be re-exported because it has been destroyed or irrecoverably lost for reasons of *force majeure*.

Article 26

Customs authorities shall not have the right to require from the guaranteeing association payment of import duties and import taxes on vehicles or component parts temporarily imported when the non-discharge of the temporary importation papers has not been notified to the guaranteeing association within a year of the date of expiry of the validity of those papers. 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

1. The guaranteeing associations shall have a period of one year from the date of notification of the non-discharge of temporary importation papers in which to furnish proof of the re-exportation of the vehicles or component parts in question under the conditions laid down in this Convention. 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.

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. This deposit or payment shall become final after a period of one year from the date of the deposit or provisional payment. During the latter period, the guaranteeing association may still avail itself of the facilities provided by the preceding paragraph with a view to repayment of the sums deposited or paid.

3. For countries whose regulations do not provide for the deposit or provisional payment of import duties,

payments made in conformity with the provisions of the preceding paragraph will be regarded as final, it being understood that the sums paid may be refunded when the conditions laid down in this Article are fulfilled.

4. 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 or component parts not re-exported, together with interest if applicable.

Article 28

In the event of fraud, contravention or abuse the Contracting Parties shall, notwithstanding the provisions of this Convention, be free to take proceedings, against persons using temporary importation papers, for the recovery of the import duties and import taxes and also for the imposition of any penalties to which such persons have rendered themselves liable. In such cases, the guaranteeing associations shall lend their assistance to the customs authorities.

CHAPTER VIII

Miscellaneous provisions

Article 29

The Contracting Parties shall endeavour not to introduce customs procedures which might have the effect of impeding the development of international touring.

Article 30

In order to expedite customs procedures contiguous Contracting Parties shall endeavour to place their respective customs posts close together and to keep them open during the same hours.

Article 31

Any breach of the provisions of this Convention, any substitution, false declaration or act having the effect of causing a person or an article improperly to benefit from the system of importation laid down in this Convention, may render the offender liable in the country where the offence was committed to the penalties prescribed by the laws of that country.

Article 32

Nothing in this Convention shall prevent Contracting Parties which form a customs or economic union from enacting special provisions applicable to residents of the States forming that union.

Article 32bis

This Convention shall not prevent the application of greater facilities which Contracting Parties 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.

CHAPTER IX

Final provisions

Article 33

1. This Convention shall be open for signature until 31 December 1954 on behalf of any Member State of the United Nations and any other State invited to attend the United Nations conference on customs formalities for the temporary importation of private road motor vehicles and for tourism held in New York in May and June 1954, hereinafter referred to as the conference.

2. This Convention shall be subject to ratification and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 34

1. From 1 January 1955 this Convention shall be open for accession by any State referred to Article 33 (1) and any other State so invited by the Economic and Social Council of the United Nations. It shall also be open for accession on behalf of any trust territory of which the United Nations is the administering authority.

1bis 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.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 35

1. This Convention shall enter into force on the 90th day following the date of the deposit of the 15th instrument of ratification or accession either without reservation or with reservations accepted in accordance with Article 39.

2. For each State or regional economic integration organization ratifying or acceding to the Convention after the date of the deposit of the 15th instrument of ratification or accession in accordance with the preceding paragraph, the Convention shall enter into force on the 90th day following the date of the deposit by such State or regional economic integration organization of its instrument of ratification or accession either without reservation or with reservations accepted in accordance with Article 39.

Article 36

1. After this Convention has been in force for three years, any Contracting Party may denounce it by so notifying the Secretary-General of the United Nations.

2. Denunciation shall take effect 15 months after the date of receipt by the Secretary-General of the United Nations of the notification of denunciation.

Article 37

This Convention shall cease to have effect if, for any period or 12 consecutive months after its entry into force, the number of Contracting Parties is less than eight.

Article 38

1. Any State may, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this

Convention shall extend to all or any of the territories for the international relations of which it is responsible. The Convention shall extend to the territories named in the notification as from the 90th day after its receipt by the Secretary-General if the notification is not accompanied by a reservation, or from the 90th day after the notification has taken effect in accordance with Article 39, or on the date on which the Convention enters into force for the State concerned, whichever is the later.

2. Any State which has made a declaration under the preceding paragraph extending this Convention to any territory for whose international relations it is responsible may denounce the Convention separately in respect of that territory in accordance with the provisions of Article 36.

Article 39

1. Reservations to this Convention made before the signing of the Final Act shall be admissible if they have been accepted by a majority of the members of the conference and recorded in the Final Act.

2. Reservations made after the signing of the Final Act shall not be admitted if objection is expressed by one-third of the signatory States or of the Contracting Parties as hereinafter provided.

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. If one-third of these Contracting Parties expresses an objection within 90 days from the date of circulation, the reservation shall not be accepted. The Secretary-General shall notify all Contracting Parties referred to in this paragraph of any objection received by him as well as of the acceptance or rejection of the reservation.

4. An objection by a State which has signed but not ratified the Convention shall cease to have effect if, within a period of nine months from the date of making its objection, the objecting State has not ratified the Convention. If, as the result of an objection ceasing to have effect, a reservation is accepted by application of the preceding paragraph, the Secretary-General shall so inform the Contracting Parties referred to in that paragraph. The text of any reservation shall not be circulated to any signatory State under the preceding

paragraph if that State has not ratified the Convention within three years following the date of signature on its behalf.

5. The Contracting Party submitting the reservation may, within a period of 12 months from the date of the notification by the Secretary-General referred to in paragraph 3 that a reservation has been rejected in accordance with the procedure provided for in that paragraph, withdraw the reservation, in which case the instrument of ratification or accession or the notification under Article 38 as the case may be shall take effect with respect to such Contracting Party as from the date of the withdrawal. Pending such withdrawal, the instrument or the notification as the case may be, shall not have effect, unless, by application of the provisions of paragraph 4, the reservation is subsequently accepted.

6. Reservations accepted in accordance with this Article may be withdrawn at any time by notification to the Secretary-General.

7. No Contracting Party shall be required to extend to a Contracting Party making a reservation the benefit of the provisions to which such reservation applies. Any Contracting Party availing itself of this right shall notify the Secretary-General accordingly and the latter shall communicate this decision to all signatory States and Contracting Parties.

Article 40

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

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

3. The decision of the arbitrator or arbitrators appointed under the preceding paragraph shall be binding on the Contracting Parties concerned.

Article 41

1. After this Convention has been in force for three years, any Contracting Party may, by notification to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing the Convention. The Secretary-General shall notify all Contracting Parties of the request and a review conference shall be convened by the Secretary-General if, within a period of four months following the date of notification by the Secretary-General, not less than one-half of the Contracting Parties notify him of their concurrence with the request.

2. If a conference is convened in accordance with the preceding paragraph, the Secretary-General shall notify all Contracting Parties and invite them to submit within a period of three months such proposals as they may wish the conference to consider. The Secretary-General shall circulate to all Contracting Parties the provisional agenda for the conference together with the texts of such proposals at least three months before the date on which the conference is to meet.

3. The Secretary-General shall invite to any conference convened in accordance with this Article all Contracting Parties and all other States Members of the United Nations or of any of the specialized agencies.

Article 42

1. Any Contracting Party may propose one or more amendments to this Convention. The text of any proposed amendment shall be transmitted to the Secretary-General of the United Nations who shall circulate it to all Contracting Parties.

2. Any proposed amendment circulated in accordance with the preceding paragraph shall be deemed to be accepted if no Contracting Party expresses an objection within a period of six months following the date of circulation of the proposed amendment by the Secretary-General. 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 the said organizations, which are Contracting Parties to this Convention, shall not be entitled to exercise individually such right.

3. The Secretary-General shall notify as soon as possible all Contracting Parties whether an objection to the proposed amendment has been expressed, and if no such objection has been expressed, the amendment shall enter into force for all Contracting Parties three months after the expiration of the period of six months referred to in the preceding paragraph.

Article 43

The Secretary-General of the United Nations shall notify all Contracting Parties and all Member States of the United Nations of the following:

- (a) signatures ratifications and accessions, received in accordance with Articles 33 and 34;
- (a)bis information on the competence of regional economic integration organizations and any subsequent changes hereto in accordance with Article 34 (1bis);
- (b) the date upon which this Convention shall enter into force in accordance with Article 35;
- (c) denunciations received in accordance with Article 36;
- (d) the abrogation of this Convention in accordance with Article 37;
- (e) notifications received under Article 38;
- (f) entry into force of any amendment in accordance with Article 42.

Article 44

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.

In witness whereof the undersigned, being duly authorized thereto, have signed this Convention.

Done at New York this fourth day of June, one thousand nine hundred and fifty-four, in a single copy in the English, French and Spanish languages, each text being equally authentic.

The Secretary-General is requested to prepare an authoritative translation of this Convention in the Chinese and Russian languages and to add the Chinese and Russian texts to the English, French and Spanish texts when transmitting certified copies thereof to the States in accordance with Article 44 of this Convention.

ANNEXES

- Annex 1:* Carnet de passage en douane
- Annex 2:* Triptych
- Annex 3:* Extension of validity of the carnet de passage en douane:
- Annex 4:* Model certificate for the adjustment of undischarged, destroyed, lost or stolen temporary importation papers

Annex 1/Annexe 1

**MODEL OF CARNET DE PASSAGE EN DOUANE
MODÈLE DE CARNET DE PASSAGE EN DOUANE**

The carnet is issued in English and French

The dimensions of the carnet are 21 x 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**

**Toutes les mentions imprimées du carnet de passage en douane sont rédigées en français et
en anglais**

Les dimensions sont de 21 x 29,7 cm

**L'association qui délivre le carnet doit faire figurer son nom sur chacun des volets et faire
suivre ce nom des initiales de l'organisation internationale à laquelle elle est affiliée**

1	Holder and address/Titulaire et adresse	CPD No/N°
2		Valid for not more than one year, that is until/Validité n'excédant pas un an, soit jusqu'au
3	 inclusive/inclus
4	Issued by/Délivré par	The validity of this carnet is subject to compliance by the holder during this period with the customs laws and regulations of the countries visited/Ce carnet reste valable sous réserve que le titulaire ne cesse de remplir, pendant cette période, les conditions prévues par les lois et règlements douaniers du pays visité
5		Validity extended until/Validité prolongée jusqu'a
INTERNATIONAL ORGANIZATION ORGANISATION INTERNATIONALE CARNET DE PASSAGE EN DOUANE For motor vehicles and trailers/Pour véhicules à moteur et remorques (*)		
8	This carnet is issued for the vehicle registered in/ Ce carnet est délivré pour le véhicule immatriculé en.....	under No/ sous le n°
9	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 association indicated.	
10	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 affiliated to the undersigned international organization. ON EXPIRY, THE CARNET MUST BE RETURNED TO THE ASSOCIATION WHICH DELIVERED IT TO THE HOLDER./	
9	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	À charge pour le titulaire de réexporter le véhicule dans le délai de validité imparti et de se conformer aux lois et règlements douaniers 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 ÊTRE RETOURNÉ À L'ASSOCIATION QUI L'A DÉLIVRÉ.	
11	Issued at/Délivré à the/le 19.....	
12	Signature of international organization/ Signature de l'organisation internationale	Signature of issuing association/ Signature de l'association émettrice
		Holder's signature/ Signature du titulaire

13 (*) See reverse side/Voir verso.

DESCRIPTION OF VEHICLE/SIGNALEMENT DU VÉHICULE

4		
5	Registered in/Immatriculé en	under No/sous le n°
6	Year of manufacture/Année de construction	For official use only/Pour utilisation officielle seulement
7	Net weight of vehicle (kg)/Poids net du véhicule (kg)	
8	Value of vehicle/Valeur du véhicule.....	
9	Chassis No/Chassis n°	
10	Make/Marque	
11	Engine No/Moteur n°	
12	Make/Marque	
13	No of cylinders/Nombre de cylindres	
14	Horsepower/Nombre de chevaux	
15	Coachwork/Carrosserie	
16	Type (car, lorry.../voiture, camion...)	
17	Colour/Couleur	
18	Upholstery/Garnitures intérieures	
19	Number of seats or carrying capacity/Nombre de places ou charge utile	
20	Equipment/Équipement	
	Radio (make)/Appareil radio (marque)	
21	Spare tyres/Pneus de rechange	
22	Other particulars/Divers	
23	

Extension of validity/Prolongation de la validité

< *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.**

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 des véhicules routiers privés (1954) et des véhicules routiers commerciaux (1956), peut être utilisé dans les pays suivants, sous la garantie des associations autorisées ci-après:

(LIST OF COUNTRIES AND AUTHORIZED ASSOCIATIONS)

(LISTE DES PAYS ET ASSOCIATIONS AUTORISÉES)

Annex 2

TRIPTYCH

The triptych should be printed in the national language of the country of importation and, if desired, also in one other language.

The dimensions are 13 x 29,5 cm.

1. IMPORTATION VOUCHER

This voucher to be detached and retained by the customs office of importation.

TRIPTYCH No

For (country of validity)

VALID until

Guaranteed by

Delivered by

Holder

Normal residence or business address

For a MOTOR VEHICLE driven by internal combustion, electricity, steam; TRAILER

Type (car, bus, lorry, van, tractor, motorcycle with or without sidecar, cycle with auxiliary engine)

Registered in under No

Chassis

Engine

Coachwork

Spare tyres

Radio (indicate make)

Other particulars

Net weight of vehicle, in kg

Value of vehicle

Date of importation

At the customs office of

Voucher registered under No

Customs officer's signature

Customs stamp

The customs officer should make a similar entry in the corresponding section of vouchers Nos 2 and 3.

TEMPORARY EXITS AND RE-ENTRIES

Customs stamps and customs officers' signatures on temporary exits and re-entries

EXIT	EXIT
ENTRY	ENTRY
ENTRY	ENTRY
ENTRY	ENTRY
ENTRY	ENTRY
ENTRY	ENTRY
ENTRY	ENTRY
ENTRY	ENTRY

3. HOLDER'S COPY

This voucher is to be retained by the holder after having been stamped and signed by the customs authorities (1) on first importation in (2) on final re-exportation from and must subsequently be returned to (association which delivered the document to the holder).

TRIPTYCH No

For (country of validity)

VALID until

Guaranteed by

Delivered by

Holder

Normal residence or business address

For a MOTOR VEHICLE driven by internal combustion, electricity, steam; TRAILER

Type (car, bus, lorry, van, tractor, motorcycle with or without sidecar, cycle with auxiliary engine)

Registered in under No

Chassis

Engine

Coachwork

Spare tyres

Radio (indicate make)

Other particulars

Net weight of vehicle, in kg

Value of vehicle

Date of importation

At the customs office of

Voucher registered under No

Customs officer's signature

Customs stamp

The customs officer should make a similar entry in the corresponding section of vouchers Nos 1 and 2.

TRIPTYCH

For
(country of validity)

N^o

This vehicle is imported subject to the holder's obligation to re-export it by the date specified above and to comply with the customs laws and regulations relating to the temporary admission of motor vehicles in the countries visited, under the guarantee of
..... (the guaranteeing association) in virtue of an undertaking which the latter association has given to (the customs authority).
....., the 19.....

Signature of the secretary of the guaranteeing association

Signature of holder

2. EXPORTATION VOUCHER

This voucher to be detached and retained at the customs office of exportation, to be forwarded to the customs office of the first importation.

TRIPTYCH No

For
(country of validity)

VALID until

Guaranteed by

Delivered by

Holder

Normal residence

or business address

For a MOTOR VEHICLE driven by

internal combustion, electricity,

steam; TRAILER

TYPE (car, bus, lorry, van, tractor,

motorcycle with or without sidecar,

cycle with auxiliary engine)

Registered in under No

Chassis

{ Make

{ No

{ Make

{ No

{ Number of cylinders

{ Horse power

{ Type or shape

{ Colour

{ Upholstery

{ Number of seats or carrying capacity,

Coachwork

Spare tyres

Radio (indicate make)

Other particulars

.....

Net weight of vehicle in kg

Value of vehicle

Date of importation

At the customs office of

Voucher registered under No

.....

.....

.....

.....

.....

.....

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.....



Customs officer's signature

The customs officer should make a similar entry in the corresponding section of vouchers Nos 1 and 3.

Date of final re-exportation

At the customs office of



Customs officer's signature

The customs officer should make a similar entry at the foot of voucher No 3.

Annexe 3

PROLONGATION DE LA VALIDITÉ
DU CARNET DE PASSAGE EN
DOUANE

1. La formule de prolongation de validité doit être conforme au modèle figurant dans la présente annexe.

La formule est libellée en anglais ou en français. Les mentions qu'elle contient peuvent être répétées dans une autre langue.

2. La personne qui demande la prolongation et l'association garante qui s'occupe de cette demande se conforment à la procédure indiquée ci-après:

- a) Dès que le titulaire d'un carnet de passage en douane s'aperçoit qu'il est contraint de demander une prolongation du délai de validité de son document, il remet avec son carnet, à l'association garante, une demande de prolongation expliquant les circonstances qui l'ont obligé à formuler cette requête. A titre justificatif, il joint à la demande, selon le cas, un certificat médical, une attestation de l'atelier de réparation, ou toute autre pièce authentique établissant que la force majeure invoquée est réelle.
- b) Si l'association garante estime que la demande de prolongation peut être présentée à la douane, elle imprime, au moyen d'un timbre humide, la formule visée au paragraphe 1 sur la couverture du carnet de passage en douane, à l'endroit spécialement réservé à cet effet.
- c) L'association garante indique, dans la partie gauche de la formule, jusqu'à quelle date (en lettres et en chiffres) la prolongation est sollicitée. Y sont opposés la signature du président de l'association ou de son délégué ainsi que le cachet officiel de l'association.
- d) La durée de prolongation ne doit pas excéder le délai raisonnablement nécessaire pour terminer le voyage, délai qui ne devrait normalement pas dépasser trois mois à compter de la date de péremption du carnet de passage en douane.
- e) L'association garante transmet ensuite le carnet à l'autorité douanière compétente de son pays. Elle joint au carnet la demande du titulaire, accompagnée des pièces justificatives.
- f) L'autorité douanière décide si la prolongation doit être accordée. Elle peut réduire la durée de la prolongation demandée ou refuser d'accorder toute prolongation. Si la prolongation est accordée, le fonctionnaire compétent de la douane complète la formule imprimée sur la couverture du carnet par l'association garante, lui donne un numéro d'ordre ou d'enregistrement, fait mention du lieu, de la date et de sa qualité. Il revêt ensuite la formule de sa signature ainsi que du cachet officiel de la douane.
- g) Le carnet de passage en douane est alors renvoyé à l'association garante, qui le restitue à l'intéressé.

Annex 3

EXTENSION OF VALIDITY OF THE
CARNET DE PASSAGE EN
DOUANE

1. The stamp for extension of validity shall conform to the model contained in the present Annex.

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

2. The following procedure shall be observed by the person requesting the extension and by the guaranteeing association dealing with the request:

- (a) as soon as the holder of a carnet de passage en douane realizes that he is obliged to request an extension of the period of validity of the document, he sends to the guaranteeing association the carnet and a request for extension, indicating the circumstances which oblige him to make the request. He will submit with his request, as supporting evidence, such papers as a medical certificate, a statement from the garage repairing his vehicle, or any other authentic document showing that the delay in question is caused by *force majeure*.
- (b) if the guaranteeing association considers that the request for extension might be passed on to the customs authorities, it stamps the cover of the carnet de passage en douane in the space specially reserved for this purpose.
- (c) in the left-hand side of the stamp the guaranteeing association fills in the date, in figures and words, until which the extension is requested. The President or representative of the association signs and the stamp of the association is affixed.
- (d) the length of the extension must not exceed a reasonable period necessary to complete the journey, and should not normally exceed three months from the previous date of expiry of the carnet.
- (e) the guaranteeing association then sends the carnet to the competent customs authority of its country. The request made by the holder of the carnet and the supporting evidence are attached to the carnet.
- (f) the customs authority decides whether the extension shall be granted. It may reduce the period of extension requested, or refuse to grant any extension. If it is granted, the competent customs officer completes the stamp placed on the cover of the carnet by the guaranteeing association, by adding a serial or registry number, the place and date and his own official position. He then signs and adds the customs stamp.
- (g) the carnet is then returned to the guaranteeing association, which in turn returns it to the person concerned.

<p>Country/Pays</p> <p>Guaranteeing association/ Association garante</p>	<p>No/N°</p> <p>Extension granted until/ Prolongation accordée jusqu'au</p>
<p>The extension of validity for all countries where this carnet is valid, is requested until/La prolongation pour tous les pays où ce carnet est valable, est demandée jusqu'au</p>	
<p>..... (in figures and words/en lettres et en chiffres)</p>	
<p>..... the 19</p>	
<p>Stamp of the guaranteeing association/ Cachet officiel de l'association garante</p>	<p>Signature and official position of the customs officer/ Signature et qualité du fonctionnaire de la douane</p>

**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 DÉCHARGÉS, DÉTRUITS, PERDUS OU VOLÉS
(CERTIFICAT DE PRÉSENCE)**

Name of country/Nom du pays

The undersigned authority/l'autorité soussignée

certifies that this day/certifie que ce jour (day to be given in full/préciser la date)

a vehicle was produced at/un véhicule a été présenté à (place and country/lieu et pays)

by/par (name, address/nom, adresse)

The vehicle was found on examination to be of the description mentioned hereunder:/il a été constaté que ce véhicule répondait aux caractéristiques mentionnées ci-dessous:

DESCRIPTION OF VEHICLE/SIGNALEMENT DU VÉHICULE	
Registered in/Immatriculé en	under No/sous le n°
Year of manufacture/Année de construction	<p>A.* This examination has been made on presentation of the carnet de passage issued for the vehicle described here./Cet examen a été effectué sur présentation du carnet de passages délivré pour le véhicule décrit ci-contre.</p> <p>CPD No/N°</p> <p>Issued by/Délivré par</p> <p>B.* No temporary importation papers were produced. Il n'a été présenté aucun titre d'importation temporaire.</p> <div style="text-align: right; border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 10px auto; display: flex; align-items: center; justify-content: center;"> <small>Stamp Timbre</small> </div> <p>Date and place of signature/Date et lieu de signature</p> <p>Official position/Qualité du (des) signataire(s)</p> <p>Signature(s)</p>
Net weight of vehicle (kg)/Poids net du véhicule (kg)	
Value of vehicle/Valeur du véhicule	
Chassis No/Châssis n°	
Make/Marque	
Engine No/Moteur n°	
Make/Marque	
Number of cylinders/Nombre de cylindres	
Horsepower/Nombre de chevaux	
Coachwork/Carrosserie	
Type (car, lorry.../voiture, camion...)	
Colour/Couleur	
Upholstery/Garnitures intérieures	
Number of seats or carrying capacity/Nombre de places ou charge utile	
Equipment/Équipement	
Radio (make)/Appareil radio (marque)	
Spare tyres/Pneus de rechange	
Other particulars/Divers	
.....	

* Choose formula A or B as applicable/Formula A ou B à adopter suivant le cas.

NB: This certificate must be completed either by a consular authority of the country in which the papers should have been discharged, or by an official authority (customs, police, mayor, judicial officer, etc.) of the country in which the vehicle is examined.

NB: Ce certificat doit être rempli soit par une autorité consulaire, du pays ou le titre d'importation temporaire aurait dû être déchargé, soit par une autorité officielle (douane, police, maire, huissier, etc.) du pays ou le véhicule a été présenté.

ANNEX II

ACCEPTANCE OF THE UNITED NATIONS' RESOLUTION

of 2 July 1993

on the applicability of carnets de passage en douane and CPD carnets to private road vehicles

For the purposes of the application of the Customs Convention on the Temporary Importation of Private Road Vehicles (New York, 1954) the Community hereby notifies the Secretary-General of the United Nations that it accepts the United Nations' resolution of 2 July 1993 on the applicability of carnets de passage en douane and CPD carnets to private road vehicles.

The Community will apply the resolution, in the context of its relations with the Contracting Parties, to any of the Parties, which have also accepted the instrument.

The Community will also apply the Customs Cooperation Council's recommendation of 25 June 1992 on the CPD carnet ⁽¹⁾ in so far as it concerns private road vehicles.

The text of the United Nations' resolution is reproduced below.

⁽¹⁾ OJ No L 289, 24. 11. 1993, p. 42.

UNITED NATIONS' RESOLUTION

of 2 July 1993

on the applicability of carnets de passage en douane and CPD carnets to private road vehicles

For Contracting Parties to the 1954 Customs Convention on the Temporary Importation of Private Road Vehicles (4 June 1954)

THE UN/EEC WORKING PARTY ON CUSTOMS QUESTIONS AFFECTING TRANSPORT,

RECALLING the provisions of Article 7 (1) of the Customs Convention on the Temporary Importation of Private Road Vehicles (4 June 1954) (hereinafter called the Vehicle Convention 1954),

RECALLING that Annex I to this Convention lays down a model for temporary importation papers (carnets de passage en douane) to be used for the temporary importation of private road vehicles, and that this model as well as the conditions for its use are virtually the same as those for the temporary admission papers (carnet CPD) laid down in the Convention on Temporary Admission, Annex A, Appendix II (hereinafter called the Istanbul Convention),

NOTING that the carnet issuing the guaranteeing associations operating under the Vehicle Convention 1954 are the same as those which will operate under the Istanbul Convention,

CONSCIOUS of the importance of ensuring a smooth transfer from the Vehicle Convention 1954 to Annex C to the Istanbul Convention and of avoiding undue hardship to the issuing and guaranteeing associations,

APPRECIATING the willingness of the issuing and guaranteeing associations operating under the Vehicle Convention to render the relevant issuing and guaranteeing chains operational also under Annexes A and C to the Istanbul Convention in so far as road motor vehicles for private use and trailers are concerned, and their commitment to guarantee CPD carnets provided for in the two Conventions,

RECOMMENDS that those Contracting Parties to the Vehicle Convention 1954 which accept a carnet for temporary importation of private road vehicles, should accept both the carnet model laid down in Annex I to the Vehicle Convention 1954 and the temporary admission papers (carnet CPD) laid down in the Istanbul Convention, Appendix 11 of Annex A;

REQUESTS the Executive Secretary of the United Nations Economic Commission for Europe to notify the Contracting Parties to the Vehicle Convention 1954 of the undertaking by the issuing and guaranteeing associations to guarantee, *vis-à-vis* the customs administrations, the carnets provided for in the two Conventions. The Executive Secretary is also requested to append this resolution to such a notification;

REQUESTS each Contracting Parties to the Vehicle Convention 1954 to notify the Executive Secretary of the United Nations Economic Commission for Europe whether it accepts or does not accept this resolution. Such notification shall be made within one year following the date on which the Executive Secretary notifies Contracting Parties of the undertaking by the issuing and guaranteeing associations to guarantee the carnets provided for in the two Conventions;

In the case of acceptance, the Contracting Party shall also notify the Executive Secretary of the date from which it will apply the recommendation and of the conditions of its application.

Failure to notify the Executive Secretary of the United Nations Economic Commission for Europe within one year shall mean that the Contracting Party is unable to accept the resolution. However, a Contracting Party may accept this resolution at a later date.

The Executive Secretary shall transmit this information to the customs administrations of the Contracting Parties to the Vehicle Convention 1954. He shall also transmit it to the Secretary-General of the Customs Cooperation Council, to regional economic integration organizations which qualify as Contracting Parties and to the international Touring Alliance and the International Automobile Federation.
