

Ο περί της Τελωνειακής Συμβάσεως διά την Προσωρινήν Εισαγωγήν Παιδαγωγικού Ύλικου (Κυρωτικός) Νόμος του 1973 εκδίδεται διά δημοσίευσεως εις την επίσημον έφημερίδα της Κυπριακής Δημοκρατίας συμφώνως τῷ Ἀρθρῷ 52 τοῦ Συντάγματος.

Ἀριθμός 74 τοῦ 1973

ΝΟΜΟΣ ΚΥΡΩΝ ΤΗΝ ΤΕΛΩΝΕΙΑΚΗΝ ΣΥΜΒΑΣΙΝ ΔΙΑ ΤΗΝ
ΠΡΟΣΩΡΙΝΗΝ ΕΙΣΑΓΩΓΗΝ ΠΑΙΔΑΓΩΓΙΚΟΥ ΥΛΙΚΟΥ

Ἡ Βουλὴ τῶν Ἀντιπροσώπων ψηφίζει ὡς ἀκολούθως :

1. Ὁ παρὼν Νόμος θὰ ἀναφέρηται ὡς ὁ περί της Τελωνειακής Συμβάσεως διά την Προσωρινήν Εισαγωγήν Παιδαγωγικού Ύλικου (Κυρωτικός) Νόμος τοῦ 1973. Συνοπτικός τίτλος.

2. Ἐν τῷ παρόντι Νόμῳ, ἐκτὸς ἑάν ἐκ τοῦ κειμένου προκύπτῃ διάφορος ἔννοια— Ἑρμηνεία.

«Διευθυντής» σημαίνει τὸν Διευθυντὴν τοῦ Τμήματος Τελωνείων τοῦ Ὑπουργείου Οἰκονομικῶν.

«Σύμβασις» σημαίνει τὴν Σύμβασιν διά την Προσωρινήν Εισαγωγήν Παιδαγωγικού Ύλικου, τῆς ὁποίας τὸ κείμενον ἐν τῷ ἀγγλικῷ πρωτοτύπῳ ἐκτίθεται εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος καὶ ἐν μεταφράσει εἰς τὴν ἑλληνικὴν εἰς τὸ Δεύτερον Μέρος τοῦ Πίνακος : Πίναξ.

Νοεῖται ὅτι ἐν περιπτώσει ἀντιθέσεως μεταξὺ τῶν δύο κειμένων ὑπερισχῆι τὸ εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος ἐκτιθέμενον κείμενον.

3. Ἡ Σύμβασις, τὴν ὁποίαν ἡ Κυπριακὴ Δημοκρατία ὑπέγραψε τὴν 4ην Ἰουνίου 1971, δυνάμει τῆς ὑπ' ἀριθμὸν 10.141 καὶ ἡμερομηνίαν 10 Δεκεμβρίου 1970, Ἀποφάσεως τοῦ Ὑπουργικοῦ Συμβουλίου, διά τοῦ παρόντος Νόμου κυροῦται. Κύρωσις Συμβάσεως.

4. Τὸ Ὑπουργικὸν Συμβούλιον δύναται, δι' ἐγγράφου ὑπογραφομένου κατ' ἐντολήν αὐτοῦ ὑπὸ τοῦ Γραμματέως τοῦ Ὑπουργικοῦ Συμβουλίου, νὰ ἐγκρίνη οἰονδήποτε δημόσιον ἢ ἰδιωτικὸν ἴδρυμα μορφώσεως ἢ ἐπαγγελματικῆς ἐκπαιδεύσεως, πρὸς τὸν σκοπὸν τῆς ὑπ' αὐτοῦ παραλαβῆς παιδαγωγικοῦ ὕλικου εἰσαγωγμένου προσωρινῶς ὑπὸ τοὺς ἐν τῇ Συμβάσει προβλεπομένους ὅρους. Ἐγκρισις ἰδρυμάτων.

5. Ὁ Διευθυντής εἶναι ἐμπειστητευμένος τὰ τῆς ἐφαρμογῆς τῆς Συμβάσεως, χορηγεῖται δὲ αὐτῷ ἢ ἐν τοῖς Ἀρθροῖς 6 καὶ 9 τῆς Συμβάσεως ἀναφερομένη διακριτικὴ ἐξουσία. Ἐφαρμογὴ τῆς Συμβάσεως.

ΠΙΝΑΞ

("Αρθρον 2)

ΠΡΩΤΟΝ ΜΕΡΟΣ

CUSTOMS CONVENTION

on the temporary importation of pedagogic material

PREAMBLE

The CONTRACTING PARTIES to the present Convention, established under the auspices of the Customs Co-operation Council in consultation with the United Nations Educational, Scientific and Cultural Organization (UNESCO),

Considering the important contribution made by the international circulation of pedagogic material to the development of education and vocational training, which are essential foundations for economic and social progress,

Convinced that the adoption of general facilities for the temporary duty-and tax-free importation of pedagogic material can make an effective contribution to that end,

Have agreed as follows :

CHAPTER I

Definitions

Article 1

For the purposes of this Convention :

- (a) the term " pedagogic material " means any material used for purposes of education or vocational training, and especially the models, instruments, apparatus, machines and accessories therefor shown in the non-limitative list in the Annex to this Convention ;
- (b) the term " import duties and taxes " means Customs duties and all other duties, taxes, fees or other charges which are collected on or in connection with the importation of goods, but not including fees and charges which are limited in amount to the approximate cost of services rendered ;
- (c) the term " temporary admission " means temporary importation free of import duties and taxes and free of import prohibitions and restrictions, subject to re-exportation ;
- (d) the term " approved institutions " means public or private educational or vocational training institutions whose aims are essentially non-profit making and which have been approved by the competent authorities of the importing country for the purpose of receiving pedagogic material on temporary admission ;
- (e) the term " ratification " means ratification, acceptance or approval ;
- (f) the term " the Council " means the Organization set up by the Convention establishing a Customs Co-operation Council, done at Brussels on 15th December, 1950.

CHAPTER II

Scope

Article 2

Each Contracting Party undertakes to grant temporary admission to :

- (a) pedagogic material which is to be used within its territory solely for purposes of education or vocational training ;
- (b) spare parts for pedagogic material which has been granted temporary admission under paragraph (a) of this Article, and tools specially designed for the maintenance, checking, gauging or repair of such material.

Article 3

Temporary admission of the pedagogic material, spare parts and tools may be made subject to the following conditions :

- (a) that they are imported by approved institutions and used under their control and responsibility ;
- (b) that they are used for non-commercial purposes within the country of importation ;
- (c) that they are imported in reasonable quantities having regard to the purpose of the importation ;
- (d) that they are capable of identification on re-exportation ;
- (e) that while they are in the country of importation they remain in the ownership of a natural person resident abroad or legal person established abroad.

Article 4

Each Contracting Party may suspend, in whole or in part, the undertakings given under this Convention where—

- (a) goods of equivalent pedagogic value to the pedagogic material whose temporary admission is sought, or
 - (b) spare parts which can be used in place of those whose temporary admission is sought,
- are produced and available in the country of importation.

CHAPTER III

Special provisions

Article 5

Each Contracting Party undertakes wherever it deems it possible not to require security for the amount of import duties and taxes, but to be satisfied with a written undertaking. Such undertaking may be required for each importation or on a general basis for a specified period or, where applicable, for the period of approval of the institution.

Article 6

1. Pedagogic material granted temporary admission shall be re-exported within six months from the date of importation. However, the Customs authorities of the country of temporary importation may require re-exportation within a shorter period considered sufficient to achieve the object of temporary importation.

2. For valid reasons, the Customs authorities may either grant a longer period or extend the initial period.

3. When all or part of the pedagogic material granted temporary admission cannot be re-exported as a result of a seizure, other than a seizure made at the suit of private persons, the requirement of re-exportation shall be suspended for the duration of the seizure.

Article 7

Pedagogic material granted temporary admission may be re-exported in one or several consignments, through any Customs office open for such operations, and not necessarily through the Customs office of importation.

Article 8

Pedagogic material granted temporary admission may be disposed of otherwise than by re-exportation, and in particular may be taken into home use, subject to compliance with the conditions and formalities laid down by the laws and regulations of the country of temporary importation.

Article 9

Notwithstanding the requirement of re-exportation laid down by this Convention, the re-exportation of all or part of pedagogic material badly damaged in duly authenticated accidents shall not be required, provided that it is :

- (a) subjected to the import duties and taxes to which it is liable ; or
 - (b) abandoned free of all expence to the Exchequer of the country into which it was temporarily imported ; or
 - (c) destroyed, under official supervision, without expense to the Exchequer of the country into which it was temporarily imported ;
- as the Customs authorities may require.

Article 10

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

Article 11

The provisions of Articles 6, 7, 8 and 9 shall also apply to the spare parts and tools referred to in Article 2.

CHAPTER IV

Miscellaneous provisions

Article 12

1. Each Contracting Party shall reduce to a minimum the Customs formalities required in connection with the facilities provided for in this Convention. All regulations concerning such formalities shall be promptly published.

2. Customs examination and clearance on the importation, and re-exportation of pedagogic material, spare parts and tools, shall, whenever possible and appropriate, be effected at the place of use of the material.

Article 13

The provisions of this Convention set out the minimum facilities to be accorded. They do not prevent the application of greater facilities which certain Contracting Parties grant or may grant in future by unilateral provisions or by virtue of bilateral or multilateral agreements.

Article 14

For the purpose of this Convention, the territories of Contracting Parties which form a Customs or economic union may be taken to be a single territory.

Article 15

The provisions of this Convention shall not preclude the application of prohibitions or restrictions imposed under national laws and regulations on grounds of public morality or order, public security, public hygiene or health or relating to the protection of patents and trade marks.

Article 16

Any breach of the provisions of this Convention, any substitution, false declaration or act having the effect of causing a person (natural or legal), or material, improperly to benefit from the facilities provided for in this Convention, may render the offender liable in the country where the offence was committed to the penalties prescribed by the laws and regulations of that country and to payment of any import duties and taxes chargeable.

CHAPTER V

Final clauses

Article 17

1. Any State Member of the Council and any State Member of the United Nations or its specialised agencies may become a Contracting Party to this Convention :

- (a) by signing it without reservation of ratification ;
- (b) by depositing an instrument of ratification after signing it subject to ratification ; or
- (c) by acceding to it.

2. This Convention shall be open until 30th June 1971, for signature at the Headquarters of the Council in Brussels, by the States referred to in paragraph 1 of this Article. Thereafter, it shall be open for their accession.

3. Any State, not being a Member of the Organizations referred to in paragraph 1 of this Article, to which an invitation to that effect has been addressed by the Secretary General of the Council at the request of the Contracting Parties, may become a Contracting Party to this Convention by acceding thereto after its entry into force.

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

Article 18

1. This Convention shall enter into force three months after five of the States referred to in paragraph 1 of Article 17 thereof have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

2. For any State signing without reservation of ratification, ratifying or acceding to this Convention after five States have signed it without reservation of ratification or have deposited their instruments of ratification or accession, this Convention shall enter into force three months after the said State has signed without reservation of ratification or deposited its instruments of ratification or accession.

Article 19

1. Any State may, at the time of signing this Convention without reservation of ratification, or of depositing its instruments of ratification or accession or at any time thereafter, declare by notification given to the Secretary General of the Council that this Convention shall extend to all or any of the territories for whose international relations it is responsible or for which it assumes international responsibility. Such notification shall take effect three months after the date of the receipt thereof by the Secretary General of the Council provided, however, that the Convention shall not apply to the territories named in the notification before the Convention has entered into force for the State concerned.

2. Any State which has made a notification under paragraph 1 of this Article extending this Convention to any territory for whose international relations it is responsible or for which it assumes international responsibility may notify the Secretary General of the Council, in accordance with the provisions of Article 21 of this Convention, that the territory in question will no longer apply the Convention.

Article 20

No reservation to this Convention shall be permitted.

Article 21

1. This Convention is of unlimited duration. However, any Contracting Party may denounce it at any time after the date of its entry into force under Article 18 thereof.