



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
Αρ. 2843 της 14ης ΔΕΚΕΜΒΡΙΟΥ 1993
ΝΟΜΟΘΕΣΙΑ

ΜΕΡΟΣ ΙΙΙ

Ο περί της Διεθνούς Σύμβασης για το Εναρμονισμένο Σύστημα Περιγραφής και Κωδικοποίησης των Εμπορευμάτων του 1983 και του Πρωτοκόλλου Τροποποίησης αυτής του 1986 (Κυρωτικός) Νόμος του 1993 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 40(ΙΙΙ) τόν 1993

**ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΔΙΕΘΝΗ ΣΥΜΒΑΣΗ
ΓΙΑ ΤΟ ΕΝΑΡΜΟΝΙΣΜΕΝΟ ΣΥΣΤΗΜΑ ΠΕΡΙΓΡΑΦΗΣ
ΚΑΙ ΚΩΔΙΚΟΠΟΙΗΣΗΣ ΤΩΝ ΕΜΠΟΡΕΥΜΑΤΩΝ ΤΟΥ 1983
ΚΑΙ ΤΟ ΠΡΩΤΟΚΟΛΛΟ ΤΡΟΠΟΠΟΙΗΣΗΣ ΑΥΤΗΣ ΤΟΥ 1986**

ΕΠΕΙΔΗ στις 14 Ιουνίου 1983 υπογράφηκε στις Βρυξέλλες η Διεθνής Σύμβαση για το Εναρμονισμένο Σύστημα Περιγραφής και Κωδικοποίησης των Εμπορευμάτων και στις 24 Ιουνίου 1986 υπογράφηκε επίσης στις Βρυξέλλες Πρωτόκολλο Τροποποίησης της Διεθνούς Σύμβασης για το Εναρμονισμένο Σύστημα Κωδικοποίησης και Περιγραφής των Εμπορευμάτων. Προοίμιο.

ΚΑΙ ΕΠΕΙΔΗ προβλέπεται από το άρθρο 12 της Σύμβασης αυτής ότι μετά την 31η Δεκεμβρίου 1986 η Σύμβαση θα είναι ανοικτή για προσχώρηση.

ΚΑΙ ΕΠΕΙΔΗ η Κυβέρνηση της Δημοκρατίας με την υπ' αρ. 37.778 και ημερομηνία 7 Ιουλίου 1992 Απόφαση του Υπουργικού Συμβουλίου αποφάσισε να προσχωρήσει στη Διεθνή Σύμβαση για το Εναρμονισμένο Σύστημα Περιγραφής και Κωδικοποίησης των Εμπορευμάτων του 1983 και στο Πρωτόκολλο Τροποποίησης αυτής του 1986.

ΓΙΑ ΤΟΥΣ ΛΟΓΟΥΣ ΑΥΤΟΥΣ η Βουλή των Αντιπροσώπων ψηφίζει τα ακόλουθα.

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Διεθνούς Σύμβασης για το Εναρμονισμένο Σύστημα Περιγραφής και Κωδικοποίησης των Εμπορευμάτων του 1983 και του Πρωτοκόλλου Τροποποίησης αυτής του 1986 (Κυρωτικός) Νόμος του 1993. Συνοπτικός τίτλος.

Ερμηνεία.

2. Στον παρόντα Νόμο—

«Πρωτόκολλο» σημαίνει το Πρωτόκολλο Τροποποίησης της Σύμβασης, που υπογράφηκε στις Βρυξέλλες στις 24 Ιουνίου 1986·

«Σύμβαση» σημαίνει τη Διεθνή Σύμβαση για το Εναρμονισμένο Σύστημα Περιγραφής και Κωδικοποίησης των Εμπορευμάτων, που υπογράφηκε στις Βρυξέλλες στις 14 Ιουνίου 1983.

Κύρωση.

3.—(1) Με τον παρόντα Νόμο κυρώνονται η Σύμβαση και το Πρωτόκολλο.

Πίνακας
Μέρος Ι
Μέρος ΙΙ.

(2) Τα κείμενα της Σύμβασης και του Πρωτοκόλλου εκτίθενται σε πρωτότυπο στην αγγλική στο Μέρος Ι του Πίνακα και σε μετάφραση στην ελληνική στο Μέρος ΙΙ του Πίνακα.

(3) Σε περίπτωση αντίθεσης μεταξύ του πρωτότυπου κειμένου στην αγγλική και του κειμένου στην ελληνική μετάφραση, υπερισχύει το πρωτότυπο κείμενο.

ΠΙΝΑΚΑΣ

(Άρθρο 3)

ΜΕΡΟΣ Ι

Conv.

**INTERNATIONAL CONVENTION
ON THE HARMONIZED COMMODITY DESCRIPTION
AND CODING SYSTEM**

(done at Brussels on 14 June 1983)

PREAMBLE

The Contracting Parties to this Convention, established under the auspices of the Customs Co-operation Council,

Desiring to facilitate international trade,

Desiring to facilitate the collection, comparison and analysis of statistics, in particular those on international trade,

Desiring to reduce the expense incurred by redescribing, reclassifying and recoding goods as they move from one classification system to another in the course of international trade and to facilitate the standardization of trade documentation and the transmission of data,

Considering that changes in technology and the patterns of international trade require extensive modifications to the Convention on Nomenclature for the Classification of Goods in Customs Tariffs, done at Brussels on 15 December 1950,

Considering also that the degree of detail required for Customs and statistical purposes by Governments and trade interests has increased far beyond that provided by the Nomenclature annexed to the above-mentioned Convention,

Considering the importance of accurate and comparable data for the purposes of international trade negotiations,

Considering that the Harmonized System is intended to be used for the purposes of freight tariffs and transport statistics of the various modes of transport,

Considering that the Harmonized System is intended to be incorporated into commercial commodity description and coding systems to the greatest extent possible,

Considering that the Harmonized System is intended to promote as close a correlation as possible between import and export trade statistics and production statistics,

Considering that a close correlation should be maintained between the Harmonized System and the Standard International Trade Classification (SITC) of the United Nations,

Considering the desirability of meeting the aforementioned needs through a combined tariff/statistical nomenclature, suitable for use by the various interests concerned with international trade,

Considering the importance of ensuring that the Harmonized System is kept up-to-date in the light of changes in technology or in patterns of international trade,

Having taken into consideration the work accomplished in this sphere by the Harmonized System Committee set up by the Customs Co-operation Council,

Considering that while the above-mentioned Nomenclature Convention has proved an effective instrument in the attainment of some of these objectives, the best way to achieve the desired results in this respect is to conclude a new international Convention,

Have agreed as follows :

Article 1

Definitions

For the purpose of this Convention :

- (a) the "Harmonized Commodity Description and Coding System", hereinafter referred to as the "Harmonized System", means the Nomenclature comprising the headings and subheadings and their related numerical codes, the Section, Chapter and Subheading Notes and the General Rules for the interpretation of the Harmonized System, set out in the Annex to this Convention;
- (b) "Customs tariff nomenclature" means the nomenclature established under the legislation of a Contracting Party for the purposes of levying duties of Customs on imported goods;
- (c) "statistical nomenclatures" means goods nomenclatures established by a Contracting Party for the collection of data for import and export trade statistics;
- (d) "combined tariff/statistical nomenclature" means a nomenclature, integrating Customs tariff and statistical nomenclatures, legally required by a Contracting Party for the declaration of goods at importation;
- (e) "the Convention establishing the Council" means the Convention establishing a Customs Co-operation Council, done at Brussels on 15 December 1950;
- (f) "the Council" means the Customs Co-operation Council referred to in paragraph (e) above;
- (g) "the Secretary General" means the Secretary General of the Council;
- (h) the term "ratification" means ratification, acceptance or approval.

Article 2

The Annex

The Annex to this Convention shall form an integral part thereof, and any reference to the Convention shall include a reference to the Annex.

Article 3

Obligations of Contracting Parties

1. Subject to the exceptions enumerated in Article 4 :

- (a) Each Contracting Party undertakes, except as provided in subparagraph (c) of this paragraph, that from the date on which this Convention enters into force in respect of it, its Customs tariff and statistical nomenclatures shall be in conformity with the Harmonized System. It thus undertakes that, in respect of its Customs tariff and statistical nomenclatures :
 - (i) it shall use all the headings and subheadings of the Harmonized System without addition or modification, together with their related numerical codes;
 - (ii) it shall apply the General Rules for the interpretation of the Harmonized System and all the Section, Chapter and Subheading Notes, and shall not modify the scope of the Sections, Chapters, headings or subheadings of the Harmonized System; and
 - (iii) it shall follow the numerical sequence of the Harmonized System;
- (b) Each Contracting Party shall also make publicly available its import and export trade statistics in conformity with the six-digit codes of the Harmonized System, or, on the initiative of the Contracting Party, beyond that level, to the extent that publication is not precluded for exceptional reasons such as commercial confidentiality or national security;

- (c) Nothing in this Article shall require a Contracting Party to use the subheadings of the Harmonized System in its Customs tariff nomenclature provided that it meets the obligations at (a) (i), (a) (ii) and (a) (iii) above in a combined tariff/statistical nomenclature.
2. In complying with the undertakings at paragraph 1 (a) of this Article, each Contracting Party may make such textual adaptations as may be necessary to give effect to the Harmonized System in its domestic law.
 3. Nothing in this Article shall prevent a Contracting Party from establishing, in its Customs tariff or statistical nomenclatures, subdivisions classifying goods beyond the level of the Harmonized System, provided that any such subdivision is added and coded at a level beyond that of the six-digit numerical code set out in the Annex to this Convention.

Article 4

Partial application by developing countries

1. Any developing country Contracting Party may delay its application of some or all of the subheadings of the Harmonized System for such period as may be necessary, having regard to its pattern of international trade or its administrative resources.
2. A developing country Contracting Party which elects to apply the Harmonized System partially under the provisions of this Article agrees to make its best efforts towards the application of the full six-digit Harmonized System within five years of the date on which this Convention enters into force in respect of it or within such further period as it may consider necessary having regard to the provisions of paragraph 1 of this Article.
3. A developing country Contracting Party which elects to apply the Harmonized System partially under the provisions of this Article shall apply all or none of the two-dash subheadings of any one one-dash subheading or all or none of the one-dash subheadings of any one heading. In such cases of partial application, the sixth digit or the fifth and sixth digits of that part of the Harmonized System code not applied shall be replaced by "0" or "00" respectively.
4. A developing country which elects to apply the Harmonized System partially under the provisions of this Article shall on becoming a Contracting Party notify the Secretary General of those subheadings which it will not apply on the date when this Convention enters into force in respect of it and shall also notify the Secretary General of those subheadings which it applies thereafter.
5. Any developing country which elects to apply the Harmonized System partially under the provisions of this Article may on becoming a Contracting Party notify the Secretary General that it formally undertakes to apply the full six-digit Harmonized System within three years of the date when this Convention enters into force in respect of it.
6. Any developing country Contracting Party which partially applies the Harmonized System under the provisions of this Article shall be relieved from its obligations under Article 3 in relation to the subheadings not applied.

Article 5

Technical assistance for developing countries

Developed country Contracting Parties shall furnish to developing countries that so request, technical assistance on mutually agreed terms in respect of, *inter alia*, training of personnel, transposing their existing nomenclatures to the Harmonized System and advice on keeping their systems so transposed up-to-date with amendments to the Harmonized System or on applying the provisions of this Convention.