

June 11, 1968

CUSTOMS CONVENTION ON THE TEMPORARY IMPORTATION OF SCIENTIFIC EQUIPMENT

MULTILATERAL

CUSTOMS CONVENTION ON TEMPORARY IMPORTATION OF SCIENTIFIC EQUIPMENT

Agreement done at Brussels 11 June 1968;
Entered into force 5 September 1969;
Entered into force for the Philippines 10 July 1973.

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 Organisation (UNESCO),

Considering that the development of scientific research and education is Vitally important to economic and social progress.

Convinced that the adoption of general facilities for the temporary duty- And tax-free importation of equipment for scientific research or for education Can make an effective contribution to that end,

Have agreed as follows:

CHAPTER I

DEFINITIONS

ARTICLE I

For the purposes of this Convention:

(a) the term "scientific equipment" means instruments, apparatus, machines or accessories therefore used for purposes of scientific research or education;

{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 con nection 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 scientific or Educational 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 scientific equipment On temporary admission;

{e) the term "ratification" means ratification, acceptance or approval;

(f) the term "the Council" means the Organisation set up by the Convention establishing a Customs Co-operation Council, done at Brussels On 15th December, 1950.^[1]

CHAPTER II

SCOPE

ARTICLE II

Each Contracting Party undertakes to grant temporary admission to:

(a) scientific equipment which is to be used within its territory solely for purposes of scientific research or education;

(b) spare parts for scientific equipment which has been granted temporary admission under paragraph (a) of this Article;

(c) tools specially designed for the maintenance, checking, gauging or repair of scientific equipment which is used within its territory solely for purposes of scientific research or education.

ARTICLE III

Temporary admission of the scientific equipment, spare parts and tools may 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 a legal person established abroad.

ARTICLE IV

Each Contracting Party may suspend, in whole or in part, the undertakings given under this Convention where goods of equivalent scientific value to the scientific equipment or spare parts whose temporary admission is sought are produced and available in the country of importation.

CHAPTER III
SPECIAL PROVISIONS

ARTICLE V

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 VI

(1) Scientific equipment 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 scientific equipment 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 VII

Scientific equipment 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 VIII

Scientific equipment granted temporary admission may be disposed of other- wise 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 IX

Notwithstanding the requirement of re-exportation laid down by this Convention, the re-exportation of all or part of scientific equipment 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 expense 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 X

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 Scientific equipment while in the country of temporary importation.

ARTICLE XI

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 XII

(I) 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 scientific equipment shall, whenever possible and appropriate, be effected at the place of use of the equipment.

ARTICLE XIII

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 XIV

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 XV

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 trademarks.

ARTICLE XVI

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 equipment 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 PROVISIONS

ARTICLE XVII