No. 4923

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, FEDERAL REPUBLIC OF GERMANY, AUSTRIA, BELGIUM, DENMARK, etc.

Customs Convention regarding E.C.S. carnets for commercial samples (with Protocol of signature and annex). Done at Brussels, on 1 March 1956

Official texts: English and French.

Registered by the United Kingdom of Great Britain and Northern Ireland on 12 October 1959.

ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD, RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, AUTRICHE, BELGIQUE, DANEMARK, etc.

Convention douanière sur les carnets E.C.S. pour échantillons commerciaux (avec Protocole de signature et annexe). Faite à Bruxelles, le 1er mars 1956

Textes officiels anglais et français.

Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 12 octobre 1959.

No. 4923. CUSTOMS CONVENTION[1] REGARDING E.C.S. CARNETS FOR COMMERCIAL SAMPLES. DONE AT BRUSSELS, ON 1 MARCH 1956

The Governments signatory to the present Convention,

Desiring to facilitate the temporary importation of commercial samples,

Having regard to the aims of the International Convention to facilitate the Importation of Commercial Samples and Advertising Material drawn up at Geneva on 7th November, 1952,[2] and opened for signature on 1st February, 1953,

Have agreed as follows :

Article I

For the purposes of the present Convention :

(*a*) The term "samples" means articles which are representative of a particular category of goods already produced or are examples of goods the production of which is contemplated, on condition that they :

(1) are owned abroad and are imported solely for the purpose of being shown or demonstrated in the territory of importation for the soliciting of orders for goods to be supplied from abroad ; and

[1] Came into force on 3 October 1957, three months after the date on which the Belgian Ministry of Foreign Affairs had received the instruments of ratification of three Governments, in accordance with article XXI. Following is the list of ratifications and accessions (*a*), indicating the date of deposit of the instrument and the date of entry into force of the Convention :

State	*Date of deposit*	*Date of entry into force*
Spain (*a*)	2 January 1957	3 October 1957
Austria	1 March 1957	3 October 1957
Sweden	27 May 1957	3 October 1957
France	3 July 1957	3 October 1957
Italy	11 October 1957	11 January 1958
Haiti (*a*)	31 January 1958	30 April 1958
Denmark	28 March 1958	28 June 1958
United Kingdom of Great Britain and Northern Ireland (including the Isle of Man, Jersey and Guernsey)	17 July 1958	17 October 1958
Netherlands	29 September 1958	29 December 1958

[2] United Nations, *Treaty Series*, Vol. 221, p. 255 ; Vol. 223, p. 385 ; Vol. 226, p. 385 ; Vol. 236, p. 397 ; Vol. 243, p. 354 ; Vol. 250, p. 315 ; Vol. 256, p. 367 ; Vol. 260, p. 456 ; Vol. 265, p. 392 ; Vol. 268, p. 373 ; Vol. 276, p. 369 ; Vol. 277, p. 356 ; Vol. 286, p. 382 ; Vol. 287, p. 350 ; Vol. 292, p. 370 ; Vol. 309, p. 372 ; Vol. 327, p. 374, and Vol. 335, p. 309.

(2) are not sold or put to normal use except for purposes of demonstration or used in any way for hire or reward while in the territory of importation ; and

(3) are intended to be re-exported in due course ; and

(4) are capable of identification on re-exportation ;

but does not include identical articles brought in by the same individual, or sent to a single consignee, in such quantity that, taken as a whole, they no longer constitute samples under ordinary commercial usage.

(*b*) The term "import duties" means customs duties and all other duties and taxes payable on or in connection with importation, and shall include all internal taxes and excise duties chargeable on imported goods, but shall not include fees and charges which are limited in amount to the approximate cost of services rendered and do not represent an indirect protection to domestic products or a taxation of imports for fiscal purposes.

(*c*) The term "E.C.S. carnet" (*Échantillons commerciaux*—Commercial Samples) means the document drawn up under that description by the Council, reproduced as the Annex[1] to the present Convention. This document shall be printed in French, English and the official language, or one of the official languages, of the country of issue.

(*d*) The term "approved association" means an association approved by the Customs authorities of any Contracting Party for the issue of E.C.S. carnets or for the provision of the guarantee of the payment of the import duties and other charges referred to in Article II of the present Convention.

(*e*) The term "issuing association" means an approved association which issues E.C.S. carnets in the country of original exportation of the samples.

(*f*) The term "guaranteeing association" means an approved association in the country of importation which provides the guarantee for the payment of the import duties and other charges referred to in Article II of the present Convention.

(*g*) The term "the Convention establishing the Council" means the Convention establishing the Customs Co-operation Council done at Brussels on 15th December, 1950.[2]

(*h*) The term "the Council" means the Customs Co-operation Council referred to in sub-paragraph (*g*) of this Article.

Article II

1. Each guaranteeing association shall guarantee to pay to the Customs authorities of the territory in which it is established the amount of the import duties and other charges referred to in paragraph 4 of this Article which may become due

[1] See pocket at the end of this volume.
[2] United Nations, *Treaty Series*, Vol. 157, p. 129.

in respect of samples imported into that country under cover of E.C.S. carnets issued by a corresponding issuing association. The liability of the guaranteeing association shall not exceed the amount of the import duties by more than ten per cent.

2. E.C.S. carnets shall be issued by issuing associations. Carnets shall be issued only to persons, natural or legal, resident in the country of issue who can establish that they are manufacturers or traders or representatives or employees of manufacturers or traders.

3. Notwithstanding the provisions of paragraph 2 of this Article, issuing associations may issue carnets to persons not resident in the country of issue if the Customs authorities of the country of temporary importation agree to accept carnets so issued.

4. Each Contracting Party shall, in the case of samples which are imported into its territory by a natural person resident in the territory of another Contracting Party and which qualify for temporary admission into its territory free of import duties, accept, as due security for the amount of the import duties and of other charges (other than the fees and charges mentioned in sub-paragraph (*b*) of Article I of the present Convention) which may arise as a result of the temporary duty-free importation of such samples, E.C.S. carnets valid for its territory and issued and used in accordance with the conditions laid down in this Convention.

5. Notwithstanding the provisions of paragraph 4 of this Article, Contracting Parties may accept E.C.S. carnets, under such conditions as they may determine, for unaccompanied samples or for samples imported by a natural person resident in their territory.

Article III

E.C.S. carnets or parts of E.C.S. carnets intended to be issued in the country into which the carnets are imported and which are sent to an approved association concerned with the issue of such carnets by a corresponding foreign association, by an international organisation or by the Customs authorities of a Contracting Party, shall be admitted free of import duties and free of any import prohibition or restriction. Corresponding facilities shall be granted at exportation.

Article IV

If applicable, the issuing association shall indicate on the cover and on the importation vouchers of the carnet the countries in which it is not valid.

Article V

Issuing associations shall issue E.C.S. carnets with a period of validity not exceeding one year from the date of issue.

Article VI

Once an E.C.S. carnet has been issued by an issuing association no extra item shall be added to the list of samples enumerated on the reverse of the cover of the carnet.

Article VII

1. The samples imported under cover of an E.C.S. carnet shall be re-exported in the same general state within the period of validity of the carnet and within the period determined by the Customs authorities of the country of temporary importation, which shall not, in any case, exceed the period of validity of the carnet.

2. Samples covered by an E.C.S. carnet which are exported or imported in one consignment, shall also be re-imported or re-exported in one consignment unless the Customs authorities of the countries concerned allow otherwise.

3. Evidence of re-exportation shall be provided by the re-exportation certificate completed in the E.C.S. carnet by the Customs authorities of the country into which the samples were temporarily imported.

Article VIII

1. In any case in which the Customs authorities of a Contracting Party waive the requirement of re-exportation of certain samples admitted into their territory under cover of an E.C.S. carnet, the guaranteeing association shall be discharged from its obligations only when the Customs authorities of the country of temporary importation have certified in the carnet that the position regarding samples not re-exported has been regularised.

2. When samples temporarily imported 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 periods provided for in Article VII of the present Convention 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 the Customs authorities of samples admitted under cover of E.C.S. carnets guaranteed by that association and shall advise it of the measures they intend to take.

Article IX

When the Customs authorities of a Contracting Party have unconditionally certified the re-exportation of samples in an E.C.S. carnet they can no longer claim from the guaranteeing association payment of the amounts referred to in Article II of the present Convention in respect of these samples. A claim may nevertheless still be made against the guaranteeing association if it is subsequently discovered