

No. 6861

**AUSTRIA, BELGIUM, CUBA, FEDERAL REPUBLIC
OF GERMANY, FRANCE, etc.**

**Customs Convention on the temporary importation of pack-
ings. Done at Brussels, on 6 October 1960**

Official texts : French and English.

*Registered by the Customs Co-operation Council, acting on behalf of the Contracting
Parties in accordance with article 22 of the Convention, on 8 August 1963.*

**AUTRICHE, BELGIQUE, CUBA, RÉPUBLIQUE
FÉDÉRALE D'ALLEMAGNE, FRANCE, etc.**

**Convention douanière relative à l'importation temporaire
des emballages. Faite à Bruxelles, le 6 octobre 1960**

Textes officiels français et anglais.

*Enregistrée par le Conseil de coopération douanière, agissant au nom des Parties con-
tractantes conformément à l'article 22 de la Convention, le 8 août 1963.*

No. 6861. CUSTOMS CONVENTION¹ ON THE TEMPORARY IMPORTATION OF PACKINGS. DONE AT BRUSSELS, ON 6 OCTOBER 1960

PREAMBLE

The Governments signatory to the present Convention,

Meeting under the auspices of the Customs Co-operation Council and of the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade,

Having regard to proposals made by representatives of international trade for the extension of temporary duty-free importation procedures,

Desiring to facilitate international trade,

Convinced that the adoption of general rules on the temporary duty-free importation of packings would afford considerable advantages to international trade,

Have agreed as follows :

¹ In accordance with article 16, the Convention came into force on 15 March 1962, three months after the following five States had, on the dates indicated, signed it without reservation of ratification or deposited their instrument of accession (a) :

France	26 January 1961	Norway	21 November 1961 (a)
Sweden	21 March 1961	Denmark	15 December 1961 (a)
Israel (with reservation*)	2 June 1961 (a)		

The Convention subsequently came into force in respect of the following States, three months after the date of the deposit of their instrument of ratification or accession (a) with the Customs Co-operation Council :

State	Date of deposit	Date of entry into force
Central African Republic	23 February 1962 (a)	24 May 1962
Austria	9 March 1962	10 June 1962
Czechoslovakia	4 May 1962 (a)	5 August 1962
Yugoslavia	18 September 1962 (a)	19 December 1962
Netherlands	21 November 1962 (a)	22 February 1963
Cambodia	20 February 1963 (a)	21 May 1963
United Arab Republic	25 March 1963 (a)	26 June 1963
Switzerland	30 April 1963	31 July 1963
Italy	30 May 1963	31 August 1963
Belgium	27 June 1963	28 September 1963

* With reservation under Article 20 : [TRANSLATION — TRADUCTION] the Government of Israel considers itself bound by the Convention only in relation to packings other than those imported on purchase, hire purchase or under any similar contract, by a person established or resident in Israel territory.

CHAPTER I

DEFINITIONS

Article 1

For the purposes of the present Convention :

(a) the term "packings" includes all articles used, or to be used, as packing in the State in which they are imported ; it includes, in particular :

(i) holders used, or to be used, as external or internal coverings for goods ;

(ii) holders on which goods are, or are to be, rolled, wound, or attached ;

it excludes packing materials such as straw, paper, glass-wool and shavings, when imported in bulk ;

it also excludes transport equipment, in particular "containers" as defined in Article 1 (b) of the Customs Convention on Containers done at Geneva on 18 May 1956 ;¹

(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 "temporary admission" means temporary importation free of import duties and free of import prohibitions and restrictions, subject to re-exportation ;

(d) the term "filled", as applied to packings, means used in conjunction with other goods ;

(e) the term "contained goods" means goods with which packings are filled ;

(f) the term "person" shall mean both natural and legal persons.

CHAPTER II

SCOPE

Article 2

Temporary admission shall be granted to packings provided that they are identifiable at re-exportation, and that :

¹ United Nations, *Treaty Series*, Vol. 338, p. 103 ; Vol. 344, p. 359 ; Vol. 348, p. 375 ; Vol. 359, p. 401 ; Vol. 366, p. 420 ; Vol. 371, p. 350 ; Vol. 377, p. 446 ; Vol. 390, p. 370 ; Vol. 398, p. 352 ; Vol. 406, p. 333 ; Vol. 411, p. 322 ; Vol. 414, p. 395 ; Vol. 415, p. 434 ; Vol. 423, p. 326 ; Vol. 424, p. 363, and Vol. 429, p. 299.

- (a) if imported filled, they are declared as being for re-exportation empty or filled ;
 - (b) if imported empty, they are declared as being for re-exportation filled ;
- such re-exportation to be effected by the person to whom the temporary admission facilities are granted.

Article 3

The present Convention does not modify the legislation of Contracting Parties regarding the assessment of import duties on contained goods.

CHAPTER III

SPECIAL PROVISIONS

Article 4

Each Contracting Party undertakes wherever it deems it possible to dispense with the requirement of security in favour of an undertaking to re-export the packings in question.

Article 5

Packings granted temporary admission shall be re-exported within six months from the date of importation in the case of packings imported filled and within three months from that date in the case of packings imported empty. These periods may be extended for valid reasons by the Customs authorities of the country of importation within the limits laid down by the legislation of that country.

Article 6

Packings granted temporary admission may be re-exported in one or several consignments, to any country, through any Customs office open to such operations, and such re-exportation shall not be confined to the Customs office of importation.

Article 7

Packings granted temporary admission shall not, even occasionally, be used within the country of importation except for the purpose of exportation of goods. In the case of packings imported filled, this restriction shall apply only as from the time when the packings have been emptied.

Article 8

1. Notwithstanding the requirement of re-exportation laid down by the present Convention, the re-exportation of badly damaged packings shall not be required in the

case of duly authenticated accidents, provided that the packings :

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

2. When packings 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 shall be suspended for the duration of the seizure.

CHAPTER IV

MISCELLANEOUS PROVISIONS

Article 9

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

Article 10

The provisions of the present Convention shall not preclude the application of restrictions and controls imposed under national regulations on grounds of public morality, public security, hygiene or public health, or for veterinary or phytopathological considerations.

Article 11

For the purposes of the present Convention the territories of Contracting Parties which form a customs or economic union may be taken to be a single territory.

Article 12

The provisions of the present 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 in virtue of bilateral and multilateral agreements.