No. 6864

AUSTRALIA, AUSTRIA, CUBA, CZECHOSLOVAKIA, DENMARK, etc.

Customs Convention (with annex) on the A.T.A. carnet for the temporary admission of goods (A.T.A. Convention). Done at Brussels, on 6 December 1961

Official texts: English and French.

Registered by the Customs Co-operation Council, acting on behalf of the Contracting Parties in accordance with article 28 of the Convention, on 8 August 1963.

AUSTRALIE, AUTRICHE, CUBA, TCHÉCOSLOVAQUIE, DANEMARK, etc.

Convention douanière (avec annexe) sur le carnet A.T.A. pour l'admission temporaire de marchandises (Convention A.T.A.). Faite à Bruxelles, le 6 décembre 1961

Textes officiels anglais et français.

Enregistrée par le Conseil de coopération douanière, agissant au nom des Parties contractantes conformément à l'article 28 de la Convention, le 8 août 1963.

No. 6864. CUSTOMS CONVENTION[1] ON THE A.T.A. CARNET FOR THE TEMPORARY ADMISSION OF GOODS (A.T.A. CONVENTION). DONE AT BRUSSELS, ON 6 DECEMBER 1961

PREAMBLE

The States signatory to the present Convention,

Meeting under the auspices of the Customs Co-operation Council and the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade (GATT), in consultation with the United Nations Educational, Scientific and Cultural Organisation (UNESCO),

Having regard to proposals made by representatives of international trade and other interests for facilitating the procedures for the temporary duty-free importation of goods,

Convinced that the adoption of common procedures for the temporary duty-free importation of goods would afford considerable advantages to international commercial and cultural activities and would secure a higher degree of harmony and uniformity in the Customs systems of the Contracting Parties,

Have agreed as follows :

CHAPTER I

DEFINITIONS AND APPROVAL

Article 1

For the purposes of the present Convention :

[1] In accordance with article 21, the Convention came into force on 30 July 1963, three months after the following five States had, on the dates indicated, signed it without reservation of ratification(*) or deposited their instruments of ratification or accession (*a*) :

Ivory Coast(*)	14 June 1962	Yugoslavia	5 March 1963 (*a*)
France	20 December 1962 (*a*)	Switzerland	30 April 1963
Czechoslovakia	21 December 1962 (*a*)		

The Convention subsequently came into force in respect of the following States, three months after the date of the deposit of their instruments of ratification :

State	*Date of deposit*	*Date of entry into force*
Austria	20 May 1963	21 August 1963
United Kingdom of Great Britain and Northern Ireland (with reservation provided for in article 26, that A.T.A. carnets are not accepted for postal traffic ; extended to Jersey, the Isle of Man and the Bailiwick of Guernsey)	19 July 1963	20 October 1963

(*a*) 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 ;

(*b*) the term "temporary admission" means temporary importation free of import duties in accordance with the conditions laid down by the Conventions referred to in Article 3 of the present Convention or by the national laws and regulations of the country of importation ;

(*c*) the term "transit" means the conveyance of goods from a Customs office in the territory of a Contracting Party to another Customs office within the same territory, in accordance with the conditions laid down in the national laws and regulations of that Contracting Party ;

(*d*) the term "A. T. A. carnet" (Admission Temporaire — Temporary Admission) means the document reproduced as the Annex [1] to the present Convention ;

(*e*) the term "issuing association" means an association approved by the Customs authorities of a Contracting Party for the issue of A. T. A. carnets in the territory of that Contracting Party ;

(*f*) the term "guaranteeing association" means an association approved by the Customs authorities of a Contracting Party to guarantee the sums referred to in Article 6 of the present Convention, in the territory of that Contracting Party ;

(*g*) 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 ; [2]

(*h*) the term « person » means both natural and legal persons, unless the context otherwise requires.

Article 2

The approval of an issuing association envisaged in paragraph (*e*) of Article 1 of the present Convention may be subject, in particular, to the condition that the price of A. T. A. carnets shall be commensurate with the cost of services rendered.

CHAPTER II

SCOPE

Article 3

1. Each Contracting Party shall accept in lieu of its national Customs documents, and as due security for the sums referred to in Article 6 of the present Convention,

[1] See p. 249 of this volume.
[2] United Nations, *Treaty Series*, Vol. 157, p. 129, and Vol. 347, p. 379.

A. T. A. carnets valid for its territory and issued and used in accordance with the conditions laid down in the present Convention, for goods temporarily imported under :

(*a*) the Customs Convention on the temporary importation of professional equipment, done at Brussels on 8th June 1961, [1]

(*b*) the Customs Convention concerning facilities for the importation of goods for display or use at exhibitions, fairs, meetings or similar events, done at Brussels on 8th June 1961, [2]

in so far as it is a Contracting Party to those Conventions.

2. Each Contracting Party may also accept A. T. A. carnets, issued and used under the same conditions, for goods temporarily imported under other international temporary importation Conventions or for temporary admission procedures under its national laws and regulations.

3. Each Contracting Party may accept A. T. A. carnets issued and used under the same conditions for transit.

4. Goods intended for processing or repair shall not be imported under cover of A. T. A. carnets.

CHAPTER III

ISSUE AND USE OF A. T. A. CARNETS

Article 4

1. Issuing associations shall not issue A. T. A. carnets with a period of validity exceeding one year from the date of issue. They shall indicate on the cover of the A. T. A. carnet the countries in which it is valid and the names of the corresponding guaranteeing associations.

2. Once an A. T. A. carnet has been issued no extra item shall be added to the list of goods enumerated on the reverse of the front cover of the carnet, or on any continuation sheets annexed thereto (General List). [3]

Article 5

The period fixed for the re-exportation of goods imported under cover of an A. T. A. carnet shall not in any case exceed the period of validity of that carnet.

[1] See p. 153 of this volume.
[2] See p. 187 of this volume.
[3] See p. 251 of this volume.

CHAPTER IV

GUARANTEE

Article 6

1. Each guaranteeing association shall undertake to pay to the Customs authorities of the country in which it is established the amount of the import duties and any other sums payable in the event of non-compliance with the conditions of temporary admission, or of transit, in respect of goods introduced into that country under cover of A. T. A. carnets issued by a corresponding issuing association. It shall be liable jointly and severally with the persons from whom the sums mentioned above are due, for payment of such sums.

2. The liability of the guaranteeing association shall not exceed the amount of the import duties by more than ten per cent.

3. When the Customs authorities of the country of importation have unconditionally discharged an A. T. A. carnet in respect of certain goods they can no longer claim from the guaranteeing association payment of the sums referred to in paragraph 1 of this Article in respect of these goods. A claim may nevertheless still be made against the guaranteeing association if it is subsequently discovered that the discharge of the carnet was obtained improperly or fraudulently or that there had been a breach of the conditions of temporary admission or of transit.

4. Customs authorities shall not in any circumstances require from the guaranteeing association payment of the sums referred to in paragraph 1 of this Article if a claim has not been made against the guaranteeing association within a year of the date of expiry of the validity of the carnet.

CHAPTER V

REGULARISATION OF A. T. A. CARNETS

Article 7

1. The guaranteeing association shall have a period of six months from the date of the claim made by the Customs authorities for the sums referred to in paragraph 1 of Article 6 of the present Convention in which to furnish proof of the re-exportation of the goods under the conditions laid down in the present Convention or of any other proper discharge of the A. T. A. carnet.

2. If such proof is not furnished within the time allowed the guaranteeing association shall forthwith deposit, or pay provisionally, such sums. This deposit or payment shall become final after a period of three months from the date of the deposit or payment. During the latter period the guaranteeing association may still