

No. 31172

MULTILATERAL

Convention on the Central American Tariff and Customs Regime. Concluded at Guatemala City on 14 December 1984

Central American Legislation on the Customs Value of Goods, Annex “B” to the above-mentioned Convention (with regulations). Concluded at Guatemala City on 7 June 1985

Protocol to the above-mentioned Convention of 14 December 1984. Signed at Guatemala City on 9 January 1992

Authentic texts: Spanish.

Registered by the General Secretariat of the Central American Integration System on 24 August 1994.

MULTILATÉRAL

Convention relative au régime tarifaire et douanier de l'Amérique centrale. Conclue à Guatemala le 14 décembre 1984

Législation relative à la valeur en douane des marchandises applicable à l'Amérique centrale, Annexe « B » à la Convention susmentionnée (avec règlement d'application). Conclue à Guatemala le 7 juin 1985

Protocole de la Convention susmentionnée du 14 décembre 1984. Signé à Guatemala le 9 janvier 1992

Textes authentiques : espagnol.

Enregistrés par le Secrétariat général du système d'intégration de l'Amérique centrale le 24 août 1994.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON THE CENTRAL AMERICAN TARIFF AND CUSTOMS REGIME

The Governments of the Republics of Guatemala, El Salvador, Nicaragua and Costa Rica,

Convinced that the economic integration process is an effective instrument for promoting the social and economic development of the countries of Central America, and that all sectors of the population should share in its benefits;

Bearing in mind that there is broad consensus in the countries of Central America regarding the need to adjust and direct the economic integration process with a view to making it a genuine instrument and factor for the economic development of the region;

Aware that economic and social conditions in Central America have undergone profound changes and that Central American countries require a new system in order to be able to adapt in a flexible and timely way to changing circumstances;

Therefore have decided to sign the present agreement, which shall be called the “Convention on the Central American Tariff and Customs Regime”.

CHAPTER I. GENERAL PROVISIONS

Article 1. ESTABLISHMENT

By the present Convention the Contracting States establish a new Central American Tariff and Customs Regime, which is designed to meet the challenge of reactivating and restructuring the economic integration process and furthering economic and social development in Central America.

Article 2. ABBREVIATIONS AND DEFINITIONS

For the purposes of this Convention, the abbreviations and definitions listed below have the following meanings:

¹ Came into force on 18 September 1985, i.e., 8 days after the date of deposit with the General Secretariat of the Organization of Central American States of the third instrument of ratification, in accordance with article 28:

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>
El Salvador.....	26 March 1985
Costa Rica.....	21 May 1985
Guatemala.....	9 September 1985
Nicaragua.....	12 September 1985

Subsequently, the Convention came into force in respect of the following State on the date of deposit of its instrument of accession with the General Secretariat of the Organization of Central American States, in accordance with article 27:

<i>Participant</i>	<i>Date of deposit of the instrument of accession</i>
Honduras.....	12 February 1993
(With effect from 12 February 1993.)	

- REGIME:* The Central American Tariff and Customs Regime established in this Convention.
- COUNCIL:* The Central American Tariff and Customs Council established by this Convention.
- SIECA:* The Permanent Secretariat of the General Treaty on Central American Economic Integration.¹
- CAUCA:* The Central American Uniform Customs Code.
- RECAUCA:* Regulations of the Central American Uniform Customs Code.
- NAUCA II:* The new Standard Central American Tariff Nomenclature.
- CCCN:* The Brussels Customs Cooperation Council Nomenclature.
- Import duties:* The levies contained in the Central American Import Tariff which are imposed when imports clear customs

Article 3. CONTENT

The Regime shall consist of the following:

- (a) The Central American Import Tariff, as described under the headings concerning customs duties which shall appear in Annex “A”.²
- (b) The Central American legislation on the Customs Value of Goods, contained in Annex “B” and its Regulations.
- (c) The Central American Uniform Customs Code and its Regulations.
- (ch) The decisions and other common tariff and customs provisions arising out of this Convention.

Article 4. OBJECTIVES

The Regime is a basic instrument of the Central American economic integration process and has the following objectives:

- (a) To direct and strengthen the development of the production sectors;
- (b) To meet fiscal and balance-of-payments obligations;
- (c) To stimulate production efficiency and rationalize the cost of tariff protection, especially for the consumer;
- (ch) To help in achieving the foreign trade policy objectives of the Contracting States;
- (d) To contribute to the equitable distribution of the benefits and costs of economic integration; and
- (e) To refine the organization and administration of the Central American customs services with a view to gradually and progressively consolidating a regional tariff and customs system.

¹ United Nations, *Treaty Series*, vol. 455, p. 3.

² The revised text of Annex A was registered with the Secretariat of the United Nations on 1 July 1997 under No. A-31172.

CHAPTER II. ORGANIZATION

Article 5. ORGANS

The Regime shall have the following organs:

- (a) The Central American Tariff and Customs Council;
- (b) The committees; and
- (c) The Secretariat.

Article 6. THE COUNCIL

The Council shall be the organ responsible for managing and administering the Regime to which this Convention refers.

The Council shall consist of the Ministers legally responsible for economic integration matters in the respective States or their designated representatives. When the nature of its work so requires, the Council shall meet with the Ministers of the Treasury or of Finance, the Presidents of the Central Banks, or other Ministers or their designated representatives.

Article 7. ROLE OF THE COUNCIL

The Council shall:

- (a) Take such decisions as are necessary for the functioning of the Regime;
- (b) Resolve differences between Contracting Parties concerning the implementation of the present Convention and its related and additional instruments;
- (c) Approve rates of customs duty and modifications thereto in accordance with this Convention;
- (ch) Discharge the other functions laid down in this Convention.

Article 8

The Council shall be convened by SIECA at the request of one of its members, the other members having been consulted. Attendance of Council meetings shall be obligatory for the Contracting States. If the first notice of a meeting does not result in all the Contracting States being present, a second notice shall be issued and the meeting shall be held if at least three of the Contracting States are present.

If the number of Contracting States increases to five, the meeting shall be held after the second notice is issued if at least four Contracting States are present.

Article 9. VOTING

The Council shall take its decisions by an affirmative vote of the Contracting Parties.

If the Council is unable to reach a unanimous decision on any question considered at a meeting, it shall, at its next meeting, review the reasoning of the countries which cast a negative vote, together with a technical opinion provided by the Secretariat or by another technical body concerned with economic integration. If the Council is unable to reach a unanimous decision at the second meeting, it shall, not

more than 10 working days after the end of the second meeting, hold a new, conciliatory meeting; if no unanimous decision is reached at the conciliatory meeting, the Council may adopt the decision with the concurring vote of at least three Contracting States, in which case only those States voting in favour shall be bound by the decision.

The same procedure shall be followed in the case of decisions relating to the negotiation, approval and period of validity of Annex "A", the implementation of chapter VI of this Convention and the issuing of regulations.

As regards matters other than those specified in the preceding paragraph, the Council shall decide unanimously whether the decisions are to be adopted in accordance with the procedure established in the second paragraph of this article or are to be adopted unanimously.

Each State shall have one vote, irrespective of the number of officials representing it.

Article 10. COMMITTEES AND OTHER BODIES

The Council shall establish such executive or advisory committees or working groups as may be necessary to deal with the specialized features of the Regime. The committees or groups shall consist of high-level representatives appointed by each of the Contracting States.

The Council shall at the very least establish the following committees:

- (a) The Tariff Policy Committee, and
- (b) The Customs Committee.

The Council shall determine the composition, functions and spheres of competence of the committees.

The committees or working groups shall meet and take decisions in accordance with the relevant regulations approved by the Council.

Article 11. ROLE OF THE SECRETARIAT

SIECA shall be the Secretariat of the Council, the committees and the working groups; it shall ensure that this Convention and the decisions of the Council and the committees are duly implemented and may take the initiative in proposing the measures needed to implement and refine the Regime.

Article 12. DECISIONS

The decisions referred to in articles 9 and 10 of this Convention may be of the following nature:

(a) *Regulations*: rules of a general nature arising out of this Convention and applicable in the territories of the Contracting States.

(b) *Resolutions*: Rules concerning specific matters adopted by the Council in accordance with its prerogatives under this Convention. The Council may delegate the right to adopt resolutions in particular areas to the committees.