

No. 32498

MULTILATERAL

Convention on the temporary importation of passenger vehicles into Member States of the Economic Community of West African States (with annex). Concluded at Lomé on 6 July 1985

Authentic texts: English and French.

Registered by the Economic Community of West African States on 1 February 1996.

MULTILATÉRAL

Convention relative à l'importation temporaire dans les États Membres de la Communauté économique des États de l'Afrique de l'Ouest des véhicules de transports de personnes (avec annexe). Conclue à Lomé le 6 juillet 1985

Textes authentiques : anglais et français.

Enregistrée par la Communauté économique des États de l'Afrique de l'Ouest le 1^{er} février 1996.

CONVENTION¹ ON THE TEMPORARY IMPORTATION OF PASSENGER VEHICLES INTO MEMBER STATES

THE HIGH CONTRACTING PARTIES,

- CONSIDERING Article 23 of the ECOWAS Treaty,²
- CONSIDERING Article 5 of the Protocol on the Free Movement of Persons, the right of residence and establishment,³
- DESIROUS of promoting an effective implementation of the Protocol on the Free Movement of Persons, Right of Residence and Establishment signed on 29 May, 1979 in Dakar, particularly in respect of the movement of passenger vehicles,
- CONSCIOUS of the need to regulate the temporary importation of passenger vehicles into a Member State whereas they are registered in another Member State,
- CONVINCED that the adoption of common procedures in respect of temporary importation of passenger vehicles will ensure

¹ Came into force provisionally on 6 July 1985 in respect of the following States, on whose behalf it was signed on that date, and definitively on 13 October 1989, upon deposit with the Executive Secretary of the Economic Community of West African States of instruments of ratification by seven signatory States(*), in accordance with article XI (1):

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>	
Benin		
Burkina Faso		
Cape Verde		
Côte d'Ivoire		
Gambia		
Ghana*	12 May	1989
Guinea*	13 October	1989
Guinea-Bissau		
Liberia		
Mali*	18 January	1989
Mauritania		
Niger*	4 May	1989
Nigeria*	18 April	1988
Senegal		
Sierra Leone*	8 November	1988
Togo*	17 February	1988

Subsequently, instruments of ratification were deposited with the Executive Secretary of the Economic Community of West African States on the dates indicated hereafter, to take effect on the same date:

Burkina Faso	25 April	1990
Gambia	25 May	1990
Guinea-Bissau	13 November	1990
Senegal	8 April	1991
Côte d'Ivoire	19 July	1991
Liberia	9 April	1992
Cape Verde	13 April	1992

² United Nations, *Treaty Series*, vol. 1010, p. 17.

³ See p. 56 of this volume.

the customs systems of Member States of a greater degree of harmonisation and uniformity,

- DECIDE TO CONCLUDE a Convention between themselves on the temporary importation of private passenger vehicles registered in Member States of the Community, and agree on the following provisions :

CHAPTER I : DEFINITION

ARTICLE 1

For the purpose of this Convention :

"Community" means the Economic Community of West African States;

"Member State" or "Member States" means the Member State or the Member States of the Economic Community of West African States;

"Authority" means the Authority of Heads of State and Government established by Article 5 of the Treaty;

"Executive Secretary and Executive Secretariat" means the Executive Secretary and the Executive Secretariat of the Community as defined in Article 8 of the Treaty;

"Import duties and taxes" mean customs duties and all duties and taxes chargeable by reason of importation;

"Vehicles" mean passenger vehicles (road motor vehicles, including motorcycles) and trailers (imported with the vehicles, or separately) registered in any one of the Member States (and including the accessories and normal component parts imported with the vehicles);

"Accessories and normal component parts" mean those elements delivered with the vehicle from the factory;

"Private use" means use of the vehicle for purposes other than the conveyance of fare-paying passengers, for gain or any other material consideration, and other than the conveyance of industrial or commercial goods, with or without remuneration;

"Commercial use" means use of the vehicle for the conveyance of fare-paying passengers, for gain or any other material consideration within its country of registration;

"Temporary importation permit" means the customs document on which the guarantee or consignment of import taxes and duties is entered;

"Persons" means individual or legal entities;

"Resident" means any person whose permanent residence is in a Member State, and who resides there more than six months in a year, or who owns a permanent commercial or industrial enterprise or carries on any other remunerative activity in the said state;

"Temporary admission" means importation, free of all import duties and taxes, subject to the conditions laid down by this convention or by the laws and regulations of the country of importation;

"Issuing Association or Body" means an association or body approved by the competent authorities or a Member State, and authorised to issue customs clearance papers;

"Guaranteeing Association or Body" means an association or body approved by the customs authorities of a Member State and authorities to guarantee the duties, taxes and other sums chargeable for non-compliance with the conditions governing temporary admission of vehicles into the territory of that Member State.

CHAPTER II : SCOPE OF IMPLEMENTATION

ARTICLE 2

1. Each Member State of the Community shall grant temporary admission free of import duties and taxes, without import prohibitions or restrictions subject to re-exportation under the conditions laid down by this Convention, to passenger vehicles owned by persons normally resident outside its territory, and which are being imported for private or commercial use during a visit either by owners of these vehicles or by other persons normally resident outside its territory.

2. At the time of importation, these vehicles shall be covered by a temporary import permit guaranteeing payment of import duties and taxes waived and any customs penalties incurred.

3. Vehicles belonging to Diplomatic Missions and International Organisations, and all other official vehicles covered by a travel authorisation, are excluded from the provisions of paragraphs 1 and 2 above.

ARTICLE 3

The following are admitted without payment of import duties and taxes and free of import prohibitions and restrictions :

- fuel and petrol contained in the normal fuel tanks of vehicles temporarily imported, it being understood that the normal fuel tank is that designed by the maker for the type of vehicle concerned.

CHAPTER III : ISSUE OF TEMPORARY IMPORT PERMITS

ARTICLE 4

1. In conformity with the guarantees, and under such conditions as it may lay down, each Member State may authorise Associations and Bodies, especially those affiliated to an International Organisation to issue and deliver the temporary import permits provided for by this Convention.

2. Temporary import permits are valid in all customs territories of Member States.

3. Each Member State shall accept in place of its national customs papers, the import permit indicated in Article 5.1 hereafter which guarantee the payment of import duties and taxes and any customs penalties incurred.

4. a. The period of validity shall not exceed one year from the date of issue.
- b. The maximum duration of temporary importation shall not exceed ninety (90) days for private vehicles and fifteen (15) days for commercial vehicles. Any day begun is considered a full day.