

CUSTOMS CONVENTION ON CONTAINERS, 1972

PREAMBLE

THE CONTRACTING PARTIES,

DESIRING to develop and facilitate international carriage by container,

HAVE AGREED as follows:

Chapter I

GENERAL

Article 1

For the purposes of the present Convention:

(a) the term „import duties and taxes“ shall mean Customs duties and all other duties, taxes, fees and other charges which are collected on, or in connexion with, the importation of goods, but not including fees and charges limited in amount to the approximate cost of services rendered;

(b) the term „temporary admission“ shall mean temporary importation, subject to re-exportation, free of import duties and taxes and free of import prohibitions and restrictions;

(c) the term „container“ shall mean an article of transport equipment (lift-van, movable tank or other similar structure):

- (i) fully or partially enclosed to constitute a compartment intended for containing goods;
- (ii) of a permanent character and accordingly strong enough to be suitable for repeated use;
- (iii) specially designed to facilitate the carriage of goods, by one or more modes of transport, without intermediate reloading;
- (iv) designed for ready handling, particularly when being transferred from one mode of transport to another;
- (v) designed to be easy to fill and to empty; and
- (vi) having an internal volume of one cubic metre or more;

the term “container” shall include the accessories and equipment of the container, appropriate for the type concerned, provided that such accessories and equipment are carried with the container. The term “container” shall not include vehicles, accessories or spare parts of vehicles, or packaging;

(d) the term “internal traffic” shall mean the carriage of goods loaded in the territory of a State for unloading at a place within the territory of the same State;

(e) the term “person” shall mean both natural and legal persons;

(f) the term “operator” of a container shall mean the person who, whether or not its owner, has effective control of its use.

Article 2

In order to benefit from the facilities provided for in the present Convention, containers shall be marked in the manner prescribed in Annex 1.

Chapter II

TEMPORARY ADMISSION

(a) Temporary admission facilities

Article 3

1. Subject to the conditions laid down in articles 4 to 9, each Contracting Party shall grant temporary admission to containers, whether loaded with goods or not.

2. Each Contracting Party reserves the right not to grant temporary admission to containers which have been the subject of purchase, hire-purchase, lease or a contract of a similar nature, concluded by a person resident or established in its territory.

Article 4

1. Containers granted temporary admission shall be re-exported within three months from the date of importation. However, this period may be extended by the competent Customs authorities.

2. Containers granted temporary admission may be re-exported through any competent Customs office, even if that office is different from the one of temporary admission.

Article 5

1. Notwithstanding the requirement of re-exportation laid down in article 4, paragraph 1, seriously damaged containers shall not be required to be re-exported provided that, in conformity with the regulations of the country concerned and as the Customs authorities of that country may authorize, the containers are:

(a) subjected to the import duties and taxes to which they are liable at the time when, and in the condition in which, they are presented; or

(b) abandoned, free of all expense, to the competent authorities of that country; or

(c) destroyed, under official supervision, at the expense of the parties concerned, any parts or materials salvaged being subjected to the import duties and taxes to which they are liable at the time when, and in the condition in which, they are presented.

2. If, as a result of a seizure, a container granted temporary admission cannot be re-exported, the requirement of re-exportation laid down in article 4, paragraph 1, shall be suspended for the duration of the seizure.

(b) Temporary admission procedures

Article 6

Without prejudice to the provisions of articles 7 and 8, containers temporarily imported under the terms of the present Convention shall be granted temporary admission without the production of Customs documents being required on their importation and re-exportation and without the furnishing of a form of security.

Article 7

Each Contracting Party may require that the temporary admission of containers be subject to compliance with all, or part of, the provisions of the procedure for temporary admission of containers, set out in Annex 2.