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REFERENCE. C.N.276.1988.TREATIES-1 (Depositary Notification)

CUSTOMS CONVENTION ON CONTAINERS, 1972
CONCLUDED AT GENEVA ON 2 DECEMBER 1972

AMENDMENTS PROPOSED BY THE CUSTOMS CO-OPERATION COUNCIL TO
ARTICLE 1, PARAGRAPH c AND ANNEX 6

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

In a communication received by the Secretary-General on 29 November 1988, the Secretary-General of the Customs Co-operation Council, in accordance with article 21 (2) and article 22 (3) of the above-mentioned Convention, has transmitted the text of certain amendments to Article 1, paragraph c and Annex 6 of the Convention, to be communicated in accordance with paragraph 3 of article 21 and paragraph 4 of article 22, by the Secretary-General to the Contracting Parties for their acceptance, and to the other States referred to in article 18 for their information.

The said amendments were adopted by the Administrative Committee for the Customs Convention on Containers, 1972, at its fourth meeting held in Brussels from 25 to 27 May 1987.

With respect to Article 1, paragraph c, of the Convention the amending procedure is set forth in paragraphs 1 to 5 of article 21, which reads as follows:

"1. Any Contracting Party may propose one or more amendments to the present Convention. The text of any proposed amendment shall be notified to the Customs Co-operation Council which shall communicate it to all Contracting Parties and inform the States referred to in article 18 which are not Contracting Parties. The Customs Co-operation Council shall also, in accordance with the rules of procedure set out in Annex 7, convene an Administrative Committee.

2. Any amendment proposed in accordance with the preceding paragraph, or prepared during the meeting of the Committee, and adopted by a two-thirds majority of those present and voting in the Committee, shall be communicated to the Secretary-General of the United Nations.

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3. The Secretary-General of the United Nations shall communicate the amendment to the Contracting Parties for their acceptance, and to the States referred to in article 18 which are not Contracting Parties for their information.

4. Any proposed amendment communicated in accordance with the preceding paragraph shall be deemed to be accepted if no Contracting Party expressed an objection within a period of 12 months following the date of communication of the proposed amendment by the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall, as soon as possible, notify all Contracting Parties and the States referred to in article 18 which are not Contracting Parties whether an objection to the proposed amendment has been expressed. If an objection to the proposed amendment has been communicated to the Secretary-General of the United Nations the amendment shall be deemed not to have been accepted and shall be of no effect whatever. If no such objection has been communicated to the Secretary-General of the United Nations the amendment shall enter into force for all Contracting Parties three months after the expiry of the period of 12 months referred to in the preceding paragraph, or on such later date as may have been determined by the Administrative Committee at the time of its adoption."

As regards annex 6, the applicable procedure is set out in paragraphs 1 to 7 of article 22, which reads as follows:

"1. Independently of the amendment procedure set out in article 21, Annexes 1, 4, 5 and 6 may be amended as provided for in this article and in accordance with the rules of procedure set out in Annex 7.

2. Any Contracting Party shall communicate proposed amendments to the Customs Co-operation Council. The Customs Co-operation Council shall bring them to the attention of the Contracting Parties and of the States referred to in article 18 which are not Contracting Parties, and shall convene the Administrative Committee.

3. Any amendment proposed in accordance with the preceding paragraph or prepared during the meeting of the Committee, and adopted by a two-thirds majority of those present and voting in the Committee, shall be communicated to the Secretary-General of the United Nations.



4. The Secretary-General of the United Nations shall communicate the amendment to the Contracting Parties for their acceptance, and to the States referred to in article 18 which are not Contracting Parties for their information.

5. The amendment shall be deemed to have been accepted unless one-fifth or five of the Contracting Parties, whichever number is less, have notified the Secretary-General of the United Nations, within a period of 12 months from the date on which the proposed modification has been communicated by the Secretary-General of the United Nations to the Contracting Parties, that they object to the proposal. An amendment which is not accepted shall be of no effect whatever.

6. If an amendment is accepted, it shall enter into force, for all Contracting Parties which did not object to the amendment, three months after the expiry of the period of twelve months referred to in the preceding paragraph, or on such later date as may have been determined by the Committee at the time of its adoption. At the time of adoption of an amendment the Committee may also provide that, during a transitional period, the existing Annexes shall remain in force, wholly or in part, concurrently with such amendment.

7. The Secretary-General of the United Nations shall notify the date of the entry into force of the amendment to the Contracting Parties and inform the States, referred to in article 18, which are not Contracting Parties."

It should be noted that the Committee did not avail itself of the rights granted under article 21 (5) and article 22 (6) of the Convention to determine a later date for the entry into force of the amendments.

Consequently, and in accordance with articles 21 and 22, the amendments will be considered to have been accepted if no objection has been formulated by one of the Contracting Parties at the latest on 1 December 1989, and they will enter into force on 1 March 1990.

The texts of the proposed amendments in the Chinese, English, French, Russian and Spanish languages are annexed herewith.

The Secretary-General regrets that, owing to communications difficulties, it was not possible to circulate the present notification sooner.

1 December 1988

A.P.-H

C.N. WITH ONE ANNEX

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