8. CUSTOMS CONVENTION ON THE TEMPORARY IMPORTATION OF PRIVATE ROAD VEHICLES

New York, 4 June 1954

ENTRY INTO FORCE: 15 December 1957 by the exchange of the said letters, in accordance with article 35.

REGISTRATION: 15 December 1957, No. 4101.


Declarations and Reservations
(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)

**ALGERIA**

The Democratic and Popular Republic of Algeria does not consider itself bound by article 40 of the said Convention and declares that a dispute may be submitted to arbitration only with the agreement of all the parties.

**BULGARIA**

The Revolutionary Government of the Republic of Bulgaria does not consider itself bound by the provisions of paragraphs 2 and 3 of article 40 of the Convention. At the same time it states that, if this reservation is rejected by more than two-thirds of the Parties to the Convention, it will consider that the Convention has not been ratified by the Revolutionary Government of Cuba, in accordance with the provisions of paragraph 3 of article 39.

**EL SALVADOR**

In connexion with article 4, El Salvador reserves its rights with respect to the temporary importation of component parts for the repair of motor vehicles in view of the fact that such component parts may be difficult to identify when taken out of the country; it therefore considers that payment of the taxes prescribed by the law should be made in such cases. The same reservation is made in connexion with other articles of the Convention which refer to component parts for repairs.

**GUATEMALA**

"The Guatemalan Government reserves its right:

1. To consider that the provisions of the Convention shall apply solely to natural persons and not to legal persons and bodies corporate as provided in chapter I, article 1;

2. To consider that article 4 shall not be applicable to Guatemala;
“(3) Not to accept the provisions of article 38 in respect of territories in dispute which are under the de facto administration of another State.”

HUNGARY16

Article 38 of the Convention is at variance with the United Nations General Assembly resolution 1514 (XV) of 16December 1960 on the Granting of Independence to Colonial Countries and Peoples.

The Hungarian People's Republic does not consider itself bound by the provisions contained in paragraph 2 of article 40 of the Convention.

INDIA

With reference to article 1 (e):

"The Government of India reserves the right to exclude 'legal' persons from the categories of persons to whom concessions envisaged in this Convention are applicable."

With reference to article 2:

"Notwithstanding the provisions of article 2 of this Convention, the Government of India reserves the right to exclude from the benefits of this article persons normally resident outside India who, on the occasion of a temporary visit to India, take up paid employment or any other form of gainful occupation."

ISRAEL

"The Government of Israel shall not be bound to admit without payment of import duties and import taxes the importation of component parts of the repair of vehicles temporarily imported; likewise, import prohibitions and restrictions in force at the time being in Israel may be applied to the importation of such component parts."

"In view of the fact that land frontiers with neighbouring States are closed at the present time and that, consequently, private road vehicles may not be re-exported except through an Israel port, the Government of Israel shall not be bound to accept as evidence of re-exportation of vehicles or component parts thereof, any of the documents referred to in paragraphs 1 and 2 of article 24."

MEXICO

"The Delegation of Mexico, in accordance with the declaration duly made when the matter was under discussion in Working Party I, reserves its rights with regard to article 4, which authorizes the temporary importation of component parts for the repair of motor vehicles. The Delegation cannot agree to this article because the procedure in question is contrary to the legislation of its country, and because such spare parts do not usually have the specifications which would permit of their identification on exit. In the Delegation's opinion, this procedure would be prejudicial to the country's fiscal interests, because in this way it would be possible to import new spare parts without payment of duty by re-exporting old parts belonging to a vehicle not the tourist's own. It has therefore been considered more appropriate that in such cases the proper duty should be paid."

"The same reservation is made with regard to other articles of this Convention which refer to component parts for making repairs."

POLAND17,18

ROMANIA19

The Romanian People's Republic does not consider itself bound by the provisions of article 40, paragraphs 2 and 3, of the Convention. The position of the Romanian People's Republic is that a dispute concerning the interpretation or application of the Convention may be submitted to arbitration only with the agreement of all the parties in dispute and that only persons nominated by unanimous agreement of the parties in dispute may act as arbitrators.

RUSSIAN FEDERATION14

The Government of the Union of Soviet Socialist Republics, considering that disputes concerning the interpretation or application of the Customs Convention on the Temporary Importation of Private Road Vehicles can be decided by arbitration, declares that a dispute may be submitted to arbitration only with the agreement of all the parties in dispute and that only persons nominated by unanimous agreement of the parties in dispute may act as arbitrators.

SENEGAL

1. Notwithstanding the provisions of article 2 of the said Convention, the Government of the Republic of Senegal reserves to itself the right to exclude from the benefits of the said article persons normally resident outside Senegal who, on the occasion of a temporary visit to Senegal, take up paid employment or any form of gainful occupation;

2. The Government of the Republic of Senegal reserves the right:

a) To consider that the provisions of the Convention shall apply solely to natural persons and not to legal persons and bodies corporate as provided in chapter 1, article 1;

b) To consider that article 4 shall not be applicable to its territory;

c) Not to accept the provisions of article 38 in respect of territories in dispute which are under the de facto administration of another State.

SRI LANKA

"Notwithstanding the provisions of article 2 of this Convention, the Government of Ceylon reserves to itself the right to exclude from the benefits of this article persons normally resident outside Ceylon who, on the occasion of a temporary visit to Ceylon, take up paid employment or any other form of gainful occupation."

TUNISIA

A dispute may be submitted to arbitration only with the agreement of all the parties in dispute.

Territorial Application

<table>
<thead>
<tr>
<th>Participant</th>
<th>Date of receipt of notification</th>
<th>Territories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium20</td>
<td>21 Feb 1955</td>
<td>Belgian Congo and the Trust Territory of Ruanda-Urundi,</td>
</tr>
<tr>
<td>Participant</td>
<td>Date of receipt of the notification</td>
<td>Territories</td>
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<tr>
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<tr>
<td>Netherlands (Kingdom of the)</td>
<td>7 Mar 1958</td>
<td>with reservations Netherlands Antilles, Netherlands New Guinea and Suriname</td>
</tr>
<tr>
<td>New Zealand</td>
<td>21 May 1963</td>
<td>Cook Islands (including Niue)</td>
</tr>
<tr>
<td>Portugal</td>
<td>18 Sep 1958</td>
<td>Overseas Provinces</td>
</tr>
<tr>
<td>United Kingdom of Great Britain and Northern Ireland</td>
<td>7 Aug 1957</td>
<td>North Borneo, Cyprus, Fiji, Jamaica, Federation of Malaya, Seychelles, Sierra Leone, Singapore, Somaliland Protectorate, Tonga and Zanzibar; and Malta (with reservation)</td>
</tr>
<tr>
<td></td>
<td>14 Jan 1958</td>
<td>Brunei, Antigua, Mauritius, Sarawak, Kenya, Dominica, Gambia, Montserrat, Federation of Nigeria, British Solomon Islands Protectorate, St. Helena, Uganda, Gibraltar, Virgin Islands, Grenada, St. Vincent, Tanganyika</td>
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<tr>
<td></td>
<td>16 Jun 1959</td>
<td>Barbados</td>
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<td></td>
<td>12 Sep 1960</td>
<td>British Honduras</td>
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<td></td>
<td>11 Nov 1960</td>
<td>Hong Kong</td>
</tr>
<tr>
<td></td>
<td>9 Jan 1961</td>
<td>St. Christopher-Nevis-Anguilla</td>
</tr>
<tr>
<td></td>
<td>15 Sep 1961</td>
<td>Trinidad and Tobago</td>
</tr>
<tr>
<td></td>
<td>5 Feb 1962</td>
<td>British Guiana</td>
</tr>
<tr>
<td>United States of America</td>
<td>25 Jul 1956</td>
<td>Alaska, Hawaii, Puerto Rico and United States Virgin Islands</td>
</tr>
</tbody>
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Notes:

1 On 16 June 1975, the Government of Switzerland declared that the provisions of the Convention apply to the Principality of Liechtenstein so long as it is linked to Switzerland by a customs union treaty.

2 The Secretary-General circulated on 6 April 1979 the text of an amendment proposed by Switzerland aiming at the addition of a new article 25 bis to chapter VII of the Convention. The said amendment was not accepted owing to objections notified to the Secretary-General on 2 October 1979 (India) and on 4 October 1979 (Belgium, Denmark, France, Federal Republic of Germany, Ireland, Italy, Luxembourg and the Netherlands).

Subsequently, on 7 June 1985, the Secretary-General was informed by the Government of Austria that "the said amendment had been approved by the Austrian Parliament and that it would therefore now be applied by Austria."

On 30 January 1992, the Secretary-General circulated the text of the amendments to the English, French and Spanish authentic texts proposed by the Government of Italy. In this connexion, it is to be noted that the said amendments, as circulated by depositary notification C.N.315.1991.TREATIES-1 dated 30 January 1992, indeed entered into force on 30 October 1992, with the exception, however, of the proposed amendment to article 13, consisting in the addition of a fourth paragraph: an objection was formulated by Japan to the said proposed amendment on 30 July 1992, i.e., within the period of six months from the date of the relevant depositary notification as follows:

"... The Government of Japan considers that the proposed provisions of article 13, paragraph 4, setting forth the exemption from taxation in case of loss or theft of an object in the case of a seizure, do not appear precise enough to ensure the prevention of its abuse. For this reason, the Government of Japan considers that the proposed amendments should not be adopted and therefore expresses its objection to them in accordance with article 42 (2) of the Convention."

Consequently, in accordance with article 42 (3), all amendments proposed by Italy entered into force for all Contracting Parties three months after the expiration of the period of six months following the date of circulation of the proposed amendment by the Secretary-General, i.e., on 30 October 1992, with the exception of the proposed fourth paragraph to article 13.
it had decided to withdraw the reservation made upon accession. For the text of the reservation, see United Nations, Treaty Series, vol. 348, p. 360. See also note 14.

By 24 August 1983, the day following the expiry of the period of ninety days from the date of the said depositary notification, none of the States concerned had notified the Secretary-General as envisaged in article 39 (3) of the Convention, of an objection to the reservation. Consequently, in accordance with article 35 (2), the Convention entered into force for Hungary with effect from 2 August 1983.

On 16 October 1997, the Government of Poland notified the Secretary-General that it had decided to withdraw its reservation with regard to article 40 of the Convention made upon accession. For the text of the reservation see United Nations, Treaty Series, vol. 367, p. 346.

The Government of Switzerland has notified the Secretary-General that it objects to this reservation.

The Government of Switzerland has notified the Secretary-General that it objects to this reservation. The Government of the United States of America has notified the Secretary-General that it has no objection to this reservation, but "considers that it may and hereby states that it will apply this reservation reciprocally with respect to Romania".

With regard to the application to the Territory of the Belgian Congo and to the Trust Territory of Ruanda-Urundi of the Customs Convention on the Temporary Importation of Private Road Vehicles, concluded at New York on 4 June 1954, the Belgian Government considers that in present circumstances the system of free international circulation of motor vehicles should not be extended to legal persons. Temporary admittance without payment should not be granted in respect of component parts imported for the repair of a vehicle covered by free circulation papers.

The latter restriction does not, of course, apply to component parts accompanying vehicles when they are listed in the counterfoil of the international circulation document.

By a communication received on 10 February 1965, the Government of Rwanda, in relation to the succession, informed the Secretary-General that it did not intend to maintain any of the above-mentioned reservations.

The reservation with respect to Malta reads as follows:

"Article 4 of the Convention shall not apply to Malta." On 3 January 1966, the Government of Malta notified the Secretary-General of its succession to the Convention. In a communication received on 28 February 1966, the Government of Malta notified the Secretary-General that it did not intend to maintain the said reservation, which had been made on its behalf by the Government of the United Kingdom at the time of the notification of the extension of the Convention to Malta.