

No. 4834

**AUSTRIA, BELGIUM, FEDERAL REPUBLIC
OF GERMANY, FRANCE, HUNGARY, etc.**

**Customs Convention on Containers (with annexes and
Protocol of signature). Done at Geneva, on 18 May 1956**

Official texts: English and French.

Registered ex officio on 4 August 1959.

**AUTRICHE, BELGIQUE, RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE, FRANCE, HONGRIE, etc.**

**Convention douanière relative aux containers (avec annexes
et Protocole de signature). Faite à Genève, le 18 mai 1956**

Textes officiels anglais et français.

Enregistrée d'office le 4 août 1959.

No. 4834. CUSTOMS CONVENTION¹ ON CONTAINERS.
DONE AT GENEVA, ON 18 MAY 1956

PREAMBLE

The Contracting Parties,

Desiring to develop and to facilitate the use of containers in international traffic,

Have agreed as follows :

CHAPTER I

DEFINITIONS

Article 1

For the purpose of this Convention :

(a) The term “ import duties and import taxes ” shall mean not only Customs duties but also all duties and taxes whatsoever chargeable by reason of importation;

(b) The term “ container ” shall mean an article of transport equipment (lift-van, movable tank or other similar structure) :

- (i) Of a permanent character and accordingly strong enough to be suitable for repeated use;
- (ii) Specially designed to facilitate the carriage of goods, by one or more modes of transport, without intermediate reloading;

¹ In accordance with article 13, the Convention came into force on 4 August 1959, the ninetieth day after the deposit of the fifth instrument of ratification or accession, in respect of the following States on behalf of which the instruments of ratification or accession (a) were deposited on the dates indicated :

Austria	13 November 1957	Spain	21 January 1959 (a)
Hungary	23 July 1957	United Kingdom of Great Britain and Northern Ireland	23 May 1958
Poland	6 May 1959	(Applicable to the Isle of Man, Jersey and the Bailiwick of Guernsey)	

In addition, the instruments of ratification or accession (a) have been deposited by the following States :

	<i>Date of deposit</i>	<i>Effective date</i>
Cambodia	4 August 1959 (a)	2 November 1959
France	20 May 1959	18 August 1959
Sweden	11 August 1959	9 November 1959

- (iii) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;
 - (iv) So designed as to be easy to fill and empty; and
 - (v) Having an internal volume of one cubic metre or more;
- and shall include the normal accessories and equipment of the container, when imported with the container; the term " container " includes neither vehicles nor conventional packing;
- (c) The term " persons " shall mean both natural and legal persons unless the context otherwise requires.

CHAPTER II

TEMPORARY IMPORTATION FREE OF IMPORT DUTIES AND IMPORT TAXES AND FREE OF IMPORT PROHIBITIONS AND RESTRICTIONS

Article 2

Each of the Contracting Parties shall grant temporary admission free of import duties and import taxes and free of import prohibitions and restrictions, subject to re-exportation and to the other conditions laid down in articles 3 to 6 below, to containers when they are imported loaded to be re-exported either empty or loaded, or imported empty to be re-exported loaded. Each Contracting Party shall retain the right to withhold these facilities in the case of containers which are imported on purchase or otherwise taken into effective possession and control by a person resident or established in its territory; the same applies to containers imported from a country which does not apply the provisions of this Convention.

Article 3

Containers temporarily imported free of import duties and import taxes shall be re-exported within three months from the date of importation. This period may be extended for valid reasons by the Customs authorities within the limits laid down by the legislation in force in the territory into which containers have been temporarily imported.

Article 4

1. Notwithstanding the requirement of re-exportation laid down in article 3, the re-exportation of badly damaged containers shall not be required, in the case of duly authenticated accidents, provided that the containers :

(a) Are subjected to the import duties and import taxes to which they are liable; or

(b) Are abandoned free of all expense to the Exchequer of the country into which they were imported temporarily; or

(c) Are destroyed, under official supervision, at the expense of the parties concerned, any salvaged parts and materials being subjected to the import duties and import taxes to which they are liable;

as the Customs authorities may require.

2. When a container temporarily imported cannot be re-exported as a result of a seizure, other than a seizure made at the suit of private persons, the requirement of re-exportation laid down in article 3 shall be suspended for the duration of the seizure.

Article 5

1. Component parts imported for the repair of a particular container already temporarily imported shall be admitted temporarily free of import duties and import taxes and free of import prohibitions and restrictions.

2. Replaced parts which are not re-exported shall be liable to import duties and import taxes except where, in conformity with the regulations of the country concerned, they may be abandoned free of all expense to the Exchequer or destroyed, under official supervision, at the expense of the parties concerned.

Article 6

The procedure for the temporary admission of containers and component parts free of import duties and import taxes shall be governed by the regulations in force in the territory of each Contracting Party.

CHAPTER III

TECHNICAL CONDITIONS APPLICABLE TO CONTAINERS WHICH MAY BE ACCEPTED FOR TRANSPORT UNDER CUSTOMS SEAL

Article 7

Each of the Contracting Parties which applies a system of transport of containers under Customs seal shall accept for such transport containers complying with the provisions of the regulations contained in Annex 1¹ and shall apply the approval procedures laid down in Annex 2.²

¹ See p. 124 of this volume.

² See p. 128 of this volume.

CHAPTER IV

MISCELLANEOUS PROVISIONS

Article 8

The Contracting Parties shall endeavour not to introduce Customs procedures which might have the effect of impeding the development of international transport by containers.

Article 9

Any breach of the provisions of this Convention, any substitution, false declaration or act having the effect of causing a person or an article improperly to benefit from the facilities provided for in this Convention, may render the offender liable in the country where the offence was committed to the penalties prescribed by the laws of that country.

Article 10

Nothing in this Convention shall prevent Contracting Parties which form a Customs or economic union from enacting special provisions applicable to persons resident or established in one of the countries forming that union.

Article 11

Each Contracting Party shall have the right to deny the benefit of temporary importation free of import duties and import taxes and free of import prohibitions and restrictions to, or to withdraw that benefit from, containers which are used, even occasionally, for the purpose of loading goods within the frontiers of the country into which the container is imported, for deposit within those frontiers.

CHAPTER V

FINAL PROVISIONS

Article 12

1. Countries members of the Economic Commission for Europe and countries admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference, may become Contracting Parties to this Convention :

- (a) By signing it;
- (b) By ratifying it after signing it subject to ratification;
- (c) By acceding to it.

2. Such countries as may participate in certain activities of the Economic Commission for Europe in accordance with paragraph 11 of the Commission's terms of reference may become Contracting Parties to this Convention by acceding thereto after its entry into force.

3. The Convention shall be open for signature until 31 August 1956 inclusive. Thereafter, it shall be open for accession.

4. Ratification or accession shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

Article 13

1. This Convention shall come into force on the ninetieth day after five of the countries referred to in article 12, paragraph 1, have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

2. For any country ratifying or acceding to it after five countries have signed it without reservation of ratification or have deposited their instruments of ratification or accession, this Convention shall enter into force on the ninetieth day after the said country has deposited its instrument of ratification or accession.

Article 14

1. Any Contracting Party may denounce this Convention by so notifying the Secretary-General of the United Nations.

2. Denunciation shall take effect fifteen months after the date of receipt by the Secretary-General of the notification of denunciation.

Article 15

This Convention shall cease to have effect if, for any period of twelve consecutive months after its entry into force, the number of Contracting Parties is less than five.

Article 16

1. Any country may, at the time of signing this Convention without reservation of ratification or of depositing its instrument of ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. The Convention shall extend to the territory or territories named in the notification as from the ninetieth day after its receipt by the Secretary-General or, if on that day the Convention has not yet entered into force, at the time of its entry into force.

2. Any country which has made a declaration under the preceding paragraph extending this Convention to any territory for whose international relations it is responsible may denounce the Convention separately in respect of that territory in accordance with the provisions of article 14.

Article 17

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention shall so far as possible be settled by negotiation between them.

2. Any dispute which is not settled by negotiation shall be submitted to arbitration if any one of the Contracting Parties in dispute so requests and shall be referred accordingly to one or more arbitrators selected by agreement between the Parties in dispute. If within three months from the date of the request for arbitration the Parties in dispute are unable to agree on the selection of an arbitrator or arbitrators, any of those Parties may request the Secretary-General of the United Nations to nominate a single arbitrator to whom the dispute shall be referred for decision.

3. The decision of the arbitrator or arbitrators appointed under the preceding paragraph shall be binding on the Contracting Parties in dispute.

Article 18

1. Each Contracting Party may, at the time of signing, ratifying, or acceding to, this Convention, declare that it does not consider itself as bound by article 17 of the Convention. Other Contracting Parties shall not be bound by article 17 in respect of any Contracting Party which has entered such a reservation.

2. Any Contracting Party having entered a reservation as provided for in paragraph 1 may at any time withdraw such reservation by notifying the Secretary-General of the United Nations.

3. No other reservation to this Convention shall be permitted.

Article 19

1. After this Convention has been in force for three years, any Contracting Party may, by notification to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing the Convention. The Secretary-General shall notify all Contracting Parties of the request and a review conference shall be convened by the Secretary-General if, within a period of four months following the date of notification by the Secretary-General, not less than one third of the Contracting Parties notify him of their concurrence with the request.

2. If a conference is convened in accordance with the preceding paragraph, the Secretary-General shall notify all the Contracting Parties and invite them to submit within a period of three months such proposals as they may wish the Conference to consider. The Secretary-General shall circulate to all Contracting Parties the provisional agenda for the conference together with the texts of such proposals at least three months before the date on which the conference is to meet.

3. The Secretary-General shall invite to any conference convened in accordance with this article all countries referred to in article 12, paragraph 1, and countries which have become Contracting Parties under article 12, paragraph 2.

Article 20

1. Any Contracting Party may propose one or more amendments to this Convention. The text of any proposed amendments shall be transmitted to the Secretary-General of the United Nations who shall transmit it to all Contracting Parties and inform all other countries referred to in article 12, paragraph 1.

2. Any proposed amendment circulated in accordance with the preceding paragraph shall be deemed to be accepted if no Contracting Party expressed an objection within a period of six months following the date of circulation of the proposed amendment by the Secretary-General.

3. The Secretary-General shall, as soon as possible, notify all Contracting Parties whether an objection to the proposed amendment has been expressed. If an objection to the proposed amendment has been expressed, the amendment shall be deemed not to have been accepted and shall be of no effect whatever. If no such objection has been expressed the amendment shall enter into force for all Contracting Parties three months after the expiry of the period of six months referred to in the preceding paragraph.

4. Independently of the amendment procedure laid down in paragraphs 1, 2 and 3 of this article, the annexes to this Convention may be modified by agreement between the competent Administrations of all the Contracting Parties. The Secretary-General shall fix the date of entry into force of the new texts resulting from such modifications.

Article 21

In addition to the notifications provided for in articles 19 and 20, the Secretary-General of the United Nations shall notify the countries referred to in article 12, paragraph 1, and the countries which have become Contracting Parties under article 12, paragraph 2, of :

(a) Signatures, ratifications and accessions under article 12;

- (b) The dates of entry into force of this Convention in accordance with article 13;
- (c) Denunciations under article 14;
- (d) The termination of this Convention in accordance with article 15;
- (e) Notifications received in accordance with article 16;
- (f) Declarations and notifications received in accordance with article 18, paragraphs 1 and 2;
- (g) The entry into force of any amendment in accordance with article 20.

Article 22

The Protocol of Signature¹ of this Convention shall have the same force, effect and duration as the Convention itself of which it shall be considered to be an integral part.

Article 23

After 31 August 1956, the original of this Convention shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies to each of the countries mentioned in article 12, paragraphs 1 and 2.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Geneva, this eighteenth day of May one thousand nine hundred and fifty-six, in a single copy in the English and French languages, each text being equally authentic.

¹ See p. 132 of this volume.

For Albania :

Pour l'Albanie :

For Austria :

Pour l'Autriche :

Sous réserve de ratification¹

Dr. Josef STANGELBERGER

For Belgium :

Pour la Belgique :

Sous réserve de ratification¹

LEROY

For Bulgaria :

Pour la Bulgarie :

For Byelorussian SSR :

Pour la Biélorussie :

For Czechoslovakia :

Pour la Tchécoslovaquie :

For Denmark :

Pour le Danemark :

For the Federal Republic
of Germany :

Pour la République Fédérale
d'Allemagne :

Subject to ratification²

Rudolf STEG

¹ Subject to ratification.

² Sous réserve de ratification.

For Finland :

Pour la Finlande :

For France :

Pour la France :

Sous réserve de ratification¹

DE CURTON

For Greece :

Pour la Grèce :

For Hungary :

Pour la Hongrie :

Sous réserve de ratification¹

SIMON FERENCZ

For Iceland :

Pour l'Islande :

For Ireland :

Pour l'Irlande :

For Italy :

Pour l'Italie :

Sous réserve de ratification¹

NOTARANGELI

For Luxembourg :

Pour le Luxembourg :

Sous réserve de ratification¹

R. LOGELIN

¹ Subject to ratification.

For the Netherlands :

Pour les Pays-Bas :

Pour le Royaume en Europe¹
Sous réserve de ratification²

W. H. J. VAN ASCH VAN WIJCK

For Norway :

Pour la Norvège :

For Poland :

Pour la Pologne :

Sous réserve de ratification et sous réserve que
le Gouvernement de la République Populaire de
Pologne ne se considère pas lié par l'article 17 de la
Convention³

Jerzy KOSZYK

For Portugal :

Pour le Portugal :

For Romania :

Pour la Roumanie :

For Spain :

Pour l'Espagne :

For Sweden :

Pour la Suède :

Sous réserve de ratification²

G. DE SYDOW

¹ For the Realm in Europe.

² Subject to ratification.

³ Subject to ratification and subject to the reservation that the Government of the People's Republic of Poland does not consider itself as bound by article 17 of the Convention.

For Switzerland :

Pour la Suisse :

Sous réserve de ratification¹

Ch. LENZ

For Turkey :

Pour la Turquie :

For Ukrainian SSR :

Pour l'Ukraine :

For the Union of Soviet Socialist
Republics :

Pour l'Union des Républiques So-
cialistes Soviétiques :

For the United Kingdom of Great
Britain and Northern Ireland :

Pour le Royaume-Uni de Grande-
Bretagne et d'Irlande du Nord :

Subject to ratification²

James C. WARDROP

For the United States of America :

Pour les États-Unis d'Amérique :

For Yugoslavia :

Pour la Yougoslavie :

¹ Subject to ratification.

² Sous réserve de ratification.

ANNEX 1

REGULATIONS ON TECHNICAL CONDITIONS APPLICABLE TO CONTAINERS WHICH MAY BE ACCEPTED FOR TRANSPORT UNDER CUSTOMS SEAL

The conditions on which containers may be approved for the purpose of transport under Customs seal shall be as follows :

Article 1

GENERAL

1. The container shall be durably marked with the name and address of its owner, with particulars of its tare and with identification marks and numbers.¹ It shall be constructed and equipped in such a manner that :

- (a) Customs seals can be simple and effectively affixed thereto;
- (b) No goods can be removed from or introduced into the sealed part of the container without obvious damage to it or without breaking the seals;
- (c) It contains no spaces where goods may be hidden.

2. The container shall be so constructed that all spaces in the form of compartments, receptacles or other recesses which are capable of holding goods are readily accessible for Customs inspection.

3. Should any empty spaces be formed by the different layers of the sides, floor and roof of the container, the inside surface shall be firmly fixed, solid and unbroken and incapable of being dismantled without leaving obvious traces.

4. Containers to be approved in accordance with the procedure referred to in Annex 2,² paragraph 1, shall have on one of their outside walls a frame to hold the certificate of approval, which shall be covered on both sides by transparent plastic sheets hermetically sealed together. This frame shall be so designed as to protect the certificate of approval and to make it impossible to extract the certificate without breaking the seal that will be affixed in order to prevent the removal of the certificate; it shall also adequately protect the seal.

Article 2

STRUCTURE OF CONTAINER

1. The sides, floor and roof of the container shall be constructed of plates, boards or panels of sufficient strength, of adequate thickness, and welded, riveted, grooved or jointed in such a way as not to leave any gaps in the structure through which access to the contents can be obtained. The various parts shall fit each other exactly and be so arranged that it is impossible either to move or remove them without leaving visible traces or damaging the Customs seals.

¹ It is not necessary to show the full name and address of well-known railway administrations.

² See p. 128 of this volume.

2. Essential joints, such as bolts, rivets, etc., shall be seated on the outside, protrude on the inside and be bolted, riveted or welded in a satisfactory manner. If the bolts holding the essential parts of the sides, floor and roof are seated on the outside, the other bolts may be seated on the inside, provided that the nut is properly welded on the outside and is not covered with non-transparent paint. However, by analogy with provisions regarding railway wagons, the following conditions shall apply to containers conveyed exclusively by rail under Customs seal : essential joints, such as bolts, rivets, etc., shall, where practicable, be seated on the outside, and shall be bolted, riveted or welded in a satisfactory manner. Where it is necessary for bolts to be seated on the inside with securing nuts on the outside, the bolt ends shall be riveted or welded over the nuts.

3. Apertures for ventilation shall be allowed provided their longest side does not exceed 400 mm. If they permit direct access to the interior of the container, they shall be covered with metal gauze or perforated metal screens (maximum dimension of holes : 3 mm. in both cases) and protected by welded metal lattice-work (maximum dimension of holes : 10 mm.). If they do not permit direct access to the interior of the container (for example, by means of multiple-bend air ducts), they shall be provided with the same protective devices but the dimensions of the holes may be increased to 10 mm. and 20 mm. respectively (instead of 3 mm. and 10 mm.). It shall not be possible to remove these devices from outside the container without leaving visible traces. Metal gauze shall be of wire at least 1 mm. in diameter and so made that single strands cannot be pushed together and that the size of individual holes cannot be increased without leaving visible traces.

4. Apertures for drainage shall be allowed provided their longest side does not exceed 35 mm. They shall be covered with metal gauze or perforated metal screens (maximum dimension of holes : 3 mm. in both cases) protected by welded metal lattice-work (maximum dimension of holes : 10 mm.). It shall not be possible to remove these devices from outside the container without leaving visible traces.

Article 3

CLOSING SYSTEMS

1. Doors and all other closing systems of containers shall be fitted with a device which shall permit simple and effective Customs sealing. This device shall either be welded to the sides of doors where these are of metal, or secured by at least two bolts, riveted or welded to the nuts on the inside.

2. Hinges shall be so made and fitted that doors and other closing systems cannot be lifted off the hinge-pins, once shut; the screws, bolts, hinge-pins and other fasteners shall be welded to the outer parts of the hinges. These requirements shall be waived, however, where the doors and other closing systems have a locking device inaccessible from the outside which, once it is applied, prevents the doors from being lifted off the hinge-pins.

3. Doors shall be so constructed as to cover all interstices and ensure complete and effective closure.

4. Containers shall be provided with a satisfactory device for protecting the Customs seal, or shall be so constructed that the Customs seal is adequately protected.

Article 4

CONTAINERS FOR SPECIAL USE

1. The foregoing conditions shall apply to insulated and refrigerator containers, tank containers, furniture containers and to containers specially built for air transport in so far as they are not incompatible with the technical requirements which such containers must fulfil in accordance with their use.

2. The flanges (filler caps), drain cocks and manholes of tank containers shall be so constructed as to allow simple and effective Customs sealing.

Article 5

FOLDING OR COLLAPSIBLE CONTAINERS

Folding or collapsible containers are subject to the same conditions as non-folding or non-collapsible containers, provided that the locking devices enabling them to be folded or collapsed allow of Customs sealing and that no part of such containers can be moved without breaking the seals.

Article 6

TRANSITIONAL PROVISIONS

The following dispensations shall be allowed until 31 December 1960 :

(a) The protection of apertures for ventilation and of apertures for drainage, by welded metal lattice-work (article 2, paragraphs 3 and 4) shall not be obligatory, except in the case of ventilation apertures fitted with multiple-bend air ducts;

(b) The device for protecting the Customs seal (article 3, paragraph 4) shall not be obligatory.

A N N E X 2

PROCEDURES FOR THE APPROVAL AND IDENTIFICATION OF CONTAINERS COMPLYING WITH THE TECHNICAL CONDITIONS SET FORTH IN THE REGULATIONS CONTAINED IN ANNEX 1¹

1. The procedure for the approval of containers shall be as follows :

(a) Containers may be approved by the competent authorities of the country in which the owner is resident or established or by those of the country where the container is used for the first time for transport under Customs seal.

(b) The date and serial number of the approval decision must be specified.

¹ See p. 124 of this volume.

(c) A certificate of approval conforming to the attached standard form¹ shall be issued for approved containers. This certificate shall be printed in the language of the country of issue and in French; and the various headings shall be numbered, so that the text may be more readily understood in the other languages. The certificate shall be covered on both sides by hermetically sealed transparent plastic sheets.

(d) The certificate shall accompany the container; it shall be inserted in the protective frame mentioned in article 1, paragraph 4, of Annex 1² and so sealed that it cannot be extracted from the protective frame without breaking the seal.

(e) Containers shall be produced every two years to the competent authorities for purposes of inspection and renewal of approval where appropriate.

(f) Approval shall lapse if the essential features of the container are altered or on change of ownership.

2. Notwithstanding the provisions of paragraph 1 above, containers conveyed only by rail which are owned or registered by a railway administration which is a member of the International Union of Railways (UIC), may, unless the competent authorities of the country of that railway administration require otherwise, be approved and periodically inspected by the said administration, and the fact that such containers comply with the technical conditions prescribed in the regulations shall be indicated by the sign

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 on the outside of containers. No certificate of approval shall be required for containers bearing this sign.

CUSTOMS CONVENTION ON CONTAINERS

done at Geneva on 18 May 1956

CERTIFICATE OF APPROVAL

1. Certificate No.
2. To the effect that the container specified below fulfils the conditions for transport under Customs seal*.
3. Valid until . . .
4. This Certificate must be returned to the Issuing Office when the container is taken out of service, or on change of ownership, on expiry of the period of validity of the certificate, or if there is any material change in any essential particulars of the container.
5. Kind of container.
6. Name and business address of owner.
7. Identification marks and numbers.

¹ See below.

² See p. 124 of this volume.

* When the container does not fulfil all the conditions set out in the first two sentences of article 2, paragraph 2, of Annex 1, but fulfils the conditions set out in the said paragraph for the admission to transport under Customs seal by rail only, add the words "by rail".

8. Tare.
9. External dimensions in centimetres :
 cm. × cm. × cm.
10. Essential particulars of structure (nature of materials, nature of construction, parts which are reinforced, whether bolts are riveted or welded, etc.)
11. Issued at (place) on (date) 19.....
12.Signature and stamp of Issuing Office.

PROTOCOL OF SIGNATURE

At the time of signing the Convention of this day's date¹ the undersigned, being duly authorized, make the following declarations :

1. That the inclusion, for the purpose of calculating duties and taxes, of the weight or value of temporarily imported containers in the weight or value of the goods they contain conflicts with the principle of the temporary admission of containers free of import duties and import taxes. The addition of a legally determined tare weight factor to the weight of goods conveyed in containers is permissible if it is made in virtue of the absence of packing or of the nature of the packing, and not in virtue of the fact that the goods are conveyed by container.

2. The terms of this Convention shall not preclude the application of national or conventional provisions, not of a Customs nature, regulating the use of containers.

3. The terms of this Convention set out minimum facilities. It is not the intention of the Contracting Parties to restrict wider facilities which are granted or may be granted by certain of them in respect of containers. On the contrary, the Contracting Parties will endeavour to grant the maximum possible facilities.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Protocol.

DONE at Geneva, this eighteenth day of May one thousand nine hundred and fifty-six, in a single copy in the English and French languages, each text being equally authentic.

[The signatures following the Protocol of signature are the same as those which follow the Convention; see pp. 120 to 123 of this volume.]

¹ See p. 104 of this volume.