

No. 6200

**BELGIUM, BULGARIA, CZECHOSLOVAKIA, DENMARK,
FEDERAL REPUBLIC OF GERMANY, etc.**

**European Convention on Customs Treatment of Pallets used
in International Transport. Done at Geneva, on 9 De-
cember 1960**

Official texts: English and French.

Registered ex officio on 12 June 1962.

**BELGIQUE, BULGARIE, DANEMARK, RÉPUBLIQUE
FÉDÉRALE D'ALLEMAGNE, TCHÉCOSLOVAQUIE, etc.**

**Convention européenne relative au régime douanier des
palettes utilisées dans les transports internationaux.
Faite à Genève, le 9 décembre 1960**

Textes officiels anglais et français.

Enregistrée d'office le 12 juin 1962.

No. 6200. EUROPEAN CONVENTION ON CUSTOMS TREATMENT OF PALLETS USED IN INTERNATIONAL TRANSPORT.¹ DONE AT GENEVA, ON 9 DECEMBER 1960

The Contracting Parties,

Noting the extension of the use of pallets in international transport, resulting in particular from the pooling of pallets,

Desiring, as a means of facilitating international transport and reducing its cost, to encourage this extension,

Have agreed as follows :

CHAPTER I

GENERAL PROVISIONS

Article 1

1. For the purposes of the present 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 “pallet” shall mean a device on the deck of which a quantity of goods can be assembled to form a unit load for the purpose of transporting it, or of handling or stacking it with the assistance of mechanical appliances. This device is made up of two decks separated by bearers, or of a single deck supported by feet; its overall height is reduced to the minimum compatible with handling by fork lift trucks and pallet trucks; it may or may not have a superstructure;

(c) the term “persons” shall mean both natural and legal persons.

¹ In accordance with article 7, the Convention came into force on 12 June 1962, the ninetieth day after the following five States had signed it without reservation of ratification* or had deposited their instruments of ratification on the dates indicated :

Bulgaria (with the reservation provided for in paragraph 1 of article 12)	28 February 1961*
Sweden	1 March 1961*
Denmark	14 March 1961*
France	12 March 1962
Belgium	14 March 1962

In addition, the instrument of accession on behalf of Czechoslovakia was deposited on 31 May 1962, with the reservation provided for in paragraph 1 of article 12, to take effect on 29 August 1962.

2. The present Convention shall apply to pallets imported into the territory of a Contracting Party from the territory of another Contracting Party.

Article 2

1. Each Contracting Party shall grant admission, without payment of import duties and import taxes, and free of import prohibitions or restrictions, to pallets on condition

(a) that they have been previously exported or that they will be subsequently re-exported, or

(b) that an equal number of pallets of the same type and substantially the same value have been previously exported or will be subsequently exported.

2. Subject to the provisions of article 3 of the present Convention, the procedure for the admission of pallets as provided for in paragraph 1 of this article shall be determined by the regulations of each of the Contracting Parties. These regulations, in particular, may include provisions for preventing the permanent importation, free of import duties and import taxes, of a number of pallets greater than the number exported or to be exported.

3. Each Contracting Party shall endeavour to make the formalities as simple as possible and in particular not to require a security in respect of import duties and import taxes.

Article 3

1. Each Contracting Party shall apply the provisions of article 2, paragraph 1, of the present Convention, without requiring in respect of importation or exportation either the production of a Customs document or security in respect of import duties and import taxes, to pallets pooled under an agreement by which the parties thereto :

(a) exchange among themselves, from country to country, pallets of one and the same type in the course of operations involving the international transport of goods,

(b) keep accounts, for each type of pallet, showing the number of pallets so exchanged from country to country, and

(c) undertake to deliver to one another within a specified period the number of pallets of each type necessary to offset at regular intervals, on a bilateral or multilateral basis, the outstanding balances of the accounts so kept.

2. The provisions of paragraph 1 of this article shall be applicable only if :

(a) pallets bear a marking conforming to that laid down in the pooling agreement;

(b) the pooling agreement has been communicated to the Customs administrations of the Contracting Parties concerned and these administrations have approved it, being satisfied that the types of pallet are sufficiently well defined and that the due and proper implementation of the agreement is adequately ensured.

Article 4

Each of the Contracting Parties reserves the right to levy the internal duties and taxes and the import duties and import taxes, if any, chargeable in its country in respect of pallets purchased, or subject to a similar contract entered into by persons resident or established in its territory. Each of the Contracting Parties reserves its right, in addition, to refuse in respect of pallets exported under the provisions of this Convention the refund of duties or taxes paid or the granting, wholly or in part, of such other benefits as may be provided for in the event of exportation.

Article 5

The present Convention shall not prevent the granting in respect of importation and exportation of pallets of facilities greater than those provided therein.

CHAPTER II

FINAL PROVISIONS

Article 6

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 the present Convention —
 - (a) by signing it;
 - (b) by ratifying it after signing it subject to ratification; or
 - (c) by acceding to it.
2. Countries which 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 the present Convention by acceding to it after its entry into force.
3. The present Convention shall be open for signature until 15 March 1961 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 7

1. The present Convention shall come into force on the ninetieth day after five of the countries referred to in article 6, paragraph 1, thereof have signed it without reservation of ratification or have deposited their instruments of ratification or accession.
2. With respect to any country which ratifies or accedes to this Convention after five countries have signed it without reservation of ratification or have deposited their instruments of ratification or accession, the present Convention shall enter into force on the ninetieth day after the said country has deposited its instrument of ratification or accession.

Article 8

1. Any Contracting Party may denounce the present Convention by giving notice of denunciation to the Secretary-General of the United Nations.
2. The denunciation shall take effect fifteen months after the date on which the Secretary-General received the notification of denunciation.

Article 9

The present 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 10

1. Any country may, at the time of signing the present 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 the present Convention shall be applicable to all or any of the territories for the international relations of which it is responsible. The present Convention shall be applicable to the territory or territories named in the notification as from the ninetieth day after receipt of the notification by the Secretary-General or, if on that day the present Convention has not yet entered into force, as from the date of its entry into force.
2. Any country, which has made a declaration under the preceding paragraph making the present Convention applicable to a territory for whose international relations it is responsible, may denounce the present Convention separately in respect of that territory, in accordance with the provisions of article 8 thereof.

Article 11

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of the present 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 concerned in the 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 12

1. Any country may, at the time of signing, ratifying or acceding to the present Convention, declare that it does not consider itself bound by paragraphs 2 and 3 of article 11 of the present Convention. The other Contracting Parties shall not be bound by these paragraphs in respect of any Contracting Party which has entered such a reservation.
2. Any Contracting Party which has entered a reservation as provided for in paragraph 1 of this article may at any time withdraw such reservation by notifying the Secretary-General.
3. Apart from the reservation provided for in paragraph 1 of this article, no reservation to the present Convention shall be permitted.

Article 13

1. After the present 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 present 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 from the date of the notification by the Secretary-General, not less than one-third of the Contracting Parties signify their assent to 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 wish the conference to consider. The Secretary-General shall circulate to all Contracting Parties the provisional agenda for the conference, together with the text 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 the countries referred to in article 6, paragraph 1, of the

present Convention and countries which have become Contracting Parties under the said article 6, paragraph 2.

Article 14

1. Any Contracting Party may propose one or more amendments to the present Convention. The text of any proposed amendment shall be communicated to the Secretary-General of the United Nations, who shall communicate it to all Contracting Parties and inform all the other countries referred to in article 6, paragraph 1, of this Convention.

2. Within a period of six months from the date on which the proposed amendment is communicated by the Secretary-General, any Contracting Party may inform the Secretary-General —

(a) that it has an objection to the amendment proposed, or

(b) that, although it intends to accept the proposal, the conditions necessary for such acceptance are not yet fulfilled in its country.

3. If a Contracting Party sends the Secretary-General a communication such as is provided for in paragraph 2 (b), it may, so long as it has not notified the Secretary-General of its acceptance of the proposed amendment, submit an objection to the proposed amendment within a period of 9 months following the expiry of the six-month period from its initial communication.

4. If an objection to the proposed amendment is stated in accordance with the terms of paragraphs 2 and 3 of this article, the amendment shall be deemed not to have been accepted and shall be of no effect.

5. If no objection to the proposed amendment in accordance with paragraphs 2 and 3 of the present article has been stated, the amendment shall be deemed to have been accepted as from the date specified below :

(a) if no Contracting Party has sent a communication to the Secretary-General in accordance with paragraph 2 (b) of this article, on the expiry of the period of six months referred to in that paragraph;

(b) if any Contracting Party has sent a communication to the Secretary-General in accordance with paragraph 2 (b) of this article, on the earlier of the following two dates :

—the date by which all the Contracting Parties which sent such communications have notified the Secretary-General of their acceptance of the proposal, subject to the proviso that, if all the acceptances were notified before the expiry of the period of six months referred to in paragraph 2, this date shall be taken to be the date of expiry of the said six-month period;

—the date of expiry of the nine-month period referred to in paragraph 3 of this article.

6. Any amendment deemed to be accepted shall enter into force six months after the date on which it was deemed to be accepted.

7. The Secretary-General shall, as soon as possible, notify all Contracting Parties whether an objection to the proposed amendment has been stated in accordance with paragraph 2 (a) of this article and whether one or more Contracting Parties have sent him a communication in accordance with paragraph 2 (b) of this article. If one or more Contracting Parties have sent him such a communication, he shall subsequently inform all the Contracting Parties whether the Contracting Party or Parties which have sent such a communication raise an objection to the proposed amendment or accept it.

Article 15

In addition to the notification provided for in articles 13 and 14 of the present Convention, the Secretary-General of the United Nations shall notify the countries referred to in article 6, paragraph 1, of the present Convention and the countries which have become Contracting Parties under article 6, paragraph 2, of the present Convention of :

- (a) signatures, ratifications and accessions under article 6;
- (b) the dates of entry into force of the present Convention, in accordance with article 7;
- (c) denunciations under article 8;
- (d) the termination of the present Convention in accordance with article 9;
- (e) notifications received in accordance with article 10;
- (f) declarations and notifications received in accordance with article 12, paragraphs 1 and 2;
- (g) the entry into force of any amendment in accordance with article 14.

Article 16

After 15 March 1961 the original of the present 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 6, paragraphs 1 and 2, of the present Convention.

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

DONE at Geneva, this ninth day of December one thousand nine hundred and sixty, in a single copy, in the English and French languages, the two texts being equally authentic.

For Belgium :

Pour la Belgique :

Sous réserve de ratification¹

Le 21 janvier 1961

E. LOTZ

For Bulgaria :

Pour la Bulgarie :

Sous réserve de ne pas se considérer liée par les
dispositions de l'article 11, paragraphes 2 et 3²

Le 28 février 1961

L. S. BONEV

For Denmark :

Pour le Danemark :

14th March 1961

N. V. SKAK-NIELSEN

For the Federal Republic
of Germany :

Pour la République fédérale
d'Allemagne :

Sous réserve de ratification¹

20 décembre 1960

R. THIERFELDER

For France :

Pour la France :

Sous réserve de ratification¹

Genève, le 8 mars 1961

G. CATTAND

For Italy :

Pour l'Italie :

Sous réserve de ratification¹

G. B. TOFFOLO

Genève, le 15 mars 1961

¹ Subject to ratification.

² Subject to the reservation that it does not consider itself bound by the provisions of article 11, paragraphs 2 and 3.

For Luxembourg :

Pour le Luxembourg :

Sous réserve de ratification¹

6 février 1961

A. CLEMANG

For the Netherlands :

Pour les Pays-Bas :

Sous réserve de ratification¹

W. H. J. VAN ASCH VAN WIJCK

13 mars 1961

For Sweden :

Pour la Suède :

Le 1^{er} mars 1961

C. H. VON PLATEN

For Switzerland :

Pour la Suisse :

Sous réserve de ratification¹

Le 6 mars 1961

Ch. LENZ

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

E. SNIDERS

The 7th of February 1961

¹ Subject to ratification.² Sous réserve de ratification.