

ANNEX A

No. 1734. AGREEMENT ON THE IMPORTATION OF EDUCATIONAL, SCIENTIFIC AND CULTURAL MATERIALS, OPENED FOR SIGNATURE AT LAKE SUCCESS, NEW YORK, ON 22 NOVEMBER 1950¹

ACCEPTANCE

Instrument deposited on.

15 March 1967

KENYA

In the letter transmitting the instrument of accession, the Government of Kenya declared that the instrument was being deposited subject to the following reservations.

"1) Annex B (vi) of the Agreement requires free admission for 'Antiques, being articles in excess of 100 years of age'. Under the relevant laws in force in Kenya, such items are admitted free of duty only if:

"(a) They can be classified as 'Works of Art'; and

"(b) they are not intended for resale and are admitted as such by the Commissioner of Customs and Excise; and

"(c) they are proved to the satisfaction of the Commissioner of Customs and Excise to be 'over 100 years old'.

"If the above conditions are not fulfilled, such articles attract appropriate duty under the Tariff.

"2 With respect to Annex C (1) of the Agreement, films, filmstrips, microfilms and slides of an *educational or scientific character* are granted duty-free entry into Kenya under conditions which accord with those specified in the Agreement. This is not necessarily so in the case of similar materials of a *cultural nature* which are dutiable under the appropriate items in the Tariff. This position may be attributed to the impossibility of defining the word "cultural" with any degree of precision.

¹ United Nations, *Treaty Series*, Vol 131, p 25; for subsequent actions relating to this Agreement, see references in Cumulative Indexes Nos. 2 to 6, as well as Annex A in volumes 519, 531, 543, 544, 551, 560 and 576.

“3. With respect to Annex C (iii), sound recording of an educational or scientific character for use under conditions specified in the Agreement are admitted into Kenya free of duty. However, no special provision exists for the admission of sound recording of a cultural character and these attract duty under the relevant items of the Tariff.”
