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PRELIMINARY DRAFT CUSTOMS CONVENTION ON THE TEMPORARY
IMPORTATION OF PROFESSIONAL AND CINEMATOGRAPH EQUIPMENT

Progress Report received from the Customs Co-operation Council

The Customs Co-operation Council transmitted by letter dated 13 April 1960, the Preliminary Draft Customs Convention on the Temporary Importation of Professional and Cinematograph Equipment, attached as Appendix I. This text was accompanied by the relevant part of the Report of the twenty-eighth session of the Permanent Technical Committee, and is attached as Appendix II.

In transmitting these documents the following comments were made by the Customs Co-operation Council:

Account has been taken by the Technical Committee, in the preparation of the draft of the observations which the GATT Group of Experts made in their report on this subject (document L/1139, dated 20 January 1960).

The preliminary draft Convention was drawn up by a Working Party of the Technical Committee and is subject to review by the Committee itself. However, although the draft is purely provisional, the Committee felt that it might serve as a basis for general discussion by the contracting parties of GATT.

The Committee will examine the draft in the course of its next session which will be held from 20 to 30 September 1960 and would therefore be very grateful if comments or observations which the CONTRACTING PARTIES may wish to make on the matter, could be communicated before that date.

APPENDIX I

PRELIMINARY DRAFT FOR A
CUSTOMS CONVENTION ON THE TEMPORARY
IMPORTATION OF PROFESSIONAL AND CINEMATOGRAPHIC EQUIPMENT

The Governments signatory to the present Convention,

Desiring to facilitate the temporary importation of certain classes of equipment by the adoption of uniform regulations,

Have agreed as follows.

PART I

Article 1

For the purposes of the present Convention :

- (a) the term "import duties" means customs duties and all other duties and taxes payable on or in connection with importation, and shall include all internal taxes and excise duties chargeable on imported goods, but shall not include fees and charges which are limited in amount to the approximate cost of services rendered and do not represent an indirect protection to domestic products or a taxation of imports for fiscal purposes;
- (b) the term "temporary admission" means temporary importation free of import duties and free of import prohibitions and restrictions, subject to re-exportation;
- (c) the term "person" shall mean both natural and legal persons unless the context otherwise requires;
- (d) the term "I.G. carnet" (International customs and guarantee carnet) means the document reproduced in Part II of the present Convention;

/Further definitions as necessary/

Article 2

Each Contracting Party shall grant temporary admission to the equipment or articles listed in any Annex in respect of which it has not entered a reservation under Article, subject to the conditions specified in the present Convention and in that Annex.

Article 3*

1. Each Contracting Party not having entered a reservation in respect of Part II of the present Convention, and granting temporary admission to any article under the terms of any Annex which provides for the use of I.G. carnets, shall accept I.G. carnets, valid for its territory and issued or used in accordance with the conditions of Part II as sufficient documentation and due security for the amount of import duties which may become chargeable.

2. When an I.G. carnet is not used the procedure for the temporary admission of articles specified in the Annexes to the present Convention shall be governed by the regulations in force in the territory of each Contracting Party.

Article 4

Articles granted temporary admission shall be re-exported within the period specified in the relevant Annex. This period may be extended for valid reasons either at the time of importation or later, by the Customs authorities within the limits laid down by the legislation in force in the territory in which the articles have been imported.

Article 5

Articles granted temporary admission may be re-exported in one or several consignments, through any Customs office open to such operations, and such re-exportation shall not be confined to the Customs office of importation.

Article 6

1. Notwithstanding the requirement of re-exportation laid down by the present Convention, the re-exportation of articles or parts badly damaged in duly authenticated accidents shall not be required, provided that such articles or parts

- (a) are subjected to the import duties to which they are liable; or
- (b) are abandoned free of all expenses to the Exchequer of the country into which they were temporarily imported; or
- (c) are destroyed, under official supervision, without expense to the Exchequer of the country into which they were temporarily imported;

as the Customs authorities may require.

* Note : This Article will probably be transferred to Part II

2. When articles granted temporary admission 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 shall be suspended for the duration of the seizure.

Article 7

Component parts imported to repair a temporarily admitted article shall also be granted the facilities provided by the present Convention.

Article 8

Any breach of the provisions of the present 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 the present Convention, may render the offender liable in the country where the offence was committed to the penalties prescribed by the laws of that country and to payment of any import duties chargeable.

Article 9

The provisions of the present Convention shall not preclude the application of restrictions and controls imposed under national regulations on grounds of public morality, public security, hygiene or public health, or for veterinary or phytopathological considerations nor the levy of any dues chargeable by virtue of such regulations.

Article 10

For the purposes of the present Convention the territories of Contracting Parties which form a customs or economic union may be taken to be a single territory.

Article 11

In the application of the present Convention, the Annex or Annexes for the time being in force to which a Contracting Party is bound shall be construed to be an integral part of the Convention, and in relation to that Contracting Party any reference to the Convention shall be deemed to include a reference to such Annex or Annexes.

Articles 12 and sec.

Formal Articles should include a provision to the effect that "any Contracting Party may, at the time of signing, ratifying or acceding to the present Convention, declare that it does not consider itself bound by the provisions of Part II (relating to the carnet) and/or any specified Annex or Annexes to the present Convention".

Amendment procedure. This can be the usual formal amendment procedure, e.g. that of the E.C.S. carnet Convention; however, subject to examination of the constitutional aspects involved, it might be supplemented by a provision saying :

"Independently of the amendment procedure laid down in paras. ... of this Article, any list of equipment or articles eligible for temporary admission under the provisions of an Annex to this Convention may be modified by agreement between the [competent] [customs] administrations of the Contracting Parties having accepted that Annex. Such agreement may provide that during a transitional period the old list shall remain in force, wholly or in part, concurrently with the new list. The Secretary General of shall fix the date of entry into force of the new list resulting from such modifications".⁷

Article ...

The provisions of the present Convention set out the minimum facilities to be accorded. They do not prevent the application of greater facilities which certain Contracting Parties grant or may grant in future by unilateral provisions or in virtue of bilateral and multilateral agreements.

ANNEX A

PROFESSIONAL EQUIPMENT

1. Definitions

For the purposes of this Annex, the term "professional equipment" means the equipment listed in paragraph 4 of this Annex, necessary for the exercise of the calling, trade or profession of a person making a short stay in a country to perform a specified task.

2. Conditions of grant of temporary admission

The professional equipment :

- (a) shall be imported by, and owned by, a person resident or established abroad;
- (b) shall be capable of identification on re-exportation;
- (c) shall be used solely by or under the personal supervision of the visiting person;
- (d) shall not be used for the industrial manufacture of goods;
- (e) shall not be plant or equipment (other than hand tools) for use in the exploitation of natural resources or in the construction of buildings, in earth moving and like projects;
- (f) shall be re-exported within three months of the date of importation.

3, Use of the I.G. carnet is permitted.

4. List of professional equipment eligible for temporary admission

A. Articles required for technical work

These include tools, appliances, instruments and other equipment of the kind described below :

- (i) fitter's tools;
- (ii) measuring, checking or testing equipment and instruments (temperature, pressure, distance, height, surface, speed, etc.);

(iii) apparatus and equipment used for taking photographs of machines and plant during or after erection;

(iv) mobile inspection units;

together with other similar equipment, tools and apparatus, to be used:

(a) for the erection, commissioning, testing or checking of machinery or plant;

(b) for the maintenance or repair, by the supplier, of machinery or plant.

B. Articles required by business efficiency consultants, productivity experts, accountants and members of similar professions

These include typewriters, dictaphones, calculating machines and slide rules.

C. Articles required by experts undertaking topographical surveys or geophysical prospecting work

D. Instruments and apparatus required by doctors, surgeons, veterinary surgeons, midwives and members of similar professions

E. Articles required by performing artistes, theatre companies and orchestras

These include all articles used in performances, for example musical instruments, stage scenery, costumes and animals.

F. Articles required by representatives of the press or of news agencies

These include typewriters, photographic or cinematographic cameras, sound recording apparatus, radiotelephone sets, unexposed films and blank sound recording media.

ANNEX B

ARTICLES REQUIRED FOR TELEVISION OR SOUND BROADCASTING

1. Definitions

For the purposes of this Annex the term "Articles required for television or sound broadcasting" means the articles listed in paragraph 4 of this Annex, which are required by representatives of foreign broadcasting and television organisations and are necessary to transmit or record a television or sound broadcasting programme.

2. Conditions of grant of temporary admission

The articles :

- (a) shall be imported by, and owned by, a person resident or established abroad;
- (b) shall be capable of identification on re-exportation;
- (c) shall be used solely by the visiting person;
- (d) shall be re-exported within /one month/ of the date of importation.

3. Use of the I.G. carnet is permitted.

4. List of articles eligible for temporary admission

A. FOR TELEVISION BROADCASTING

Television cameras and their ancillary electronic apparatus, such as pulse and waveform generators, amplifiers, remote-control equipment, mixing and fading units, picture and wave-form monitors, power-supply units, interconnecting cables.

Telekinema apparatus and accessories therefor.

Technical Test Instruments, such as oscilloscopes (cathode-ray), test pattern generators, test cards, measuring instruments.

Transmission Equipment, such as transportable radio-links, radio transmitters and receivers, cable-transmission equipment, masts and towers, aerials, interconnecting cables.

Camera Mountings, such as fixed or folding stands, tripods, trolleys and cranes.

Television Recording and Reproducing Equipment, such as television tape- and film-recording apparatus, film, caption and slide scanners, with tape and film stock.

Lighting Equipment, such as projectors, flood-lights, spotlights, screens, filters, lamps, brackets and stands, cable, plugs and sockets, switchgear.

Intercommunication Equipment, such as commentator's control units, telephones, visual signalling equipment, switchboards.

Circuit-Identification Equipment, such as disk or tape reproducers with disk and tape stock.

Scund-component Requirements (as for Sound Broadcasting)

Cinematographic Equipment (as for Cinematography)

Operational and Domestic Accessories, such as clocks, stop-watches, exposure-meters, make-up equipment other than consumable goods, maps, mariners' compasses, tables, chairs, tools, petrol- or diesel-electric generating sets, transformers, batteries, heating or ventilating apparatus, air-conditioning units, cable drums and reels, canisters.

Spare Equipment for any of the foregoing, such as electronic tubes and valves, transistors, lamps, optical lenses, lens turrets, filters, electrical components, fuses, cable and wire.

B. FOR SOUND BROADCASTING

Microphones, Amplifiers and Associated Equipment, such as mixing and fading units, modulation-level indicators, monitor loudspeakers, power-supply units, microphone stands and booms, interconnecting cables.

Transmission and Intercommunication Equipment, such as telephones and switchboards, ringing devices, filters, repeating coils and matching units, radio transmitters and receivers, visual-signalling equipment.

Sound Recording and Reproducing Equipment, such as disk and tape recording machines and their accessories, with disk and tape stock.

Technical Test Instruments, such as tone sources, oscillators, measuring instruments.

Circuit Identification Equipment, such as disk and tape reproducers, with disk and tape stock.

Operational and Domestic Accessories, such as clocks, stop-watches, maps, mariners' compasses, tables, chairs, tools, petrol- and diesel-electric generating sets, transformers, batteries, heating and ventilating apparatus, air-conditioning units, cable-drums and reels, canisters.

Spare Equipment for any of the foregoing, such as electronic tubes and valves, transistors, lamps, electrical components, fuses, cable and wire.

ANNEX C

ARTICLES REQUIRED FOR THE PRODUCTION OF CINEMATOGRAPH FILMS

1. Definitions

For the purposes of the present Annex, the term "articles required for the production of cinematograph films" means the articles listed in paragraph 4 of this Annex which are necessary, and used solely, for the production of a specified film or films.

2. Conditions of grant of temporary admission

The articles :

- (a) shall be imported by, and owned by, a person resident or established abroad;
- (b) shall be capable of identification on re-exportation;
- (c) shall be used solely by or under the personal supervision of the visiting person. Provided that this condition shall not apply in the case of articles imported for the production of a film, under a co-production agreement to which a person resident or established in the country of importation is a party and which is approved by the competent authorities of that country;
- (d) shall not be the subject of a hire contract or similar arrangement, to which a person resident or established in the country of importation is a party;
- (e) shall be re-exported within /three months/ of the date of importation.

3. Use of the I.G. carnet is permitted.

4. List of articles required for the production of cinematograph films

A. TECHNICAL EQUIPMENT

- Cinematographic cameras (whether or not combined with sound recorders), 35 or 16 mm, and accessories therefor: camera stands, camera motors, batteries, camera objectives, filters, platforms;
- Electronic cameras and accessories therefor;
- Magnetic cameras and accessories therefor;
- Control apparatus, whether or not mounted in vehicles;
- Exposure meters, photo-electric cells, measuring instruments, enlarging apparatus;

- Camera "dollies" (rails and platform);
- Booms;
- Camera turntables;
- Camera vans;
- Power generating units;
- Spotlights (filament or arc);
- Lamps, gelatines, carbons, rhodoids;
- Reflectors;
- Gangways;
- Cable;
- Sound or image recording apparatus, whether or not mounted in vehicles (recording system, magnetophones (whether or not synchronised), transformers, microphones, play-back recorders and reproducers);
- Photographic cameras and accessories therefor (light filters, objectives, etc.);
- Film cans;
- Laboratory supplies (other than consumable goods - chemicals);
- Negative film (image);
- Magnetic film;
- Negative film (sound);
- Positive film;
- Photographic plates;
- Photographic film;
- Film "rushes";

B. OTHER EQUIPMENT

- Musical instruments;
- Costumes and costume jewellery;
- Scenery and properties;

- Hairdressing requisites;
- Office machines;
- Make-up (other than consumable goods);
- Animals.

PART II

I.G. CARNET

This part of the Convention will have to embody the legal provisions governing the use of the prospective carnet, and the form of carnet.

APPENDIX II

EXTRACT FROM THE REPORT OF THE
28th SESSION OF THE CUSTOMS CO-OPERATION COUNCIL'S
PERMANENT TECHNICAL COMMITTEE

V. - VI. PRELIMINARY DRAFT CUSTOMS CONVENTION
ON THE TEMPORARY IMPORTATION OF PROFESSIONAL
AND CINEMATOGRAPH EQUIPMENT

22. For practical reasons, the Committee agreed to include the provisions concerning cinematograph equipment and those relating to professional equipment in a single draft Convention.
23. A Working Party composed of representatives of the Austrian, Belgian, Danish, French, German, Irish, Italian, Swedish, Swiss and United Kingdom delegations was instructed to prepare a preliminary draft in the light of the discussions during this Session and at the 27th Session.

The Working Party met under the Chairmanship of Mr. FOULKES (United Kingdom). Observers from Australia and the B.I.I.C.C. were present.
24. The preliminary draft Convention submitted by the Working Party was not examined in detail by the Committee. The text, which is reproduced as Appendix IV to this Report, is no more than a provisional draft which will be re-examined by the Committee, after it has been studied by Members' Customs Administrations and by the international organisations concerned. In particular, the lists included as paragraph 4 in Annexes A, B and C of the draft will be carefully studied and will require revision with the technical assistance of the interested Organisations.
25. Certain delegates expressed misgivings with regard to the amendment procedure envisaged (See Appendix IV to this Report, page 21) for the lists of goods given under paragraph 4 in the various Annexes to the draft; this matter will therefore require special attention, having regard to the constitutional aspects involved.