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**1 ARTICLE 2 OF THE AGREEMENT ON TRADE IN CIVIL AIRCRAFT**

**1.1 Text of Article 2**

**Article 2**

Customs Duties and Other Charges

2.1 Signatories agree:

2.1.1 to eliminate by 1 January 1980, or by the date of entry into force of this Agreement, all customs duties and other charges<sup>1</sup> of any kind levied on, or in connection with, the importation of products, classified for customs purposes under their respective tariff headings listed in the Annex, if such products are for use in a civil aircraft and incorporation therein, in the course of its manufacture, repair, maintenance, rebuilding, modification or conversion;

*(footnote original)* 1 "Other charges" shall have the same meaning as in Article II of the GATT.

2.1.2 to eliminate by 1 January 1980, or by the date of entry into force of this Agreement, all customs duties and other charges<sup>1</sup> of any kind levied on repairs on civil aircraft;

*(footnote original)* 1 "Other charges" shall have the same meaning as in Article II of the GATT.

2.1.3 to incorporate in their respective GATT Schedules by 1 January 1980, or by the date of entry into force of this Agreement, duty-free or duty-exempt treatment for all products covered by Article 2.1.1 above and for all repairs covered by Article 2.1.2 above.

2.2 Each Signatory shall: (a) adopt or adapt an end-use system of customs administration to give effect to its obligations under Article 2.1 above; (b) ensure that its end-use system provides duty-free or duty-exempt treatment that is comparable to the treatment provided by other Signatories and is not an impediment to trade; and (c) inform other Signatories of its procedures for administering the end-use system.

**1.2 End-use systems**

1. The signatories to the Agreement have notified their end-use systems for customs administration. These systems accord duty-free treatment for dual-use products if the importer certifies that the goods are for use in civil aircraft and incorporation therein, in the course of its manufacture, repair, maintenance, rebuilding, modification, or conversion.<sup>1</sup>

**1.3 Annex to the Agreement: Product coverage<sup>2</sup>**

2. On 6 June 2001, the Committee adopted the Protocol (2001) Amending the Agreement on Trade in Civil Aircraft<sup>3</sup> and opened it for acceptance. The Protocol's date of entry into force for those

<sup>1</sup> See GATT documents [AIR/2](#) and [Corr.1](#), [AIR/11](#), [AIR/18](#), [AIR/19](#), [AIR/21](#), [AIR/47](#), [AIR/59](#), and [AIR/60](#); and WTO documents [TCA/W/4](#), [TCA/M/13](#), and [TCA/M/18](#).

<sup>2</sup> See also the "General" file of the WTO Analytical Index covering the Agreement on Trade in Civil Aircraft. Paragraphs 3 to 5 of the "General" file discuss the elimination of customs duties and other charges on repairs during the GATT. Paragraphs 6 to 8 of the "General" file discuss a consolidated annex to the Agreement on Trade in Civil Aircraft adopted during the GATT.

<sup>3</sup> [TCA/4](#).

Signatories who accepted it was set for 1 January 2002, to coincide with the entry into force of the 2002 changes to the Harmonized System nomenclature.<sup>4</sup> The purpose of this Protocol was to align the tariff nomenclature used in the product Annex with the HS1992, HS1996, and HS2002 nomenclature updates, and to extend the product coverage of the Civil Aircraft Agreement. Paragraph 6 of the 2001 Protocol provides as follows:

"This Protocol deals only with customs duties and charges under Article 2 of the Agreement. Except with respect to requiring duty-free treatment for products covered by this Protocol, nothing in this Protocol or the Agreement, as modified thereby, changes or affects a Signatory's rights and obligations, as they exist on the day prior to the entry into force of this Protocol, under any of the WTO Agreements referenced in Article II of the Marrakesh Agreement Establishing the World Trade Organization."

3. On 21 November 2001, the Committee agreed to extend the deadline for acceptance of the Protocol indefinitely.<sup>5</sup>

4. On 21 November 2001, the Committee adopted a Decision on Aircraft Ground Maintenance Simulators. The Chairman stated his understanding that the Protocol (2001) and the Decision were adopted concurrently, with effect from 6 June 2001<sup>6</sup>:

"The Committee recommends that Signatories will apply, as decided during the meeting of 15 November 2000, on an interim basis, duty-free treatment for aircraft ground maintenance simulators classified under HS 9023.00. Signatories shall confirm with the Committee their interim application."<sup>7</sup>

5. On 5 November 2015, the Committee adopted the Protocol (2015) Amending the Annex to the Civil Aircraft Agreement.<sup>8</sup> The purpose of this Protocol was to align the tariff nomenclature used in the product Annex with the HS 2007 nomenclature updates.

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<sup>4</sup> [TCA/M/13](#), paras. 11-20.

<sup>5</sup> [TCA/7](#).

<sup>6</sup> [TCA/M/13](#), paras. 11-17.

<sup>7</sup> [TCA/6](#). (emphasis original)

<sup>8</sup> [TCA/9](#).