

GENERAL AGREEMENT ON
TARIFFS AND TRADERESTRICTED

L/1155

4 March 1960

Limited DistributionCONVENTIONS ON TEMPORARY DUTY-FREE IMPORTATION
OF PACKINGS AND CERTAIN PROFESSIONAL AND SPECIAL
EQUIPMENTDraft of Formal Clauses Prepared by the Customs
Co-operation Council

1. In L/1139 there was circulated the draft text of a Convention on Packing Materials prepared by the GATT Group of Experts and transmitted to the Customs Co-operation Council in January 1960, together with recommendations of the Group relating to this and certain other conventions under discussion. The Customs Co-operation Council has now forwarded to the secretariat the attached draft of the formal clauses for inclusion in these conventions, which were prepared by its Technical Committee at meetings held from 9 to 20 February 1960.
2. These draft formal clauses are circulated to the contracting parties for their information. As the GATT Group of Experts has not examined these formal clauses, contracting parties may wish to send to the GATT secretariat comments on the draft or amendments which they would like to introduce therein. Such comments or amendments should be sent as soon as practicable as the Technical Committee of the Council will meet again on 29 March 1960 to approve the text of the Convention.

PRELIMINARY DRAFT OF THE FORMAL CLAUSES OF THE
CONVENTIONS ON TEMPORARY DUTY-FREE IMPORTATIONS

Article A - Meetings of contracting parties

The contracting parties shall meet in order to determine the measures necessary to secure uniformity in the interpretation and application of the present Convention. Such meetings shall be convened by the Secretary General of the Customs Co-operation Council and, unless the contracting parties otherwise decide, shall be held at the Headquarters of that Council.

Article B - Settlement of Disputes

1. Any dispute between 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 referred by the contracting parties in dispute to the contracting parties, meeting in conformity with Article A of the present Convention, who shall thereupon consider the dispute and make recommendations for its settlement.
3. The contracting parties in dispute may agree in advance to accept the recommendations of the contracting parties as binding.
4. If the contracting parties in dispute do not accept these recommendations, 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. The decision of the arbitrator so appointed shall be binding on the contracting parties in dispute.

Article C - Signature, Ratification and Accession

1. The Government of any Member of the Customs Co-operation Council and of any State Member of the United Nations may become a contracting party to the present Convention:
 - a) by signing it without reservation of ratification;
 - b) by ratifying it after signing it subject to ratification; or
 - c) by acceding to it.
2. The present Convention shall be open until ... for signature in Brussels at the Headquarters of the Customs Co-operation Council by the Governments of the States referred to in paragraph 1 of this Article. Thereafter, it shall be open for their accession.

3. In the case envisaged in paragraph 1(b) of this Article, the Convention shall be subject to ratification by the signatory States in accordance with their constitutional procedures.
4. The Government of any State, not being a Member of the Organizations referred to in paragraph 1 of this Article, to whom an invitation to that effect has been addressed by the Secretary General of the Customs Co-operation Council, may become a contracting party to the present Convention by acceding thereto after its entry into force.
5. The instruments of ratification or accession shall be deposited with the Secretary General of the Customs Co-operation Council.

Article D - Entry into Force

1. The present Convention shall enter into force on the ninetieth day after five of the States referred to in paragraph 1 of Article C thereof, have signed it without reservation of ratification or have deposited their instruments of ratification or accession.
2. For any State ratifying or acceding to it after five States 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 State has deposited its instrument of ratification or accession.

Article E - Denunciation

1. The present Convention is of unlimited duration but any contracting party may denounce it at any time after the date of its entry into force under Article D thereof.
2. The denunciation shall be notified by an instrument in writing, deposited with the Secretary General of the Customs Co-operation Council.
3. The denunciation shall take effect six months after the receipt of the instrument of denunciation.
4. Any international Customs document of the kind referred to in Article ... of the present Convention which has been issued before the date when the denunciation takes effect shall remain valid and the guarantee of the guaranteeing association shall hold good until the expiry of the period of validity of that document.

Article F - Amendments

1. The CONTRACTING PARTIES, convened in conformity with Article A of the present Convention may recommend amendments to the present Convention.
 2. The text of any amendment so recommended shall be communicated to all contracting parties and to the Governments of other signatory States by the Secretary General of the Customs Co-operation Council.
 3. Any recommended amendment communicated in accordance with the provisions of the preceding paragraph shall be deemed to be accepted if no contracting party has notified its objection to such amendment within six months of the date on which the Secretary General of the Customs Co-operation Council has communicated the amendment.
 4. The Secretary General of the Customs Co-operation Council shall inform all contracting parties if an objection has been notified against a proposed amendment and should there have been no objection the amendment shall come into force for all contracting parties three months after expiry of the six months referred to in the preceding paragraph.
 5. The Secretary General of the Customs Co-operation Council shall notify contracting parties, the Governments of all other signatory States and the Secretary General of the United Nations of accepted amendments or amendments deemed to have been accepted.
 6. /Any Government ratifying or acceding to the present Convention shall be deemed to have accepted any amendments thereto which, at the date on which the Convention comes into force in respect of that Government, have been accepted by the other contracting parties in accordance with the provisions of paragraph 3 above and shall also be deemed to have accepted the rules for the amendment of the international Customs document referred to in Art ... of the present Convention in force at that date.7
 6. /Any Government ratifying or acceding to the present Convention shall be deemed to have accepted any amendments thereto which at the date on which the present Convention comes into force in respect of that Government, have been accepted by other contracting parties in accordance with the provisions of paragraph 3 of this Article and shall also accept the rules for the amendment of the international Customs document referred to in Art ... of the present Convention in force at that date.
- Any instrument of ratification or accession deposited within the period of six months after the date on which the Secretary-General of the Customs Co-operation Council has transmitted a recommended amendment in accordance with the provisions of paragraph 2 of this Article shall be held in suspense until after the expiry of that period.7

7. Notwithstanding the provisions of this Article, the CONTRACTING PARTIES, meeting in conformity with the provisions of Article A of the present Convention, shall establish rules for the amendment of the international Customs document referred to in Art ... thereof.]

Article G - Territorial Scope

1. Any Government 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 given to the Secretary-General of the Customs Co-operation Council that the present Convention shall extend to all or any of the territories for whose international relations it is responsible and the Convention shall extend to the territories named in the notification on the ninetieth day after the date of the receipt thereof by the Secretary-General but not before the Convention has come into force for the Government concerned.

2. Any Government which has made a declaration under paragraph 1 of this Article extending the present Convention to any territory for whose international relations it is responsible may notify the Secretary-General of the Customs Co-operation Council, in accordance with the provisions of Article E of the present Convention, that the territory in question will no longer apply the Convention.

Article H - Reservations

1. 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 paragraph 4 of Article B of the Convention. The other contracting parties shall not be bound by paragraph 4 of Article B 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 of this Article may at any time withdraw such reservation by notifying the Secretary-General of the Customs Co-operation Council.

3. No other reservation to the present Convention shall be permitted.

Article IJ - Notifications

The Secretary-General of the Customs Co-operation Council shall notify all signatory and acceding States and the Secretary-General of the United Nations, of:

- (a) signatures, ratifications and accessions under Article C;
- (b) the date of entry into force of the present Convention in accordance with Article D;
- (c) denunciations under Article E;

- (d) the entry into force of any amendment in accordance with Article F;
- (e) notifications received in accordance with Article G;
- (f) declarations and notifications received in accordance with paragraphs 1 and 2 of Article H.

Article K - Registration

In accordance with Article 102 of the Charter of the United Nations, the present Convention shall be registered at the Secretariat of the United Nations at the request of the Secretary-General of the Customs Co-operation Council.

- (i) In witness whereof the undersigned plenipotentiaries have signed the present Convention.
- (ii) Done at Brussels this ... day of ...
in the English and French languages, both texts being equally authentic, in a single original which shall be deposited with the Secretary-General of the Customs Co-operation Council who shall transmit certified copies to all signatory and acceding States.