

ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE

CUSTOMS CONVENTION
CONCERNING SPARE PARTS USED
FOR REPAIRING EUROP WAGONS

Done at Geneva on 15 January 1958



UNITED NATIONS

CUSTOMS CONVENTION
CONCERNING SPARE PARTS USED FOR REPAIRING EUROP WAGONS (*)

THE CONTRACTING PARTIES,

DESIRING to facilitate the use of EUROP wagons in traffic between the railway administrations pooling these wagons,

HAVE AGREED as follows:

CHAPTER I

GENERAL PROVISIONS

Article 1

For the purpose of this Convention,

- (a) "Import duties and taxes" shall mean Customs duties and all duties and taxes chargeable by reason of importation;
- (b) "EUROP wagons" shall mean wagons pooled under the provisions agreed for that purpose between the railway administrations concerned;
- (c) "Owning administration" shall mean the railway administration which owns the wagons concerned or, in the case of wagons belonging to the European Company to Finance Purchases of Railway Rolling Stock (EUROFIMA), to which the wagons have been made available by hire-purchase or similar means;
- (d) "Using administration" shall mean any other railway administration participating in the EUROP wagon pool on whose network the wagons concerned happen to be.

(*) On 20 February 1958, the Convention was signed, subject to ratification, by the nine countries whose railway administrations pool EUROP wagons, viz:
Austria, Belgium, Denmark, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands and Switzerland.

Article 2

A using administration may fit spare parts from its own stocks on EUROP wagons on condition that:

- (a) the internal duties and taxes, and the import duties and taxes if any, have been paid on the parts in the country of the using administration;
- (b) no duties or taxes are refunded nor any other export privileges granted wholly or in part on account of the fitting of the said parts.

Article 3

EUROP wagons repaired by a using administration with spare parts from its own stocks shall not on that account be subject when crossing frontiers to any formality, or duty or tax whatsoever, provided that the cost of fitting the spare parts and of the spare parts themselves is borne by the said using administration.

Article 4

1. If a using administration utilizes spare parts drawn from the stocks of the owning administrations for the repair of EUROP wagons, the said parts shall be admitted temporarily into the country of the using administration without payment of import duties and taxes, always provided that:

- (a) the internal duties and taxes, and the import duties and taxes if any, have been paid on the parts in the country of the owing administration;
- (b) no duties or taxes have been refunded nor any other export privileges granted on account of the despatch of the said parts to the using administration.

2. The procedure for this purpose shall be determined by the Customs authorities of the country of the using administration in consultation with that administration.

CHAPTER II

FINAL PROVISIONS

Article 5

1. Countries which are members of the Economic Commission for Europe and countries which are admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's Terms of Reference may become Contracting Parties to this Convention:

- (a) by signing it;
- (b) by ratifying it after signing it subject to ratification;
- (c) by acceding to it.

2. The Convention shall be open for signature until 20 February 1958 inclusive. Thereafter, it shall be open for accession.

3. Ratification or accession shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

Article 6

1. This Convention shall come into force on 1 January of the year following that in which all the countries referred to in article 5, paragraph 1, whose railway administrations were participating in the EUROP wagon pool prior to the day on which this Convention is opened for signature, have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

2. For any country acceding to it after the date specified in paragraph 1 of this article, this Convention shall enter into force on the thirtieth day after the said country has deposited its instrument of accession.

Article 7

1. Any Contracting Party may denounce this Convention by so notifying the Secretary-General of the United Nations.

2. Denunciation shall take effect six months after the date of receipt by the Secretary-General of the notification of denunciation

Article 8

This 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 9

1. Any dispute between two or more contracting Parties concerning the interpretation or application of this 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 in 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 paragraph 2 of this article shall be binding on the Contracting Parties in dispute.

Article 10

No reservation to this Convention shall be permitted.

Article 11

1. Any Contracting Party may propose one or more amendments to this Convention. The text of any proposed amendments shall be transmitted to the Secretary-General of the United Nations, who shall transmit it to all Contracting Parties and inform all other countries referred to in article 5, paragraph 1.
2. Any proposed amendment circulated in accordance with the preceding paragraph shall be deemed to be accepted if no Contracting Party expresses an objection within a period of six months following the date of circulation of the proposed amendment by the Secretary-General.
3. The Secretary-General shall, as soon as possible, notify all Contracting Parties whether an objection to the proposed amendment has been expressed. If an objection to the proposed amendment has been expressed, the amendment shall be deemed not to have been accepted and shall be of no effect whatever. If no such objection has been expressed the amendment shall enter into force for all Contracting Parties three months after the expiry of the period of six months referred to in paragraph 2 of this article.

Article 12

In addition to the notifications provided for in article 11, the Secretary-General of the United Nations shall notify the countries referred to in article 5, paragraph 1, of:

- (a) signatures, ratifications and accessions in accordance with article 5;
- (b) the dates of entry into force of this Convention in accordance with article 6;
- (c) denunciations in accordance with article 7;
- (d) the termination of this Convention in accordance with article 8;
- (e) the entry into force of any amendment in accordance with article 11.

Article 13

After 20 February 1958, the original of this 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 5, paragraph 1.

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

DONE at Geneva, this fifteenth day of January, one thousand nine hundred and fifty-eight, in a single copy in the French language.