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Customs Convention on the Temporary Importation of

Private Road Vehicles (1954) and Commercial Road Vehicles (1956)

Issues in the application of the 1954 Convention in Egypt and Jordan

Transmitted by the Government of Egypt

In Annex, the secretariat reproduces a letter by the Government of Egypt.

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Annex

Reply from the Egyptian Customs Authority to the observations of the United Nations Economic Commission for Europe on the failure of the Egyptian authorities to comply with the timelines and procedures specified in the Customs Convention on the Temporary Importation of Private Road Vehicles (1954)

I. With regard to the observation concerning compliance with article 13 (3), namely that the Egyptian Customs Authority failed to notify the guaranteeing association of the seizure or confiscation of vehicles in violation of the provisions of the international Convention, that the vehicles are often unlawfully auctioned without notification of the guaranteeing association, and that in some cases the first notification received by the guaranteeing association is a court notification of a complaint filed against it by the customs authorities:

Comment by the Egyptian Customs Authority:

Action by the customs authorities to confiscate vehicles in violation of the provisions of the international Convention without advance notification of the guaranteeing association (which is the Automobile and Touring Club of Egypt and which, as an internationally accredited association and a member of the International Automobile Federation, serves as an interface between foreign clubs and Egyptian customs) can only be taken pursuant to a final court judgment. Confiscation is the final step in a lengthy series of procedures, which begin with notification of the responsible body and the guaranteeing association. In the absence of a response, legal proceedings are instituted at all levels of litigation. Such steps would not reasonably be taken without the knowledge of the guaranteeing club, unless it had failed to receive the requests and there was legal evidence thereof.

It should be noted that a further notification is sent to customs offices calling for notification of the guarantor (the Automobile and Touring Club of Egypt) of any irregularities, confiscations or seizures of vehicles in violation of the provisions of the international Convention.

II. With regard to the observation concerning compliance with article 24 (1), namely that the customs authorities in Egypt regularly reject certificates of location unless they are certified or sealed by an Egyptian official, and that they frequently reject valid documentary evidence (such as proof of subsequent entry into other countries):

Comment by the Egyptian Customs Authority:

The customs authorities accept certificates of location that are recognized as the basis for the regularization of temporary import papers. However, it is necessary, with a view to preventing cases of fraud and forgery, to have the certificates authenticated by an Egyptian official. The customs authorities also accept all other documentary evidence that the vehicle is located outside the country, provided that they are valid and certified by an Egyptian official in order to prevent cases of fraud and forgery, especially since this constitutes an exception to the rights of the State's public treasury.

III. With regard to the observation concerning compliance with article 25 bis, namely that the customs authorities in Egypt reject evidence of cases of force majeure and that most of the cases concerned are eventually referred to a court:

Comment by the Egyptian Customs Authority:

The customs authorities accept cases of force majeure as a basis for settlement of temporary importation papers (such as accidents and fires that destroy the vehicle). However, in order to avoid cases of tampering and counterfeiting, it is necessary to ascertain the veracity and rationality of such cases and to confirm that the remnants of accidents or fires undoubtedly belong to the vehicle in question. In cases of loss due to theft, cancellation of the fees requires that the culprits be apprehended and that a final judgment be handed down against them, in order to prevent the filing of false reports and vehicle theft records in international traffic registers so as to prevent the re-exportation of such vehicles or evasion of the payment of duties and taxes.

IV. With regard to the observation concerning compliance with article 26, namely that the customs authorities in Egypt sometimes submit notifications after the deadline and that in some cases no details of taxes and duties are provided:

Comment by the Egyptian Customs Authority:

The customs authorities abide by the specified article, which requires notification of the guaranteeing association; if it is proven that that has not been done, the authorities may not demand customs duties. However, if a customs document proves that the customs authorities notified the guarantor by the legal date, the customs authorities are entitled to claim fees, even if the guarantor refuses to receive such claims and notifications. Details of the customs duties and taxes due from each club are always provided.

It should be noted that the guaranteeing association, which is the Automobile and Touring Club of Egypt, has displayed indolence in its role of enabling the customs authorities to collect their financial dues from clubs for vehicles that violate the terms of the international Convention. Accordingly, the Customs Authority instituted legal proceedings in order to secure the rights of the State's public treasury. The number of vehicles covered by the proceedings totalled 304 and the total sum due was 114,574,460 Egyptian pounds, which is equivalent to 50 per cent of the Club's total debt.