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**ECONOMIC COMMISSION FOR EUROPE**

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions  
affecting Transport

(Ninety-fourth session, 21-25 February 2000,  
agenda item 5 (b))

**CUSTOMS CONVENTIONS ON THE TEMPORARY IMPORTATION  
OF PRIVATE ROAD VEHICLES (1954) AND COMMERCIAL ROAD VEHICLES (1956)**

**Application of the Conventions**

**Transmitted by the  
International Touring Alliance (AIT) / International Automobile Federation (FIA)**

Note by the secretariat: While the Working Party may not be in a position to comment on individual cases relating to the application of the Convention in Contracting Parties, it may nevertheless wish to provide guidance and general interpretation of the provisions of the 1954 and 1956 Conventions.

1. The following are actual case studies for which clarification is required concerning the interpretation or application of the terms of the international conventions.
2. The AIT and FIA seek the opinion of the Working Party on these matters.

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**A. FINES AND PENALTIES**

3. Example: A Jordanian driver kept his vehicle in Egypt for 14 days beyond the authorized time period and was required by the Egyptian Customs authorities to pay the equivalent of US\$ 1,750 in fines. The driver could not pay such a sum and was forced to leave his vehicle "in storage" with the Customs. A Customs claim resulted since the vehicle was not re-exported due to the fact that the owner could not pay the exorbitant and ever-increasing fines.

4. Questions: Can the guaranteeing association be held liable in such cases for the payment of fines? Can the Customs authorities refuse to allow the re-exportation of a vehicle on grounds of the non-payment of such fines?

**B. SEIZURES**

5. Example: Two Turkish gold smugglers were convicted and imprisoned in India and their vehicles seized by the police and judicial authorities. The vehicles remain in the hands of the Indian police and re-exportation is impossible. The Indian Customs authorities have lodged Customs claims.

6. Questions: Can Customs authorities raise claims on vehicles which are prevented from being re-exported due to seizure by judicial authorities or the police? Can the guaranteeing association be held liable for the payment of claims where re-exportation of a vehicle is not permitted? Does Article 28 of the 1954 Convention give the Customs authorities the right to claim duties and taxes in criminal cases where the vehicle has become the property of the police or other State authorities?

**C. FEES (AT BORDERS) IN CONNECTION WITH THE USE OF THE CARNET DE PASSAGES EN DOUANE (CPD)**

7. Example: The Egypt Customs authorities are charging a "regularization fee" in addition to other fees (recognition of the Carnet, temporary insurance, temporary license plate, payment at exit gate, compulsory road map, handling agents fee, labour bonus and Customs guard) to persons entering the country under cover of the CPD.

8. Questions: Do the 1954 and the 1956 Conventions allow for the collection of such fees by the Customs authorities in connection with the use of the CPD?

**D. CUSTOMS CLAIM FOLLOWING RE-EXPORTATION**

9. Example: The Japanese Government raised a Customs claim against a vehicle for which the CPD had expired. The vehicle was re-exported from Japan 3 months after the expiry of the document and proof of re-exportation was provided in the form of exit stamps of the Japanese Customs. The Japanese authorities maintain their claim, citing Articles 2 and 12 of the 1954 Convention.

10. Question: Can the Customs authorities insist on the payment of duties where the vehicle is re-exported, although re-exported after expiry of the CPD (or after expiry of the time limit set down in national legislation) ?

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