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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions
affecting Transport
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agenda item 6 (b))

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

Difficulties in the application of the 1954 Convention in Australia

Transmitted by the World Customs Organizations (WCO)

Note: The secretariat reproduces below comments transmitted by the World Customs Organization (WCO) on the queries contained in document TRANS/WP.30/1997/4 prepared by the representative of the AIT/FIA (89th session of the Working Party (TRANS/WP.30/178, paras. 89 and 90).

The references made in these comments refer to document TRANS/WP.30/1997/4.

PLEASE NOTE: The distribution of documents of the Inland Transport Committee and its subsidiary bodies is no longer "restricted." Accordingly, the secretariat has adopted a new numbering system whereby all documents other than Reports and Agendas will be numbered as follows: TRANS/WP.30/year/serial number. Reports and Agendas will retain their previous numbering system (e.g., TRANS/WP.30/177).

1. The following approaches may be considered by the Customs authorities in Australia:

A. RALLY VEHICLES

2. When the person driving the rally car does so as an amateur, the importation would be for "private use". When driving the rally car for a profession, the importation would be for "commercial use". A prize could constitute a "remuneration" or "reward" in our opinion.

B. VEHICLES ON LOAN FOR BUSINESS, ...

3. Ad. para. 5 in TRANS/WP.30/1997/4: The situation of the person writing articles and taking photographs for publication as a profession, with appropriate remuneration, would make the importation of the car as being for "commercial use". If this was a hobby without remuneration, it could be considered "private use".

4. Ad. para. 7 in TRANS/WP.30/1997/4: Promoting a car is a commercial activity since the obvious intent is to sell more of the cars.

C. SMALL COACHES / MINIVANS ...

5. Since tourists are paying for the use of the vehicle, this is transport for remuneration which is considered in the Istanbul Convention (Annex C) definitions as import of vehicles for "commercial use".

D. FOREIGN WORKERS WHO BRING THEIR VEHICLES

6. This seems to be import for "private use". Each contracting Customs administration, however, will have to determine the maximum period for which goods can stay in their country under the temporary importation regime. In international instruments, generally, only minimum periods are fixed.

E. GENERAL COMMENT

7. CPD carnets can also be accepted for the temporary importation of vehicles for commercial use. For Australia this may be realised by accepting Annex C to the Istanbul Convention. Australia is already a Contracting Party, but has not accepted this specific Annex. Alternatively, Australia could specify in the national legislation that it will accept CPD carnets for the temporary importation of vehicles for commercial use as specified in the national legislation, without acceding to any international instrument. The CPD carnet system is already in force in Australia, so this would not presumably cause major problems.
