

UNITED NATIONS

ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
RESTRICTED

E/ECE/TRANS/490  
30 May 1956

Original: FRENCH

ECONOMIC COMMISSION FOR EUROPE  
INLAND TRANSPORT COMMITTEE

REPORT OF THE COMMITTEE ON ITS FOURTEENTH (SPECIAL) SESSION

1. The Inland Transport Committee held its fourteenth (special) session on 11, 12, 16 and 19 May 1956. Representatives participated from Austria, Belgium, Denmark,<sup>(1)</sup> the Federal Republic of Germany, Finland, France, Hungary, Italy, Luxembourg, the Netherlands, Poland, Spain, Sweden, Switzerland, the United Kingdom, the United States of America, and Yugoslavia.<sup>(2)</sup> The following international organizations were also represented:<sup>(2)</sup> International Institute for the Unification of Private Law (IIUDP), International Chamber of Commerce (ICC), International Union of Railways (UIC), World Touring and Automobile Organization (OTA), International Road Federation (IRF) and International Road Transport Union (IRU).

ADOPTION OF THE AGENDA

2. The Committee adopted the provisional agenda prepared by the Secretariat. (E/ECE/TRANS/482 and Corr.1)

ELECTION OF OFFICERS

3. Mr. Mátyássy (Hungary), nominated by the Swedish representative, and Mr. Vonk (Netherlands), nominated by the Polish representative, were elected Chairman and Vice-Chairman respectively.

(1) The representative of Denmark took part only in the discussions on Customs questions.

(2) See list of delegations (E/ECE/TRANS/484).

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QUESTIONS COMMON TO THE THREE DRAFT CUSTOMS CONVENTIONS, THE THREE DRAFT CONVENTIONS ON THE TAXATION OF ROAD VEHICLES AND THE DRAFT CONVENTION ON THE CONTRACT FOR THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD (TRANS/WP30/48/Rev.1, TRANS/WP30/49/Rev.1, TRANS/WP30/50/Rev.1, TRANS/SC1/95, Annexes 1, 2 and 3, and TRANS/152, Annex 1)

Preamble

4. The Committee decided to adopt the wording proposed by the Group of Customs Experts, namely

"THE CONTRACTING PARTIES ... HAVE AGREED as follows:"

Final Clauses

Participation in the conventions of countries or territories which, under the first of the final clauses (article 33, TRANS/WP30/50/Rev.1), are not eligible to become parties to the conventions

5. The Polish representative, seconded by the representative of Hungary, proposed that paragraph 1 of article 33 of the draft Customs convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats and the relevant paragraphs in the corresponding articles of the other Conventions be amended to read as follows:

"Countries taking part in the work of the Economic Commission for Europe or of its Committees may become Contracting Parties to this Convention",

the rest of the paragraph being left unchanged.

The Yugoslav delegation expressed its support for the proposal, but many of the other delegations stated that they could not accept the amended text and the Chairman observed that the majority of the members of the Committee wished to retain the text proposed by the Group of Customs Experts. He added that as the representative of Hungary he regretted the decision for the reasons already given in the report on the eighth session of the Group of Customs Experts (TRANS/167, paragraph 4). The representative of Poland stated that he shared this regret.

Accession of non-European countries to the Conventions

6. In order to allow non-European countries that are Members of the United Nations to accede to the conventions, the Committee decided to adopt as paragraph 2 of article 33 of the draft Customs convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats and of the corresponding articles in the other conventions, the following new paragraph:

"Such countries as may participate in certain activities of the Economic Commission for Europe in accordance with paragraph 11 of the Commission's Terms of Reference may become Contracting Parties to this Convention by acceding thereto after its entry into force."

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7. The Committee also approved the drafting changes to be made in other articles of the final clauses as a result of the adoption of the above paragraph, viz., the additions referred to in the report of the Group of Customs Experts (TRANS/167, paragraphs 6 and 7) to paragraph 3 of article 40 and to paragraph 1 of article 42 of the Customs convention on the temporary importation of aircraft and pleasure boats and to the corresponding articles in the other conventions, and the reference in the final article of the conventions to paragraphs 1 and 2 of article 33 or the corresponding articles of the other conventions instead of to paragraph 1 only.

Clause specifying that the conventions shall remain open for signature for three months

8. The Committee adopted the following wording for paragraph 3 (formerly paragraph 2) of article 33 of the Customs convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats and the corresponding articles of the other conventions:

"The Convention shall be open for signature until 31 August 1956 inclusive. Thereafter, it shall be open for accession."

and the following text for the beginning of article 45 of the Customs Convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats and the corresponding articles in the other conventions:

"After 31 August 1956, the original of this Convention ..."

Protocol of signature

9. The Committee decided to insert the following article in the final clauses of the Customs conventions and of the conventions on the taxation of road vehicles:

"The Protocol of Signature of this Convention shall have the same force, effect and duration as the Convention itself of which it shall be considered to be an integral part."

Articles 37 and 41 of the Customs convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats and the corresponding articles in the other conventions

10. The Committee decided to add the following words at the end of paragraph 1 of article 37:

"or, if on that day the Convention has not yet entered into force, at the time of its entry into force."



11. The Committee decided on the following wording for paragraph 3 of article 41:

"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 the preceding paragraph."

Drafting Changes

12. The Committee instructed the Secretariat to incorporate a number of purely drafting changes in the English or French texts of the conventions, in consultation with the representatives who had proposed them. The Director of the Transport Division had brought these amendments to the attention of the Committee at its last meeting at which time no objections had been raised.

Signing of the Customs conventions

13. The representatives of Denmark, Hungary, the Netherlands, Switzerland and Yugoslavia stated that, as the competent authorities in their countries had not completed their study of the draft conventions, they would not be in a position to sign them at the present session.

Arbitration Clause

14. With regard to article 38 on the Temporary Importation of Aircraft and Pleasure Boats (and the corresponding articles in the other conventions) and its relation to the problem of arbitration, the Polish representative requested that arbitration should be purely optional, as in the CIM.

The Chairman, speaking as the Hungarian representative, supported that proposal.

15. It was noted that the Committee had the choice of three possible solutions:

- (a) compulsory arbitration,
- (b) optional arbitration, and
- (c) retention of the compulsory arbitration clause, with liberty for any country to make a reservation concerning it.

16. It was understood that if the third solution were adopted there would have to be a provision that "no other reservation may be made to the Convention."

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Article 41:  
17. Many representatives favoured the first solution, considering it in keeping with progress in the technique of international conventions. They were, however, prepared to accept the third solution in order to enable a larger number of States to become Parties to the convention. The Polish and Hungarian representatives supported the third solution.

18. The United Kingdom representative expressed his Government's strong preference for the first solution, and regretted that not all the countries had been able to support the compulsory arbitration principle. He trusted that countries whose representatives had made no request for modification of the compulsory arbitration principle would not use their power to make reservations on that point, and that any country making a reservation when signing or acceding to the Convention would soon be in a position to withdraw it.

19. The Committee decided to delete article 38 of the Customs Convention on the Temporary Importation of Aircraft and Pleasure Boats and adopted the following text for a new article to follow article 39:

"1. Each Contracting Party may, at the time of signing, ratifying, or acceding to this Convention, declare that it does not consider itself as bound by article 38 of the Convention. Other Contracting Parties shall not be bound by article 38 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 may at any time withdraw such reservation by notifying the Secretary-General of the United Nations.

3. No other reservation to this Convention shall be permitted."

20. The Committee also decided to make the following amendment to article 42:

Insert, between sub-paragraphs (e) and (f), the following new sub-paragraph:

"(f) declarations and notifications received in accordance with article 39, paragraphs 1 and 2;"

Sub-paragraph (f) to become sub-paragraph (g).

21. Parallel clauses are to be inserted in the other Conventions.

22. The Polish Delegation, supported by the Hungarian Delegation, stated that it held that paragraph 3 of the article set out in paragraph 19 above did not constitute a precedent, the Polish Delegation standing by the principle that reservations might be made.



23. The Director of the Division drew the Committee's attention to a variation as between the French and English text of article 8. In the English text there was no equivalent of the words "à l'étranger" included in the French text. On the Director's proposal, the Committee decided to bring the English text into line with the French.

DRAFT CUSTOMS CONVENTION ON THE TEMPORARY IMPORTATION FOR PRIVATE USE OF AIRCRAFT AND PLEASURE BOATS (TRANS/WP30/50/Rev.1)

24. Subject to the amendments mentioned above, the Committee adopted the draft convention (E/ECE/249).

DRAFT CUSTOMS CONVENTION ON THE TEMPORARY IMPORTATION OF COMMERCIAL ROAD VEHICLES (TRANS/WP30/49/Rev.1)

25. The representative of Denmark announced the withdrawal by his Government of its reservation regarding the interpretation of article 9 and the first sentence in article 12.

26. Subject to the changes mentioned above, the Committee adopted the draft convention (E/ECE/250).

DRAFT CUSTOMS CONVENTION ON CONTAINERS (TRANS/WP30/48/Rev.1)

27. Referring to the contradiction between paragraph 1 of the Protocol of Signature and the Swedish legislation in the matter, the representative of Sweden said that his country's legislation could no doubt be amended and that Sweden should be able to sign the convention before 1 September 1956.

28. The representatives of Denmark and the Federal Republic of Germany withdrew their reservations regarding the restoration at the end of paragraph 1 of the Protocol of Signature of a sentence accepting the inclusion, in the value of goods for Customs purposes, of charges borne by the importer for the use of containers.

29. In order to make it quite clear that the convention governs Customs questions only, the Committee agreed to word paragraph 2 of the Protocol of Signature as follows:

"2. The terms of this Convention shall not preclude the application of national or conventional provisions, not of a Customs nature, regulating the use of containers."

30. Subject to the above-mentioned amendments, the Committee adopted the draft convention (E/ECE/251).

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DRAFT CONVENTION ON THE TAXATION OF ROAD VEHICLES FOR PRIVATE USE IN INTERNATIONAL TRAFFIC (TRANS/SC1/95, Annex 1)

Scope

31. The Committee considered and adopted the French delegation's proposal that the convention should not apply to vehicles or combinations of coupled vehicles used for passenger transport which have more than eight seats in addition to the driver's seat. The Swedish representative pointed out that adoption of the proposal would exclude certain vehicles used by large families from the benefit of the convention. But several representatives having drawn attention to the possibility of abuse by passing off the use of coaches for group travel as private use, the Swedish representative deferred to the majority view.

Article 2

32. The Committee did not adopt the amendment proposed by the delegations of France, Italy and the United Kingdom to the Working Party on Fiscal Questions, that the words "vehicles owned by persons normally resident" in the territory of one of the Contracting Parties be substituted for the words "vehicles registered" in such territory.

33. It was pointed out that under the Customs conventions any country would be entitled to refuse temporary admission without payment of import duties and import taxes to vehicles registered abroad but belonging to a person normally resident on its territory.

Article 4

34. The Committee amended article 4 as follows:

"As soon as a country which is a Contracting Party to the Convention of 30 March 1931 on the Taxation of Foreign Motor Vehicles becomes a Contracting Party to the present Convention, it shall take the measures laid down in article 17 of the 1931 Convention to denounce that Convention."

35. Final clauses

All reservations, except that of Switzerland regarding cycles without engines (TRANS/SC1/95, paragraph 11) and those relating to the arbitration clause having been withdrawn, the Committee decided to adopt a simpler procedure for the entering of reservations than that provided for in article 38 of the Convention on the Temporary Importation of Aircraft and Pleasure Boats. It agreed on the following wording to be inserted as the first paragraph of the article set out in



paragraph 19 of this report, the drafting of the article to be amended to allow for the possible withdrawal of the two kinds of reservations accepted (article 11):

"1. Each Contracting Party may at the time of signing, ratifying, or acceding to, this Convention, or at any time thereafter, declare that it will not apply the Convention to cycles without engines."

36. For the other final clauses of the convention, the Committee adopted the following articles of the Customs Convention on the Temporary Importation of Aircraft and Pleasure Boats: articles 33, 34, 35 (paragraphs 1 and 2), 36, 37, 39, 40, 41 (first three paragraphs only), 42, 44 and 45.

37. Subject to the above-mentioned amendments, the Committee adopted the draft convention (E/ECE/252).

DRAFT CONVENTION ON THE TAXATION OF ROAD VEHICLES ENGAGED IN INTERNATIONAL PASSENGER TRANSPORT (TRANS/SC1/95, Annex 2)

38. Pursuant to its decision with regard to the scope of the Convention on the Taxation of Road Vehicles for Private Use in International Traffic (see paragraph 31), the Committee decided to delete the term "commercial" from the title of the Convention and from articles 1 and 2.

Article 3

39. It was pointed out by the Director of the Transport Division that deletion of paragraph 2, proposed to the Working Party on Fiscal Questions by the representatives of Austria, Sweden and Switzerland, might make some countries less willing to authorize foreign carriers to perform transport operations within their territories. The Committee decided to retain the paragraph.

40. The representative of Sweden enquired why there was no stipulation that each Contracting Party might limit the duration of exemption to 365 consecutive days, as in the case of vehicles for private use. The reply was given that the system of transport authorizations applied in almost all countries made it impossible in practice for commercial vehicles to stay very long in a foreign country and that the case of a commercial vehicle being on the road in a foreign country for more than 365 days could not arise.

Signing of the convention

41. The representatives of Austria, Belgium, Luxembourg, the Netherlands, Poland and the United Kingdom signified their readiness to sign the convention.



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icle 11):

42. The representative of Sweden stated that he could not accept the interpretation of the terms "taxes or charges on transport" given by the Working Party on Fiscal Questions (TRANS/SC1/95, paragraph 23). His Government granted exemption from all taxes on motor vehicles, on a basis of reciprocity. He proposed that the exemption apply to all traffic taxes. To meet the Swedish representative's point, the Director of the Transport Division suggested that the Committee adopt the following text:

"The expression 'taxes or charges on transport' shall cover not only turnover tax and like or equivalent taxes but also charges of any kind levied over and above the minimum payable solely for the right to put a vehicle on the road."

The United Kingdom representative proposed adding the following words at the end of the paragraph:

"for the purpose for which the vehicle was imported."

43. After discussion, the Committee agreed that the problem of abolishing double taxation by reciprocal exemption from traffic taxes should not be linked to that of transport co-ordination. It decided not to open the Convention for signature at the present session and to request the Sub-Committee on Road Transport to study how it might be specified that the exemption applied to the tax levied in connexion with the putting of the vehicle on the road but not to taxes, charges or surcharges levied in the form of turnover tax, on the basis of distance travelled or route followed, or on the ground that the transport operation was performed on own account and not for hire or reward, or conversely, etc. The Sub-Committee on Road Transport was requested to submit a proposal on the subject for the December session of the Committee which would then resume consideration of the draft convention.

DRAFT CONVENTION ON THE TAXATION OF ROAD VEHICLES ENGAGED IN INTERNATIONAL GOODS TRANSPORT (TRANS/SC1/95, Annex 3)

44. The decisions reported in paragraphs 38 and 39 above also apply to this convention. The Committee will resume consideration of this draft convention at its next regular session, when the Sub-Committee on Road Transport has produced an interpretation of the term "taxes or charges on transport."



DRAFT CONVENTION ON THE CONTRACT FOR THE INTERNATIONAL CARRIAGE OF GOODS  
BY ROAD (TRANS/152, Annex 1)

45. The Committee referred the draft convention for consideration to the Ad hoc Working Party on the International Road Transport Contract, which met under the chairmanship of Mr. G. de Sydow (Sweden). The Working Party's report is contained in document TRANS/168, which has been approved by the Committee.

46. The United Kingdom representative regretted that the Committee should have decided to open the convention for signature immediately instead of allowing further time for the examination of, and possible amendment to, the English text.

47. Like the Ad hoc Working Party on the International Road Transport Contract and for the same reasons (TRANS/152, paragraphs 72 to 78), the Committee considered that a clause requiring the payment or reimbursement of the difference in the case of carriage charges amounting to less than or in excess of the tariff charge could not be included in the Convention. The Committee considered that the Working Party on the International Road Transport Régime was at liberty to study the question to see whether such an obligation was necessary and, if so, by what means other than the present convention it could be enforced.

48. The Committee adopted the draft convention drawn up by the Ad hoc Working Party (E/ECE/253).

CREDENTIALS COMMITTEE

49. The Committee set up a Credentials Committee consisting of Mr. J. Leroy, the Belgian permanent representative to the European Office of the United Nations, Mr. O. Schoenewald, the Netherlands representative, and Mr. Kopelmanas, Legal Adviser to the Economic Commission for Europe.

50. The reports of the Credentials Committee were approved by the Committee at its final session.

RESOLUTION ON TECHNICAL CONDITIONS APPLICABLE TO CONTAINERS WHICH MAY BE  
ACCEPTED FOR TRANSPORT UNDER CUSTOMS SEAL

51. The Committee adopted a resolution on this subject (See Annex) amending its resolution No. 187 (E/ECE/TRANS/480, Annex 4).

SIGNING OF THE CONVENTIONS

52. At the end of the session the Conventions adopted were signed by the representatives of the undermentioned countries:



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- (a) Customs Convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats, subject to ratification,  
the Federal Republic of Germany, France, Italy, Luxembourg, Sweden and the United Kingdom;
  - (b) Customs Convention on the Temporary Importation of Commercial Road Vehicles, subject to ratification,  
the Federal Republic of Germany, France, Italy, Luxembourg, Poland, Sweden and the United Kingdom;
  - (c) Customs Convention on Containers, subject to ratification,  
the Federal Republic of Germany, France, Italy, Luxembourg, Poland, Sweden and the United Kingdom;
  - (d) Convention on the Taxation of Road Vehicles for Private Use in International Traffic, subject to ratification,  
France, Luxembourg, Poland, Sweden, the United Kingdom and Yugoslavia;  
and, without reservation of ratification, Finland;
  - (e) Convention on the Contract for the International Carriage of Goods by Road (CMR)\*  
Austria, the Federal Republic of Germany, France, Luxembourg, the Netherlands, Poland, Sweden, Switzerland and Yugoslavia.
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\*This Convention was signed by the representative of Belgium on 22 May 1956.



Annex

TECHNICAL CONDITIONS APPLICABLE TO CONTAINERS WHICH MAY BE  
ACCEPTED FOR TRANSPORT UNDER CUSTOMS SEAL

Resolution No. 189

adopted on 16 May 1956 by the Inland Transport Committee

THE INLAND TRANSPORT COMMITTEE,

BEARING IN MIND its resolution No.187 (E/ECE/TRANS/480, Annex 4),

CONSIDERING that technical progress makes it desirable to allow for the use  
of materials other than metal and wood in the construction of containers  
which may be accepted for transport under Customs seal,

AMENDS resolution No. 187 as follows:

Annex 1, article 2, paragraph 1, first sentence

"1. The sides, floor and roof of the container shall be constructed of  
plates, boards or panels of sufficient strength, of adequate thickness, and welded  
riveted, grooved or jointed in such a way as not to leave any gaps in the  
structure through which access to the contents can be obtained."

Annex 1, article 2, paragraph 2

"2. Essential joints, such as bolts, rivets, etc., shall be seated on the  
outside protrude on the inside and be bolted, riveted or welded in a satisfactory  
manner. If the bolts holding the essential parts of the sides, floor and roof  
are seated on the outside, the other bolts may be seated on the inside, provided  
that the nut is properly welded on the outside and is not covered with non-  
transparent paint. However, by analogy with provisions regarding railway wagons,  
the following conditions shall apply to containers conveyed exclusively by rail  
under Customs seal: essential joints such as bolts, rivets, etc., shall, where  
practicable, be seated on the outside, and shall be bolted, riveted or welded in  
a satisfactory manner. Where it is necessary for bolts to be seated on the  
inside with securing nuts on the outside, the bolt ends shall be riveted or  
welded over the nuts."

RECOMMENDS governments -

to apply the resolution in its amended form, and to accept for a  
transitional period extending until 30 June 1958 the certificates  
of approval provided for in Annex 2 to resolution No.174 (E/ECE/TRANS/450).

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