

法規名稱：PROTOCOL BETWEEN THE TEL AVIV CHAMBER OF COMMERCE (TCC) AND THE CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL (CETRA) FOR THE ORGANIZATION OF A SYSTEM OF INTERNATIONAL CUSTOMS DEPOSIT FOR THE TEMPORARY ADMISSION OF GOODS

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PROTOCOL Between the CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL (CETRA) and the TEL AVIV CHAMBER OF COMMERCE(TCC) for the ORGANIZATION OF A SYSTEM OF INTERNATIONAL CUSTOMS DEPOSIT for the TEMPORARY ADMISION OF GOODS

#### ARTICLE 1

The undersigned guaranteeing associations have agreed to establish, in accordance with this Protocol a system of international customs deposits for import duties chargeable on the temporary admissions of goods in the customs territories in which they are situated; when such goods are covered by a customs carnet (hereinafter referred to as a TCC/CETRA carnet)

#### ARTICLE 2

This protocol relates to the temporary admission of all goods which can circulate freely for international trade purposes according to the principles embodied in the following conventions and according to modalities set forth therein:

- Customs Convention to Facilitate the Importation of Commercial Samples and Advertising Material, done at Geneva on November 7, 1952;
- Customs Convention on the Temporary Importation of Professional Equipment, done at Brussels on June 8, 1961;
- Customs Convention Concerning Facilities for the Importation of Goods for Display or Use at Exhibitions, Fairs, Meetings or Similar Events, done at Brussels on June 8, 1961,
- Customs Convention on the ATA Garnet for the Temporary Admission of Goods (ATA Convention) done at Brussels on December 6, 1961;
- Any other international convention or agreements as well as arrangements between the customs admissions relating to custom producers concerning temporary admissions pursuant to the laws and/or regulations applicable in the territory of temporary admission.

This Protocol shall be implemented according to the rules set forth:

- in the ATA Convention;
- in the opinions and comments expressed by the PTC of the World Customs Organization concerning the application of the ATA Co-

- nvention;
- in the Statement of the International Bureau of Chambers of Commerce of the International Chamber of Commerce and its implementing directives-present and future; and
  - in the present Protocol ;

It is expressly agreed that the World Chambers Federation (WCF) of the International Chamber of Commerce will ensure the implementation of the system of international customs deposits established under the present Protocol.

For the purposes of this Protocol:

#### ARTICLE 3

- a) the term "import duties" means customs duties and all other duties and taxes payable on, or in connection with importation of goods, and shall include all internal taxes and excise duties chargeable on imported goods, but shall not include fees and charges which are limited in amount to the approximate cost of services rendered and do not represent an indirect protection to domestic products or a taxation of imports for fiscal purposes;
- b) the term "temporary admission" means temporary importation free of import duties in accordance with the conditions set forth in the Conventions and Agreements referred to in Article 2 above.
- c) the term "customs carnet" means the document hereinafter referred to as TCC/CETRA carnet and reproduced as Annex 1 to this Protocol of which it is an integral part;
- d) the term "guaranteeing association" shall mean the Tel Aviv Chamber of Commerce and the China External Trade Development Council, which have joined the system of international customs deposits implemented by the ICC/WCF.

#### ARTICLE 4

The undersigned guaranteeing associations declare that TCC/CETRA carnets issued under their responsibility are delivered in accordance with the rules laid down in the ATA Convention of December 6, 1961, and in the ICC/WCF Statement and its implementing directives which have been published since the entry into force of the said Convention.

The guaranteeing associations will keep each other informed of the instances of temporary admission or transit in respect of which they agree to guarantee TCC/CETRA carnets.

#### ARTICLE 5

The signatories of this Protocol shall guarantee the payment of

import duties in respect of goods dispatched by nationals of the territory in which the signatories are situated .

This protocol shall only become effective upon fulfillment by each signatory of all the guarantees required by the ICC/WCF, as well as payment of the membership fees to that organization, and shall remain in force only insofar as the guaranteeing associations have the recognition and approval of the customs administrations in the territories in which they are situated to act according to the provisions of this Protocol.

If there are exchange control regulations in the territory wherein a guaranteeing association is situated, it shall not be entitled to give its guarantee unless its exchange control office has undertaken to authorize all transfers necessary for the settlement of debts contracted vis-a-vis the other guaranteeing association on account of such guarantees.

#### ARTICLE 6

The period of validity of the TCC/CETRA carnet shall not exceed one year as from the date of issue of any carnet.

#### ARTICLE 7

The conditions for the grant of its guarantee shall be determined by each guaranteeing association in conformity with the requirements laid down by the ICC/WCF.

#### ARTICLE 8

The guarantee granted shall be surety for the payment of import duties which would be due to the customs authorities of the territory of temporary admission in the event of the goods introduced into that territory not being re-exported within the prescribed period. The guarantee shall further cover, up to 10% of the amount of import duties, the payment of any other sums which would have had to be deposited by the importer if there had been no guarantee.

#### ARTICLE 9

Should the merchandise covered by the guarantee not be duly re-exported from the territory of temporary admission within the prescribed period and thus become liable for import duties, the approved guaranteeing association in the said territory shall pay the import duties owed to the creditary customs administration.

The guaranteeing association which will have thus settled the import duties in respect of merchandise covered by the guarantee shall request the guaranteeing association which granted the or-

iginal guarantee to refund the duties paid on behalf of the importer.

Such refunding will be effected in conformity with the modalities laid down in Article IX of the ICC/WCF Protocol.

#### ARTICLE 10

The guaranteeing associations will cooperate and coordinate with their Customs. Authorities with regard to the application and interpretation of this Protocol.

#### ARTICLE 11

All differences, disputes or contestations between the signatories in connection with the implementation of the provisions of the present Protocol shall be finally settled under the Rules of Conciliation and Arbitration of the International Chamber of Commerce by one or more arbitrations appointed in accordance with such rules.

#### ARTICLE 12

This protocol shall become effective when the relevant authorities have confirmed their agreement through an exchange of letters to act in accordance with this Protocol.

It may, however be terminated upon notification of one of the signatories to the other by registered letter to that effect. The termination will take effect six months from the date upon which such a letter has been received.

Done at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ 2003  
in the English language.

\_\_\_\_\_  
Yuen-Chuan Chao  
President  
For the China External  
Of Commerce

\_\_\_\_\_  
Joseph Shostak  
Managing director  
For the Tel aviv chamber  
of commerce

International Chamber of Commerce  
World Chambers Federation

\_\_\_\_\_  
Mrs. Maria Livanos Cattaui

\_\_\_\_\_  
Alain Destouches

Secretary General

Date:

At:

Administrative Director

World ATA Carnet Council

Date:

At: