

**Príloha k č. 345/2001 Z. z.****AGREEMENT****on the Temporary Importation, Free of Duty, of Medical, Surgical and Laboratory Equipment  
for Use on Free Loan in Hospitals and Other Medical Institutions  
for Purposes of Diagnosis or Treatment****Preamble**

The governments signatory hereto, being members of the Council of Europe,

Considering that a State may in exceptional circumstances find itself suddenly to be without sufficient stocks of medical, surgical and laboratory equipment to satisfy the most urgent requirements of the population;

Considering that it is desirable to facilitate the crossing of frontiers for medical, surgical and laboratory equipment which one member State may be able to make available to another;

Considering, further, that the aim of the Council of Europe is to achieve a greater unity between its members and to facilitate their economic and social progress by various means including the conclusion of European agreements;

Recognising that a practical way of achieving that aim would be the conclusion of an agreement providing for the free passage of medical, surgical and laboratory equipment on loan,

Have agreed as follows:

**Article 1**

1. The Contracting Parties shall, provided that they have sufficient stocks for their own needs, make medical, surgical and laboratory equipment available on free loan to such other Contracting Parties as may, in exceptional circumstances, have urgent need of it; such equipment shall, upon request, be sent to the Party concerned and shall subsequently be returned.

2. Each Contracting Party benefiting under the terms of the previous paragraph shall grant all possible facilities for the importation on a temporary basis of the equipment loaned.

**Article 2**

1. The period of temporary importation shall not exceed six months in the first instance but may, with the agreement of the exporting country, be extended for a further period subject to the same conditions.

2. The above facilities shall be granted only in respect of medical, surgical and laboratory equipment

for use in hospitals and other medical institutions. They shall include the issue of any licences required for the temporary importation of such equipment and the suspension of import duties and import taxes (including all duties and taxes whatsoever chargeable by reason of importation) other than charges for actual expenses incurred by the authorities of the country of temporary importation.

**Article 3**

Notwithstanding the provisions of Articles 1 and 2 above, the competent authorities of the importing State may take such measures as may be necessary either to ensure the re-exportation of any such equipment imported on a temporary basis, once the exceptional circumstances shall have ceased to exist or the time-limit provided for under paragraph 1 of Article 2 above has elapsed, whichever is the earlier, or to ensure payment of any import duties and import taxes which become payable in the case of any failure to re-export the equipment.

**Article 4**

The provisions of this Agreement shall not prejudice more favourable provisions for the temporary importation of the equipment referred to in Article 1, contained in the laws or regulations of any Contracting Party or in any convention, treaty or agreement in force between two or more Contracting Parties to the present Agreement.

**Article 5**

1. This Agreement shall be open to the signature of members of the Council of Europe, who may become Parties to it by:

- (a) signature without reservation in respect of ratification, or
- (b) signature with reservation in respect of ratification, followed by ratification.

2. Instruments of ratification shall be deposited with the Secretary General of the Council of Europe.

**Article 6**

1. This Agreement shall enter into force three

months after the date on which three members of the Council shall, in accordance with Article 5, have signed the Agreement without reservation in respect of ratification or shall have ratified it.

2. In the case of any member of the Council who subsequently shall sign the Agreement without reservation in respect of ratification or who shall ratify it, the Agreement shall enter into force three months after the date of such signature or of the deposit of the instrument of ratification.

#### Article 7

The Committee of Ministers of the Council of Europe may invite any non-member State to accede to this Agreement. Such accession shall take effect three months after the date on which the instrument of accession was deposited with the Secretary General of the Council of Europe.

#### Article 8

The Secretary General of the Council of Europe shall notify members of the Council and acceding States:

- (a) of the date of entry into force of this Agreement and the names of any members who have signed without reservation in respect of ratification or who have ratified it;
- (b) of the deposit of any instrument of accession in accordance with Article 7.

#### Article 9

1. This Agreement shall remain in force indefinitely.

2. Any Contracting Party may withdraw from the Agreement by giving one year's notice to that effect to the Secretary General of the Council of Europe.

In witness whereof the undersigned, being duly authorised thereto, have signed this Agreement.

Done at Strasbourg, this 28th day of April 1960, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall send certified copies to each of the signatory and acceding governments.

## ADDITIONAL PROTOCOL

### **to the Agreement on the Temporary Importation, Free of Duty, of Medical, Surgical and Laboratory Equipment for Use on Free Loan in Hospitals and Other Medical Institutions for Purposes of Diagnosis or Treatment**

The member States of the Council of Europe, Contracting Parties to the Agreement of 28 April 1960 on the temporary importation, free of duty, of medical, surgical and laboratory equipment for use on free loan in hospitals and other medical institutions for purposes of diagnosis or treatment (hereinafter called "the Agreement"),

Having regard to the provisions of Articles 1 and 2 of the Agreement, according to which such equipment shall, under certain conditions, benefit from a system of temporary importation free of duty;

Considering that so far as the member States of the European Economic Community are concerned, the granting of such an exemption must in particular take account of the existence of the Common Customs Tariff established by these States and that any derogation from the Common Customs Tariff falls within the competence of the European Economic Community, which possesses the necessary powers in this respect by virtue of the treaty which instituted it;

Considering therefore that for the purposes of the implementation of Articles 1 and 2 of the Agreement, it is necessary for the European Economic Community to be able to become a Contracting Party to the Agreement,

Have agreed as follows:

#### Article 1

The European Economic Community may become a Contracting Party to the Agreement by signing it. In respect of the Community, the Agreement shall enter into force on the first day of the month following such signature.

#### Article 2

1. This Additional Protocol shall be open for acceptance by the Contracting Parties to the Agreement. It shall enter into force on the first day of the month following the date on which the last of the Contracting Parties has deposited its instrument of

acceptance with the Secretary General of the Council of Europe.

2. However, this Additional Protocol shall enter into force on the expiration of a period of two years from the date on which it has been opened for acceptance, unless one of the Contracting Parties has notified an objection to the entry into force. If such an objection has been notified, paragraph 1 of this article shall apply.

#### Article 3

From the date of its entry into force, this Additional Protocol shall form an integral part of the Agreement. From that date, no State may become a Contracting Party to the Agreement without at the same time becoming a Contracting Party to the Additional Protocol.

#### Article 4

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any State having acceded to the Agreement and the European Economic Community of any acceptance or objection made under Article 2 and of the date of entry into force of this Additional Protocol in accordance with Article 2.

The Secretary General shall also notify the European Economic Community of any act, notification or communication relating to the Agreement.

Done at Strasbourg, the 29th day of September 1982, in English and in French, and opened for acceptance the 1st day of January 1983. Both texts are equally authentic and shall be deposited in a single copy in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to any State invited to accede to the Agreement and to the European Economic Community.