

ADDITIONAL PROTOCOL¹ TO THE CONVENTION CONCERNING CUSTOMS FACILITIES FOR TOURING,² RELATING TO THE IMPORTATION OF TOURIST PUBLICITY DOCUMENTS AND MATERIAL. DONE AT NEW YORK, ON 4 JUNE 1954

THE CONTRACTING STATES,

At the time of the conclusion of a Convention concerning Customs Formalities for Touring² by the United Nations Conference on Customs Formalities for the Temporary Importation of Private Road Motor Vehicles and for Tourism,

Desiring to facilitate also the circulation of tourist publicity documents and material,

Have agreed on the following additional provisions :

Article 1

For the purpose of this Protocol the term "import duties and import taxes" shall mean not only customs duties but also all duties and taxes whatever chargeable by reason of importation.

¹ In accordance with article 10, the Protocol came into force on 28 June 1956, the ninetieth day following the date of deposit of the fifth instrument of ratification or accession, and subsequently, for each State ratifying or acceding after the date of deposit of the fifth instrument of ratification or accession, on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

Following is the list of ratifications and accessions (a) indicating the dates of deposit and of entry into force of the Protocol :

State	Date of deposit	Date of entry into force	
Belgium (Also applicable to the Territory of Belgian Congo and to the Trust Territory of Ruanda-Urundi)	21 February 1955	28 June	1956
Japan	7 September 1955	28 June	1956
Denmark (a)	13 October 1955	28 June	1956
United Kingdom of Great Britain and Northern Ireland (Subject to the reservation recorded in the Final Act; see p. 204)	27 February 1956	28 June	1956
Austria	30 March 1956	28 June	1956
Switzerland	23 May 1956	21 August	1956
Luxembourg	21 November 1956	19 February	1957
India (a)	15 February 1957	16 May	1957
Egypt	4 April 1957	3 July	1957
Sweden	11 June 1957	9 September	1957
Mexico	13 June 1957	11 September	1957
Israel (a)	1 August 1957	30 October	1957

Extension of the Additional Protocol to the following territories was notified by the United Kingdom of Great Britain and Northern Ireland on 7 August 1957 (to take effect on 5 November 1957) :

North Borneo, Cyprus, Jamaica, Federation of Malaya, Malta, Seychelles, Sierra Leone, Singapore, Somaliland Protectorate, Tonga, Zanzibar.

² See p. 230 of this volume.

Article 2

Each of the Contracting States shall admit free of import duties and import taxes the following articles provided they are imported from another Contracting State and that there is no reason to fear abuse :

(a) Documents (folders, pamphlets, books, magazines, guides, posters framed or unframed, unframed photographs and photographic enlargements, maps whether illustrated or not, printed window transparencies) for free distribution, the chief purpose of which is to encourage the public to visit foreign countries, *inter alia* to attend cultural, touristic, sporting, religious or professional meetings or demonstrations held in such foreign countries, provided these documents do not contain more than 25 per cent private commercial advertising and are obviously designed for general publicity purposes;

(b) Lists and year-books of foreign hotels published or sponsored by official tourist agencies and time-tables of transport services operating abroad, when such documents are for free distribution and do not contain more than 25 per cent private commercial advertising;

(c) Technical material sent to the accredited representatives or correspondents appointed by national official tourist agencies, not intended for distribution, i.e., year-books, telephone directories, lists of hotels, catalogues of fairs, samples of negligible value of handicraft, documentation about museums, universities, spas and similar institutions.

Article 3

Subject to the conditions laid down in article 4, the following material shall be admitted temporarily free of import duties and import taxes, without entering into a bond in respect of those duties and taxes or depositing those duties and taxes, when imported from one of the Contracting States chiefly for the purpose of encouraging the public to visit that State, *inter alia* to attend cultural, touristic, sporting, religious or professional meetings or demonstrations held in that country :

(a) Material intended for display in the offices of the accredited representatives or correspondents appointed by the official national tourist agencies or in other places approved by the Customs authorities of the country of import : pictures and drawings; framed photographs and photographic enlargements; art books; paintings, engravings or lithographs, sculptures and tapestries and other similar works of art;

(b) Display material (show-cases, stands and similar articles), including electrical and mechanical equipment required for operating such display;

(c) Documentary films, records, tape recordings and other sound recordings intended for use in performances at which no charge is made, but excluding those whose subjects lend themselves to commercial advertising and those which are on general sale in the country of importation;

(d) A reasonable number of flags;

(e) Dioramas, scale models, lantern-slides, printing blocks, photographic negatives;

(f) Specimens, in reasonable numbers, of articles of national handicrafts, local costumes and similar articles of folklore.

Article 4

1. The facilities mentioned in article 3 shall be granted on the following conditions :

(a) The material must be despatched either by an official tourist agency or by a national tourist publicity agency affiliated therewith. Proof shall be furnished by presenting to the Customs authorities of the country of import a declaration made out in accordance with the model in the annex¹ to this Protocol by the despatching agency;

(b) The material must be imported for and on the responsibility of either the accredited representative of the official national tourist agency of the country of despatch or of the correspondent appointed by the aforesaid agency and approved by the Customs authorities of the country of import. The responsibility of the accredited representative of the approved correspondent includes in particular the payment of the import duties and taxes, which will be chargeable if the conditions laid down in this Protocol are not fulfilled;

(c) The material imported must be re-exported without alteration by the importing agency. If the material granted temporary free admission is destroyed in accordance with the conditions laid down by the Customs authorities, the importer shall nevertheless be freed from the obligation to re-export.

2. The privilege of temporary free admission shall be granted for a period of at least twelve months.

Article 5

In the event of fraud, contravention or abuse, the Contracting States shall be free to take proceedings for the recovery of the corresponding import duties and import taxes and also for the imposition of any penalties to which the persons who have been granted exemptions or other facilities may have rendered themselves liable.

¹ See p. 282 of this volume.

Article 6

Any breach of the provisions of this Protocol, any substitution, false declaration or act having the effect of causing a person or an article improperly to benefit from the system of importation laid down in this Protocol may render the offender liable to the penalties prescribed by the laws of the country in which the offence was committed.

Article 7

1. The Contracting States undertake not to impose prohibitions of an economic character with respect to the material referred to in the present Protocol and to withdraw progressively such prohibitions of that kind as may still be in force.

2. The provisions of the present Protocol, however, shall not prejudice the application of the laws and regulations relating to the importation of certain articles when such laws and regulations impose prohibitions which are based on considerations of public morality, public security, public health or hygiene.

Article 8

1. This Protocol shall be open for signature until 31 December 1954 on behalf of any State Member of the United Nations and any other State invited to attend the United Nations Conference on Customs Formalities for the Temporary Importation of Private Road Motor Vehicles and for Tourism held in New York in May and June 1954, hereinafter referred to as the Conference.

2. This Protocol shall be subject to ratification and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 9

1. From 1 January 1955 this Protocol shall be open for accession by any State referred to in paragraph 1 of article 8 and any other State so invited by the Economic and Social Council of the United Nations. It shall also be open for accession on behalf of any Trust Territory of which the United Nations is the Administering Authority.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 10

1. This Protocol shall enter into force on the ninetieth day following the date of the deposit of the fifth instrument of ratification or accession either without reservation or with reservations accepted in accordance with article 14.

2. For each State ratifying or acceding to the Protocol after the date of the deposit of the fifth instrument of ratification or accession in accordance with the preceding paragraph, the Protocol shall enter into force on the ninetieth day following the date of the deposit by such State of its instrument of ratification or accession either without reservation or with reservations accepted in accordance with article 14.

Article 11

1. After this Protocol has been in force for three years, any Contracting State may denounce it by so notifying the Secretary-General of the United Nations.

2. Denunciation shall take effect fifteen months after the date of receipt by the Secretary-General of the United Nations of the notification of denunciation.

Article 12

This Protocol shall cease to have effect if, for any period of twelve consecutive months after its entry into force, the number of Contracting States is less than two.

Article 13

1. Any State may, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Protocol shall extend to all or any of the territories for the international relations of which it is responsible. The Protocol shall extend to the territories named in the notification as from the ninetieth day after its receipt by the Secretary-General if the notification is not accompanied by a reservation, or from the ninetieth day after the notification has taken effect in accordance with article 14, or on the date on which the Protocol enters into force for the State concerned, whichever is the later.

2. Any State which has made a declaration under the preceding paragraph, extending this Protocol to any territory for whose international relations it is responsible, may denounce the Protocol separately in respect of that territory in accordance with the provisions of article 11.

Article 14

1. Reservations to this Protocol made before the signing of the Final Act¹ shall be admissible if they have been accepted by a majority of the members of the Conference and recorded in the Final Act.

2. Reservations made after the signing of the Final Act shall not be admitted if objection is expressed by one-third of the signatory States or of the Contracting States as hereinafter provided.

3. The text of any reservation submitted to the Secretary-General of the United Nations by a State at the time of the signature, the deposit of an instrument of ratification or accession or of any notification under article 13 shall be circulated by the Secretary-General to all States which have at that time signed, ratified or acceded to the Protocol. If one-third of these States expresses an objection within ninety days from the date of circulation, the reservation shall not be accepted. The Secretary-General shall notify all States referred to in this paragraph of any objection received by him as well as of the acceptance or rejection of the reservation.

4. An objection by a State which has signed but not ratified the Protocol shall cease to have effect if, within a period of nine months from the date of making its objection, the objecting State has not ratified the Protocol. If, as the result of an objection ceasing to have effect, a reservation is accepted by application of the preceding paragraph, the Secretary-General shall so inform the States referred to in that paragraph. The text of any reservation shall not be circulated to any signatory State under the preceding paragraph if that State has not ratified the Protocol within three years following the date of signature on its behalf.

5. The State submitting the reservation may, within a period of twelve months from the date of the notification by the Secretary-General referred to in paragraph 3 that a reservation has been rejected in accordance with the procedure provided for in that paragraph, withdraw the reservation, in which case the instrument of ratification or accession or the notification under article 13 as the case may be shall take effect with respect to such State as from the date of withdrawal. Pending such withdrawal, the instrument or the notification, as the case may be, shall not have effect, unless, by application of the provisions of paragraph 4, the reservation is subsequently accepted.

6. Reservations accepted in accordance with this article may be withdrawn at any time by notification to the Secretary-General.

7. No Contracting State shall be required to extend to a State making a reservation the benefit of the provisions to which such reservation applies. Any State availing itself of this right shall notify the Secretary-General accordingly and the latter shall communicate this decision to all signatory and Contracting States.

¹ See p. 192 of this volume.

Article 15

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Protocol shall so far as possible be settled by negotiation between them.

2. Any dispute which is not settled by negotiation shall be submitted to arbitration if any one of the Contracting States in dispute so requests and shall be referred accordingly to one or more arbitrators selected by agreement between the States in dispute. If within three months from the date of the request for arbitration the States in dispute are unable to agree on the selection of an arbitrator or arbitrators any of those States may request the President of the International Court of Justice to nominate a single arbitrator to whom the dispute shall be referred for decision.

3. The decision of the arbitrator or arbitrators appointed under the preceding paragraph shall be binding on the Contracting States concerned.

Article 16

1. After this Protocol has been in force for three years, any Contracting State may, by notification to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing the Protocol. The Secretary-General shall notify all Contracting States of the request and a review conference shall be convened by the Secretary-General if, within a period of four months following the date of notification by the Secretary-General, not less than one-half of the Contracting States notify him of their concurrence with the request.

2. If a conference is convened in accordance with the preceding paragraph, the Secretary-General shall notify all Contracting States and invite them to submit within a period of three months such proposals as they may wish the conference to consider. The Secretary-General shall circulate to all Contracting States the provisional agenda for the conference together with the texts of such proposals at least three months before the date on which the conference is to meet.

3. The Secretary-General shall invite to any conference convened in accordance with this article all Contracting States and all other States Members of the United Nations or of any of the specialized agencies.

Article 17

1. Any Contracting State may propose one or more amendments to this Protocol. The text of any proposed amendment shall be transmitted to the Secretary-General of the United Nations who shall circulate it to all Contracting States.

2. Any proposed amendment circulated in accordance with the preceding paragraph shall be deemed to be accepted if no Contracting State expresses an objection within a period of six months following the date of circulation of the proposed amendment by the Secretary-General.

3. The Secretary-General shall notify as soon as possible all Contracting States whether an objection to the proposed amendment has been expressed, and if no such objection has been expressed, the amendment shall enter into force for all Contracting States three months after the expiration of the period of six months referred to in the preceding paragraph.

Article 18

The Secretary-General of the United Nations shall notify all Member States of the United Nations and all other States invited to attend the Conference of the following :

- (a) Signatures, ratifications and accessions, received in accordance with articles 8 and 9;
- (b) The date upon which this Protocol shall enter into force in accordance with article 10;
- (c) Denunciations received in accordance with article 11;
- (d) The abrogation of this Protocol in accordance with article 12;
- (e) Notifications received under article 13;
- (f) Entry into force of any amendment in accordance with article 17.

Article 19

The original of this Protocol shall be deposited with the Secretary-General of the United Nations who shall transmit certified copies thereof to all Members of the United Nations and all other States invited to the Conference.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Protocol.

DONE at New York, this fourth day of June one thousand nine hundred and fifty-four, in a single copy in the English, French and Spanish languages, each text being equally authentic.

The Secretary-General is requested to prepare an authoritative translation of this Protocol in the Chinese and Russian languages and to add the Chinese and Russian texts to the English, French and Spanish texts when transmitting certified copies thereof to the States in accordance with article 19 of this Protocol.

ANNEX

MODEL DECLARATION

(To be made out in the language of the exporting country with a translation into English or French)

DECLARATION

for the TEMPORARY FREE ADMISSION of tourist publicity material, without entering into a bond in respect of import duties and import taxes or depositing such duties or taxes

The (name of organization) is forwarding herewith the following tourist publicity material, addressed to its accredited representative (or the approved correspondent) whose name appears below, for temporary importation, on condition that it shall be re-exported within a period of twelve months and that it will be used solely for the purpose of inducing tourists to visit the country exporting the material.

The (name of organization) undertakes not to dispose of, either gratis or against payment, the articles temporarily imported without the consent of the Customs Administration of the country importing the material and without having first complied with any formalities required by that Administration.

This material is imported temporarily on the responsibility and against the guarantee of the accredited representative or the approved correspondent whose name appears below.

(a) List of the material :

.....
.....
.....
.....

(b) Name and address of the accredited representative or correspondent to whom the material is consigned :

.....
.....

[Date, signature and stamp of the official national tourist agency of the country of despatch]

For Afghanistan :
Pour l'Afghanistan :
Por el Afganistán :

For Albania :
Pour l'Albanie :
Por Albania :

For Argentina :
Pour l'Argentine :
Por la Argentina :

Ad Referendum
Luis J. ESTEVARENA

For Australia :
Pour l'Australie :
Por Australia :

For Austria :
Pour l'Autriche :
Por Austria :

Dr. J. STANGELBERGER

For the Kingdom of Belgium :
Pour le Royaume de Belgique :
Por el Reino de Bélgica :

Sous réserve de ratification¹
Ch. HOPCHET

For Bolivia :
Pour la Bolivie :
Por Bolivia :

¹Subject to ratification.

For Brazil :
Pour le Brésil :
Por el Brasil :

For Bulgaria :
Pour la Bulgarie :
Por Bulgaria :

For the Union of Burma :
Pour l'Union birmane :
Por la Unión Birmana :

For the Byelorussian Soviet Socialist Republic :
Pour la République Socialiste Soviétique de Biélorussie :
Por la República Socialista Soviética de Bielorrusia :

For Cambodia :
Pour le Cambodge :
Por Camboja :

IEM KADUL

For Canada :
Pour le Canada :
Por el Canadá :

For Ceylon :
Pour Ceylan :
Por Ceilán :

For Chile :
Pour le Chili :
Por Chile :

For China :
Pour la Chine :
Por la China :

For Colombia :
Pour la Colombie :
Por Colombia :

For Costa Rica :
Pour le Costa-Rica :
Por Costa Rica :

ad-referendum
J. F. CARBALLO
July 20th, 1954

For Cuba :
Pour Cuba :
Por Cuba :

José Miguel RIBAS
O. NODARSE Oct. 12/54

For Czechoslovakia :
Pour la Tchécoslovaquie :
Por Checoslovaquia :

For Denmark :
Pour le Danemark :
Por Dinamarca :

For the Dominican Republic :
Pour la République Dominicaine :
Por la República Dominicana :

For Ecuador :
Pour l'Équateur :
Por el Ecuador :

B. OQUENDO

For Egypt :
Pour l'Égypte :
Por Egipto :

Rachad MOURAD

For El Salvador :
Pour le Salvador :
Por el Salvador :

For Ethiopia :
Pour l'Éthiopie :
Por Etiopía :

For Finland :
Pour la Finlande :
Por Finlandia :

For France :
Pour la France :
Por Francia :

Philippe DE SEYNES

For the Federal Republic of Germany :
Pour la République fédérale d'Allemagne :
Por la República Federal Alemana :

Richard PAULIG
Walter WAGNER

For Greece :
Pour la Grèce :
Por Grecia :

For Guatemala :
Pour le Guatemala :
Por Guatemala :

For Haiti :
Pour Haïti :
Por Haití :

Ernest G. CHAUVET

For Honduras :
Pour le Honduras :
Por Honduras :

Tiburcio CARÍAS Jr.
June 15, 1954

For Hungary
Pour la Hongrie :
Por Hungría :

For Iceland :
Pour l'Islande :
Por Islandia :

For India :
Pour l'Inde :
Por la India :

For Indonesia :
Pour l'Indonésie :
Por Indonesia :

For Iran :
Pour l'Iran :
Por Irán :

For Iraq :
Pour l'Irak :
Por Irak :

For Ireland :
Pour l'Irlande :
Por Irlanda :

For Israel :
Pour Israël :
Por Israel :

For Italy :
Pour l'Italie :
Por Italia :

Ugo CALDERONI

For Japan :
Pour le Japon ;
Por el Japón :

Renzo SAWADA
December 2nd, 1954

For the Hashemite Kingdom of the Jordan :
Pour le Royaume hachémite de Jordanie :
Por el Reino Hachemita de Jordania :

For the Republic of Korea :
Pour la République de Corée :
Por la República de Corea :

For Laos :
Pour le Laos :
Por Laos :

For Lebanon :
Pour le Liban :
Por el Líbano :

For Liberia :
Pour le Libéria :
Por Liberia :

For Libya :
Pour la Libye :
Por Libia :

For the Grand Duchy of Luxembourg :
Pour le Grand-Duché de Luxembourg :
Por el Gran Ducado de Luxemburgo :

Sous réserve de ratification¹

J. KREMER

6.12.54

For Mexico :
Pour le Mexique :
Por México :

José A. BUFORT

For Monaco :
Pour Monaco :
Por Mónaco :

Marcel A. PALMARO

For Nepal :
Pour le Népal :
Por Nepal :

For the Kingdom of the Netherlands :
Pour le Royaume des Pays-Bas.
Por el Reino de los Países Bajos :

PAYMANS

¹ Subject to ratification.

For New Zealand :
Pour la Nouvelle-Zélande :
Por Nueva Zelandia :

For Nicaragua :
Pour le Nicaragua :
Por Nicaragua :

For the Kingdom of Norway :
Pour le Royaume de Norvège :
Por el Reino de Noruega :

For Pakistan :
Pour le Pakistan :
Por el Pakistán :

For Panama :
Pour le Panama :
Por Panamá :

Ad referendum
Ernesto DE LA OSSA

For Paraguay :
Pour le Paraguay :
Por el Paraguay :

For Peru :
Pour le Pérou :
Por el Perú :

For the Philippine Republic :
Pour la République des Philippines :
Por la República de Filipinas :

Mauro MÉNDEZ

For Poland :
Pour la Pologne :
Por Polonia :

For Portugal :
Pour le Portugal :
Por Portugal :

For Romania :
Pour la Roumanie :
Por Rumania :

For San Marino :
Pour Saint-Marin :
Por San Marino :

For Saudi Arabia :
Pour l'Arabie Saoudite :
Por Arabia Saudita :

For Spain :
Pour l'Espagne :
Por España :

For Sweden :
Pour la Suède :
Por Suecia :

G. DE SYDOW
A. APPELTOFFT

For Switzerland :
Pour la Suisse :
Por Suiza :

Fr. LÜTHI

For Syria :
Pour la Syrie :
Por Siria :

For Thailand :
Pour la Thaïlande :
Por Tailandia :

For Turkey :
Pour la Turquie :
Por Turquía :

For the Ukrainian Soviet Socialist Republic :
Pour la République Socialiste Soviétique d'Ukraine :
Por la República Socialista Soviética de Ucrania :

For the Union of South Africa :
Pour l'Union Sud-Africaine :
Por la Unión Sudafricana :

For the Union of Soviet Socialist Republics :
Pour l'Union des Républiques Socialistes Soviétiques :
Por la Unión de Repúblicas Socialistas Soviéticas :

For the United Kingdom of Great Britain and Northern Ireland :
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
Por el Reino Unido de la Gran Bretaña e Irlanda del Norte :

Subject to the reservation recorded in the Final Act :¹
Charles Henry BLAKE

For the United States of America :
Pour les États-Unis d'Amérique :
Por los Estados Unidos de América :

¹ Avec la réserve consignée dans l'Acte final.

For Uruguay :
Pour l'Uruguay :
Por el Uruguay :

Ad Referendum
E. RODRÍGUEZ FABREGAT

For Vatican City :
Pour la Cité du Vatican :
Por la Ciudad del Vaticano :

Monseigneur Thomas J. McMAHON

For Venezuela :
Pour le Venezuela :
Por Venezuela :

For Viet-Nam :
Pour le Viet-Nam :
Por Vietnam :

For Yemen :
Pour le Yémen :
Por el Yemen :

For Yugoslavia :
Pour la Yougoslavie :
Por Yugooslavia :