

**ADDITIONAL PROTOCOL TO THE CONVENTION CONCERNING CUSTOMS FACILITIES
FOR TOURING, RELATING TO THE IMPORTATION OF TOURIST PUBLICITY
DOCUMENTS AND MATERIAL**

(New York, 4 June 1954)

ENTRY INTO FORCE: 28 JUNE 1956

Depositary : Secretary-General of United Nations

THE CONTRACTING STATES,

AT THE TIME OF THE CONCLUSION of a Convention concerning Customs Facilities for Touring 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.

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, ie, 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 Annex 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.

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 Act 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.

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.

[Signatures not reproduced here.]

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]