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UNITED NATIONS CONFERENCE ON ROAD AND MOTOR TRANSPORT  
COMMITTEE I ON LEGAL AND GENERAL MATTERS AND DOCUMENTS

SUMMARY RECORD OF THE FOURTH MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 26 August 1949, at 10 a.m.

CHAIRMAN: Mr. MIKAOUI (Lebanon)

ACTING SECRETARY: Mr. KOPELMANAS

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CONSIDERATION OF DRAFT PROVISIONS FOR INSERTION IN A CONVENTION ON ROAD AND MOTOR TRANSPORT PREPARED BY THE ECONOMIC COMMISSION FOR EUROPE (Item 4 of the Conference Agenda) (Documents E/CONF.8/3, E/CONF.8/10, E/CONF.8/26, E/CONF.8/30) (Continued)

Article 3.

Mr. PERLOWSKI (AIT/FIA) said that his Organization had submitted an amendment to sub-paragraph (b) of paragraph 1 of Article 3 (Document E/CONF.8/10, page 4) in order to make it conform more closely to the corresponding Article in the 1943 Inter-American Convention and to ensure that governments should avoid discrimination not only against nationals, goods or road vehicles of any other Contracting State, but also against one particular form of transport. For example, it should not be possible for Contracting States to take measures relating to customs, police, health or other requirements which would favour rail traffic at the expense of road traffic.

Mr. BUZZI-QUATRINI (Austria) supported the representative of the AIT/FIA.

Mr. ASHFORD (United Kingdom), while appreciating the arguments adduced by the representative of the AIT/FIA, considered that the latter's amendment might prejudice the application of certain customs, police, health and other measures, which, while they in no way discriminated against one particular form of transport, were perfectly justifiable owing to the different circumstances in which the various forms of transport were operated. He therefore favoured the retention of the original text.

Mr. van der POEL (Netherlands) supported the United Kingdom representative.

Mr. AZKUL (Lebanon), while in favour of an Article which would prevent discrimination against nationals, goods or road vehicles of any other Contracting State, thought a clause should be inserted, either in Article 3 or at some other appropriate place in the body of the convention, recognising the right of each State to take emergency measures in connection with road traffic in the interests of the maintenance of its national security.

/Mr. HORAN

Mr. HORAN (United States of America) drew attention to the amendment which his delegation had submitted to Article 3 (Document E/CONF.8/26, page 3), the aim of which was to ensure that accession to the convention would not affect existing agreements between neighbouring states concluded to facilitate international traffic. The text of the amendment had been taken verbatim from the Charter of the International Trade Organization.

Mr. GOTTRET (Switzerland) drew the attention of the Lebanese representative to the Barcelona Convention and Statute on Freedom of Transit of 1921, which contained the kind of provision which he (the Lebanese representative) had suggested. As that Convention was still in force and had been signed by a number of States represented at the Conference it might seem unnecessary to repeat a clause relating to national security in the present convention.

Mr. AZKOUL (Lebanon) replied that the fact that such a clause already appeared in the Barcelona Convention should in no way preclude its insertion in the new convention, since the latter would be signed by a great number of States.

The CHAIRMAN pointed out that the United Kingdom amendment to Article 31 (Document E/CONF.8/25, page 8) contained a clause similar to that suggested by the Lebanese representative. Could the latter therefore agree to raise his point during the discussion of that article?

Mr. AZKOUL (Lebanon) agreed.

Mr. ASHFORD (United Kingdom) supported the United States amendment to Article 3.

Mr. SCHAEPMAN (Netherlands) proposed that consideration of the United States amendment be deferred until the whole convention had been discussed, when it might be seen whether it could be inserted as a general clause.

This was agreed.

Mr. BANERJI (India) raised the question whether the personal effects of road users were covered by sub-paragraph (b) of paragraph 1. The right should be reserved to each State to stipulate what portion of a

traveller's personal effects were liable to customs duty, and one of the relevant factors might be the length of the journey he had undertaken to reach the frontier.

Mr. van der POEL (Netherlands) thought it unnecessary for such details to be embodied in the convention. They would in any case be found in the customs regulations of all the Contracting States.

After some discussion, Mr. HORAN (United States of America) pointed out that the Indian representative's difficulty might be met by the United States amendment to Article 1 (Document E/CONF.8/26, page 2).

Mr. BANERJI (India) said he was prepared to await the results of the discussion of the United States amendment before pressing his point, and, in reply to the Netherlands representative, made it clear that, in his opinion, while details of customs practice should not normally be included in the convention, countries had the right to declare which provisions they would, for perfectly valid reasons, be unable to carry out, if they were interpreted in a particular manner hereafter. In the presence of such a declaration, they could not subsequently be accused of bad faith.

Mr. PERLOWSKI (AIT/FIA) would naturally have preferred his amendment to be included in the convention, but had appreciated the United Kingdom representative's argument that circumstances did not always warrant identical measures with regard to customs formalities and similar matters being made applicable to all forms of transport. However, any differences in such measures which were not prompted by an attempt to discriminate against one form of transport would not have fallen within the scope of the AIT/FIA amendment. Nevertheless, he would not press that point, as he understood that it was not the intention of the Governments represented at the Conference to impose special customs, health, police, or civil measures for the purpose of discriminating against road transport.

Mr. BUZZI-QUATRINI (Austria) associated himself with the remarks of the AIT/FIA representative.

The Committee expressed unanimous approval of the original draft of paragraph 1 of Article 3, subject to its eventual modification in the light of further discussion of the United States amendment thereto.

Mr. PANTELIĆ (Yugoslavia) said his delegation had submitted an amendment (Document E/CONF.8/30, page 2) to sub-paragraph (b) of paragraph 2 in order to ease the position of countries in which there were no private associations for issuing customs passes.

After some discussion, it emerged that the general feeling of the Committee was that the word "organization" in the original text of sub-paragraph (b) of paragraph 2 of Article 3 covered both private and official or semi-official bodies, and that the Yugoslav amendment was therefore unnecessary.

Mr. PANTELIĆ (Yugoslavia) withdrew his amendment.

Mr. BANERJI (India) thought that the words "to which the vehicle is proceeding", in sub-paragraph (b) of paragraph 2, called for some clarification. What would be the position of a vehicle which, for example, began its journey in the United Kingdom and returned to that country after making a tour of the Continent?

Mr. ASHFORD (United Kingdom) replied that the organization of each country through which the vehicle passed would be responsible for the payment of any outstanding customs duties in that country. However, each of those organizations would be further covered by a guarantee from the vehicle's country of origin.

Mr. BANERJI (India) had no doubt that the explanation supplied by the United Kingdom representative was correct, but thought the drafting of the clause in question should be improved.

Mr. AZKOUL (Lebanon) thought the drafting difficulty to which attention had been drawn by the Indian representative had more probably arisen from the use of the word "proceeding". It might be better to say "of the country which the vehicle enters" in place of the words "of the country to which the vehicle is proceeding".

Mr. FORTHOUME (Belgium) proposed the following revised wording for sub-paragraph (b) of paragraph 2: "The Contracting States consider as a guarantee conforming to the requirements of this Article the guarantee of an organization of the country to which the vehicle is proceeding etc. ...."

Secondly, some clarification of sub-paragraph (a) was necessary since, according to the French text, it was the import taxes on any motor vehicle which were due and payable within the country in which such charges might be incurred, whereas the English text might be interpreted as meaning that it was the general bond which was due and payable.

The meeting rose at 12.30 p.m.

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