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CUSTOMS FORMALITIES FOR THE TEMPORARY IMPORTATION  
OF PRIVATE VEHICLES AND FOR TOURISM

Note by the Secretary-General

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION . . . . .	3
II. SUMMARY OF COMMENTS BY GOVERNMENTS . . . . .	6
A. General . . . . .	6
B. Draft Customs Convention on the Temporary Importation of Private Vehicles . . . . .	8
C. Draft Customs Convention on Tourism . . . . .	11
D. Tourist Cards . . . . .	15
III. CONCLUSION . . . . .	15
ANNEXES	
1. SECRETARY-GENERAL'S NOTE OF 15 FEBRUARY 1952 . . . . .	17
2. SECRETARY-GENERAL'S NOTE OF 25 FEBRUARY 1952 . . . . .	20
3. VIEWS OF GOVERNMENTS COMMUNICATED IN REPLY TO SECRETARY- GENERAL'S NOTES OF 15 AND 25 FEBRUARY 1952 CONCERNING THE DESIRABILITY OF CONSIDERING THE CONCLUSION ON A WORLD-WIDE BASIS OF CONVENTIONS RELATING TO CUSTOMS FORMALITIES, (1) FOR THE TEMPORARY IMPORTATION OF PRIVATE VEHICLES AND (2) FOR TOURISM . . . . .	22

4.	VIEWS OF GOVERNMENTS COMMUNICATED IN REPLY TO SECRETARY-GENERAL'S NOTES OF 15 AND 25 FEBRUARY 1952 CONCERNING THE SUITABILITY OF THE ECE DRAFT INTERNATIONAL CUSTOMS CONVENTION ON TOURING, TOGETHER WITH THE OTA/IUOTO PROPOSALS, AS A BASIS OF DISCUSSION. . . . .	27
5.	CONVENTION RELATING TO CUSTOMS FORMALITIES FOR THE TEMPORARY IMPORTATION OF PRIVATE VEHICLES: TEXTS OF (1) RELEVANT PROVISIONS OF ECE DRAFT CONVENTION, (2) COMMENTS ON THESE PROVISIONS COMMUNICATED BY GOVERNMENTS IN REPLY TO THE SECRETARY-GENERAL'S NOTE OF 15 FEBRUARY 1952 AND (3) DRAFT PROVISIONS SUBMITTED BY OTA . . . . .	34
6.	CONVENTION RELATING TO CUSTOMS FORMALITIES FOR TOURISM: TEXTS OF (1) RELEVANT PROVISIONS OF ECE DRAFT CONVENTION, (2) DRAFT PROVISIONS PROPOSED BY THE OTA/IUOTO, (3) UNITED KINGDOM DRAFT FOR A WORLD-WIDE CONVENTION ON TOURISM AND (4) COMMENTS ON THESE TEXTS COMMUNICATED BY GOVERNMENTS IN REPLY TO THE SECRETARY-GENERAL'S NOTES OF 15 AND 25 FEBRUARY 1952 . . . . .	103
7.	MEMORANDUM IN REGARD TO A "TOURIST CARD" RELATING TO THE EQUIPMENT AND EFFECTS OF A TRAVELLER, PREPARED JOINTLY BY THE OTA AND THE IUOTO, AND COMMENTS ON THIS MEMORANDUM COMMUNICATED BY GOVERNMENTS IN REPLY TO THE SECRETARY-GENERAL'S NOTE OF 15 FEBRUARY 1952 . . . . .	124
8.	MEMORANDUM ON THE PROVISIONS TO BE INSERTED IN A WORLD CUSTOMS CONVENTION GOVERNING THE TEMPORARY IMPORTATION OF VEHICLES, SUBMITTED BY THE WORLD TOURING AND AUTOMOBILE ORGANIZATION (OTA) . . . . .	129

## I. INTRODUCTION

The Transport and Communications Commission at its fifth session, held from 19 to 28 March 1951, considered the question of customs formalities for international road transport and touring on the basis of a note prepared by the Secretary-General (E/CN.2/114). In this note the Secretary-General reviewed the situation with respect to the Draft International Customs Conventions on Touring, on Commercial Road Vehicles, and on the Transport of Goods by Road which had been prepared under the auspices of the Economic Commission for Europe (ECE). Since 1 January 1950 the three Draft Conventions had been applied by a number of European Governments under a Provisional Agreement concluded on 16 June 1949. The Provisional Agreement foresees the possible conclusion of world-wide conventions and provides that upon their entry into force "any Government party to one or more of these Conventions shall automatically be regarded as having denounced the present Agreement with respect to the Draft Customs Conventions to which that Government becomes a party." An additional Protocol opened the Provisional Agreement, in the event that the conclusion of world-wide conventions were delayed, to accession by all States invited to the United Nations Conference on Road and Motor Transport. However, no non-European Governments had acceded to the Provisional Agreement.<sup>1/</sup>

The Secretary-General drew attention in his note to the proposals which had been communicated to him jointly by the World Touring and Automobile Organization (OTA) (formerly General Committee of the AIT/FIA) and the International Union of Official Travel Organizations (IUOTO) for concluding a world-wide customs convention on international touring on the basis of the ECE Draft International Customs Convention on Touring. Draft provisions, amending the ECE Draft Convention, and a proposal for a tourist card containing information concerning the equipment and personal effects of tourists had been included in the communication from the two organizations.

The Commission, after examining the various aspects of the problem, in resolution 6 expressed the opinion that (1) the problem of customs formalities for commercial road vehicles and for the transport of goods by road should be dealt with on a regional basis, (2) the problem of customs formalities for the temporary

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<sup>1/</sup> This is still true at the time of writing.

importation of private motor vehicles and their equipment and for the personal effects of tourists travelling by any means of transport are problems of a world-wide scope. The Commission in its resolution recommended that the Economic and Social Council request the Secretary-General to seek the views of governments with regard to the desirability of concluding world-wide customs conventions on the temporary importation of private vehicles, and on tourism, and the suitability of the ECE draft and the proposals of the OTA/IUOTO as a basis of discussion.

The Economic and Social Council at its thirteenth session considered the recommendation of the Transport and Communications Commission. A proposal by the United Kingdom Delegation, that the scope of the convention on the temporary importation of private vehicles be extended to include commercial vehicles did not meet with support and was withdrawn.<sup>1/</sup> The Council on 11 August 1951 adopted, on the recommendation of the Transport and Communications Commission, the following resolution (379 D (XIII)):

"The Economic and Social Council

Instructs the Secretary-General:

- (a) To circulate to the governments which were invited to the United Nations Conference on Road and Motor Transport, held in Geneva in September 1949, the Draft International Customs Convention on Touring prepared under the auspices of the Economic Commission for Europe (ECE), together with the proposals submitted jointly by the World Touring and Automobile Organization and the International Union of Official Travel Organizations;
- (b) To request the views of the governments concerning:
  - (i) The desirability of considering the conclusion on a world-wide basis of two conventions relating to customs formalities:
    - (1) For the temporary importation of private vehicles and their equipment;
    - (2) For tourism (i.e. the personal effects of tourists travelling by any means of transport);
  - (ii) The suitability of the ECE Draft International Customs Convention on Touring, together with the proposals of the World Touring and Automobile Organization and the International Union of Official Travel Organizations, as a basis of discussion for concluding such conventions; and

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<sup>1/</sup> E/AC.6/SR.119.

(iii) Any modifications which they might consider desirable in order to increase the suitability of the Draft International Customs Convention on Touring and of the proposals of the World Touring and Automobile Organization and the International Union of Official Travel Organizations as a basis of such discussion; and

(c) To report to the sixth session of the Transport and Communications Commission."

In implementation of this resolution, the Secretary on 15 February 1952 addressed a note (see Annex 1) to the governments which were invited to attend the United Nations Conference on Road and Motor Transport, held in 1949 at Geneva, enclosing the documents referred to in Resolution 379 D (XIII) and requesting the governments to inform him concerning their views on the points mentioned in the resolution. For their convenience the provisions of the ECE Convention were divided into two texts, one consisting of the provisions relevant to a convention on the temporary importation of vehicles, the other of those relevant to a convention on tourism, covering the personal effects of tourists.

The Secretary-General furthermore on 25 February 1952 addressed a note (see Annex 2) transmitting to the same governments a draft "World-Wide Convention on Tourism" proposed by the Government of the United Kingdom for consideration in connexion with the ECE draft and the proposals jointly submitted by the OTA and the IUOTO.

The Secretary-General, up to 1 November 1952, had received the views of the following seventeen governments: Denmark, Ecuador, Egypt, Ethiopia, France, Guatemala, Lebanon, Mexico, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom, United States of America, Yugoslavia, Austria, Switzerland.<sup>1/</sup>

The comments of the governments are summarized in Part II of this paper and suggestions for future action are made in Part III. The texts of the drafts commented upon and of the comments of the governments have been set out in Annexes 3 to 7.

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<sup>1/</sup> The Government of Luxembourg has informed the Secretary-General that in view of the existing customs union the Governments of Belgium, Luxembourg, and the Netherlands have agreed to reply jointly. The Government of Luxembourg will therefore endorse the views submitted by the Governments of Belgium and the Netherlands. These views have not yet been received by the Secretary-General.

The Secretary-General has also received a draft of a customs convention on the temporary importation of vehicles prepared by the OTA, together with an accompanying memorandum. In view of the interest of this organization, which represents several associations assuming financial responsibility under the provisions of the various drafts, the text of this memorandum has been reproduced as Annex 8 and those provisions of the OTA's Draft Convention which differ from the corresponding provisions of the ECE draft have been reproduced in footnotes to Annex 5.

## II. SUMMARY OF COMMENTS BY GOVERNMENTS

### A. General

All governments which commented, except two, indicated interest in the conclusion of an international instrument or instruments on these matters. Most of the replies favoured the conclusion of two separate conventions, one for the temporary importation of private vehicles, the other for the personal effects of tourists. The various governments indicated in their replies that one or more of the circulated drafts were suitable as a basis of discussion for concluding such conventions.

With regard to the convention on the temporary importation of vehicles most replies indicated that the ECE draft - the only text which was originally circulated - would be a suitable basis for discussion. The United Kingdom has, however, submitted, with its comments, a revised draft which differs in substance from the ECE draft on only a few points, although rearrangement of provisions and a number of drafting changes are proposed. New Zealand meanwhile does not consider the ECE draft a satisfactory basis of discussion, favouring a draft which would permit countries without land frontiers to use a simplified triptych system.

In the case of the convention on tourism, three different texts were circulated to governments, the ECE draft, the draft proposed by the OTA and IUOTO, and subsequently the United Kingdom draft. Some replies favour the use of one of these drafts as a basis of discussion. Thus two governments favour the use of the ECE draft, one favours the use of the United Kingdom draft, while another comments only on the United Kingdom draft. Other governments indicated a preference for using more than one of the drafts as a basis of discussion, seven favouring consideration of the ECE draft and of the OTA/IUOTO proposal jointly, and three favouring the use of all three of the drafts as a basis of discussion.

As indicated above two governments in their replies expressed somewhat different views from the others on the general question of concluding conventions on these matters. The Government of Mexico expressed the view that there is no need for the conclusion of a convention, as the existing arrangements in Mexico provide the necessary facilities for tourists. The Government of the Union of South Africa states that it could not become a party to the proposed conventions. It considers that the draft convention on the temporary importation of private vehicles conflicts with its existing customs law and practice. With regard to the draft convention on tourism, it considers the principle of extending the "triplique" or "carnet" system to tourists' effects too rigid.

Of the seventeen governments which expressed their views concerning the desirability of concluding two conventions and the suitability of the circulated drafts as a basis of discussion, eleven governments commented also on some of the specific provisions of the three drafts for a customs convention on tourism circulated by the Secretary-General, and four governments expressed their views with regard to some or all provisions of the ECE draft convention for the temporary importation of vehicles. In both cases most comments contain proposals for amending the texts, either with regard to substance or with regard to redrafting or rearranging the text, while some comments explain existing national laws and practices.

As a rule each government commented on only some of the provisions and did not state its explicit views on the others. Furthermore the views expressed by the various governments differ considerably.

In view of the preferences expressed for various drafts and divergent provisions it was not feasible for the Secretariat to prepare on the basis of the government's replies a consolidated text of each convention as was suggested in the reply from one government.

The questions of substance on which different views were expressed either in the drafts or in the comments submitted by governments or by the OTA are discussed in the immediately following sections of this paper.

B. Draft Customs Convention on the Temporary Importation of Private Vehicles

The following discussion refers to provisions of the ECE Draft Convention and the comments thereon which have been received from governments and from the OTA. The texts of the ECE Draft and the comments on it are set out in Annex 5. As indicated above the comments of the United Kingdom Government were in the form of a revised draft accompanied by some further explanatory remarks. The same is true of the OTA's comments.

Art. 1  
Scope of Convention

Article 1 raises the question of the scope of the Convention. The ECE draft deals with all vehicles, including aircraft and pleasure boats and vessels which are used for private purposes. The United States proposes limiting the scope of the convention to road vehicles, excluding vessels and aircraft. Yugoslavia suggests including also commercial motor buses and touring cars, while the OTA favours the inclusion of all commercial vehicles. The United Kingdom draft recommends extending the concept of vehicle as defined in the ECE draft to include component parts, accessories, and equipment.

Art. 2  
Conditions for  
Free Importation

In Article 2 the conditions are laid down for duty-free importation. The United Kingdom draft provides specifically that, if the person who imports and utilizes the vehicle does not own the vehicle, both the owner and the user should be non-residents. The ECE draft does not require in that case that the owner be a non-resident.

The OTA proposes deleting the liability of guaranteeing organizations for customs penalties as contrary to the principle that penal responsibility cannot be shared.

Art. 6  
Carnets on white  
paper.  
Special declaration  
by holder at the  
time of importation

The United Kingdom favors a formal provision that "carnets de passages en douane" for private vehicles be printed on white paper in order to avoid confusion with carnets which may be issued under a convention on commercial road vehicles.

With reference to paragraph 3 of Article 6 relative to temporary importation papers valid only for the territory of a single Contracting State, the United Kingdom proposes that



if documents other than the standard importation papers are used the holder should, at importation, sign a declaration confirming the veracity of the documents used and pledging compliance with certain conditions and requirements. (See also remarks below on Annexes 1 and 3 of ECE draft.)

Art. 10  
Facilities for  
guaranteeing  
organizations

Yugoslavia proposes amending this article in order to prohibit discrimination by an association authorized to issue temporary importation papers.

Art. 11  
Definition of  
"non-resident"

The United States comments that its customs-definition of "non-resident" differs from the definition of "not principally resident" contained in Article 11. The United Kingdom makes a suggestion for slightly broadening the concept of "not principally resident". The OTA proposes including in the protocol of signature a more precise definition.

Art. 12  
Contents and use  
of temporary  
importation papers

The United Kingdom proposals for amending Article 12 are directed at defining more precisely which person may use a temporarily imported vehicle. They also provide that temporary importation papers should show the name and address of both the owner and also of the person who possesses or controls the vehicle if they are not the same.

Art. 15.  
Free admission of  
separate parts

Norway suggests that Article 15, dealing with the free admission of separate parts imported for the repair of temporarily imported vehicles, should also provide that no import licence is required for such parts.

Art. 17  
Transport against  
payment

The United Kingdom proposes the deletion of Article 17, prohibiting transport against payment between points within the frontiers of a territory where a vehicle enjoys free admission, as such transport is already ruled out as a result of the definition of "private use" in Article 1.

Art. 18  
Period of grace

The OTA proposes lengthening the period of grace to 14 days after the expiry of importation papers, in case there is lack of proof of re-exportation within the allowed time.

Art. 19  
Extension of validity

The OTA proposes that the extension of the validity of temporary importation papers issued by an association should be requested by the association concerned.

Art. 20  
Extension of validity on mutually agreed conditions

The OTA proposes that the conditions to be fulfilled for extending the validity of "carnets de passage en douane" shall be laid down in an annex to the Convention.

Art. 23  
Provisional visa as proof of re-exportation

The OTA suggests that a provisional exit visa shall serve as proof of the re-exportation of a temporarily admitted vehicle.

Art. 25  
Termination of liability of guaranteeing association

The cases in which after the final and unconditional discharge of temporary importation papers the guaranteeing association still can be held liable are somewhat more broadly formulated by the United Kingdom than in the ECE draft.

Art. 27  
Regularization of undischarged temporary importation papers for cars outside the country of importation

Norway proposes to state clearly that in case the normal procedure for discharging temporary importation papers has not been followed the customs officials are nevertheless obliged to regularize the papers if the proper evidence has been procured that the cars outside the country of importation.

The United States suggests simplifying the procedure by admitting certain data produced from customs records without examination of the vehicle as sufficient evidence of re-exportation.

The OTA proposes a simplified procedure for regularization, when a "carnet de passage en douane" has been destroyed, lost, or stolen while the vehicle concerned is still in the country of temporary importation.

Art. 30  
Waiver of obligation to re-export

The OTA suggests that if the obligation to re-export a vehicle is waived, the guaranteeing organization ceases to be responsible.

Art. 33  
Obligation of  
guaranteeing associa-  
tions after notifica-  
tion of non-discharge  
of temporary importa-  
tion papers.

The United Kingdom proposes that the period of one year granted to the guaranteeing association to furnish proof of re-exportation after notification of non-discharge of temporary importation paper be reduced to six months.

Annexes 1 and 3  
"Carnet de passage  
en douane"  
"Triptyque"

The United Kingdom proposes to insert a clause in the text of the importation voucher constituting a signed declaration by the holder of the "carnet de passage en douane" or the "triptyque" confirming the veracity of the "carnet" or the "triptyque" and pledging compliance with certain conditions and requirements (see also remarks on paragraph 3 of Article 6).

Annex 2  
"Carnet de passage  
en douane" for  
Aircraft

The United States proposes omitting this Annex, concerning a "carnet de passage" for aircraft, in line with its proposal to limit the convention to road vehicles.

Proposal for new  
Annex 5  
Extension of Validity  
of "Carnets de  
passage en douane"

The OTA has devised a system for extending the validity of "carnets de passage en douane" in case of "force majeure". The system is described and the stamp, which it requires, reproduced in a separate appendix.

### C. Draft Customs Convention on Tourism

This summary has reference to provisions in the three drafts which were circulated, namely the ECE, OTA/IUOTO, and United Kingdom drafts, and to the comments thereon received from governments. The texts of the three drafts and of the comments are found in Annex 6.

Sustem of  
exemption

There is a basic difference between the ECE draft on one hand the OTA/IUOTO and United Kingdom drafts on the other hand with regard to the system provided for exempting articles from customs duties.

The ECE draft (Article 2, paras. 1 and 2) requires coverage by temporary importation papers with the exception of certain specified articles. The OTA/IUOTO draft (Article 1) and the United Kingdom draft (Article II) do not

provide for such papers, the United Kingdom draft stating that an oral declaration is the only formality.

Several governments specifically express an opinion on this subject. Yugoslavia favours ~~the use of temporary~~ importation papers, Switzerland would leave their use to the discretion of the authorities concerned, while the United States of America does not favour their use. The Egyptian customs authorities prefer the use of a written declaration instead of the oral declaration proposed by the United Kingdom. Lebanon proposes that in case of importation of certain articles without papers as provided in Article 2, para. 3 of the ECE draft, an oral declaration should be required.

Exempted articles

The ECE draft (Article 2, para. 1) and the OTA/IUOTO draft (Article 1, paras. 1 and 3) exempt articles of an everyday kind in actual use, although in the latter case this is restricted by the provision that there will be suspicion of abuse if the articles do not correspond to the social position of the importer (Article 2). The United Kingdom draft (Article I (2) and Article II (1)) exempts personal effects which a tourist might reasonably be expected to take with him for the purpose of his journey, whether new or used, except merchandise. Both the OTA/IUOTO draft (Article 3) and the United Kingdom draft (Article IV) provide for the free admission of travel souvenirs, the former limiting their value to \$50., the latter permitting the customs authorities to require security if their value exceeds \$50. Sweden finds the latter procedure impracticable. France favours the requirement, embodied in the United Kingdom draft, that the souvenir should be obtained outside the country of residence of the tourist, while Egypt wants to admit also souvenirs obtained in the home country of the tourist.

It favours furthermore increasing the value limit to \$100.

The articles which according to the ECE draft can be admitted without temporary importation papers, provided they correspond to the social position of the persons concerned, are listed in Article 2, para. 3. A similar list, contained in Article 3 of the OTA/IUOTO proposals, is not limitative and serves only to give examples of articles which are exempted. France proposes amending the list in the ECE draft by limiting the number of sporting firearms to two a person.

All the exempted articles are temporarily admitted and have therefore to be re-exported. The OTA/IUOTO (Article 1, para. 2) draft provides that this should happen within 12 months, a provision deemed superfluous by Switzerland and too liberal by the United Kingdom which proposes a maximum period of six months. France favours a provision requiring the importer himself to re-export the articles concerned.

Another group of articles is admitted duty-free without the obligation to re-export them in toto. They are consumables, such as provisions for the journey and small quantities of tobacco, cigars and cigarettes (Article 3, ECE Draft) or provisions for the journey and specified quantities of tobacco, alcoholic beverages, toilet water and perfume (Article 4, OTA/IUOTO Draft) or specified quantities of tobacco, wine, spirits, toilet water and perfume, imported in accompanied hand baggage for the personal use of the tourist (Article III, United Kingdom Draft). Several governments commented on the listing of specific quantities, some (Austria, Yugoslavia) opposing it, others (Egypt, France, Lebanon, Sweden, Switzerland, United Kingdom) favouring such an enumeration and in three

instances referring to the fact that the Council of the Organization for European Economic Co-operation (OEEC) had reached agreement on duty-free quantities.

Re-exportation

Only the United Kingdom draft (Article V) regulates the exportation of articles and travel souvenirs by limiting the requirements, subject to laws prohibiting the export of any particular article, to an oral declaration. Denmark and France favour such a provision, and Egypt favours it also, provided that the declaration is made in writing, while Austria considers that the matter should not be the subject of a convention.

Tourist propaganda material

The duty-free importation of travel posters and travel literature and the duty-free temporary admission of touring propaganda material (films, photos, etc.) is to a large extent in the same way regulated in all three drafts (Article 4, ECE; Article 5, OTA/IUOTO; Article 11, United Kingdom). The United States of America and Yugoslavia consider that this subject should not be included in this convention, while Austria, Egypt and Switzerland favour the proposed provisions. Egypt and the United States point out that propaganda material published by non-official bodies cannot be exempted from customs duties under their existing customs regulations.

Persons entitled to exemptions

The draft conventions provide that the exemptions shall be granted by each country only to persons who do not reside in that country. The ECE draft (Article 5) and the OTA/IUOTO draft (Article 1, para. 4) provides that a person be considered a non-resident if he resides for less than six months on an average per year in that country, while under the United Kingdom draft (Article I (1)) he must not be normally resident in that country, and must remain there not less than 24 hours and not more than six months. While Denmark favours the United Kingdom

definition, Egypt suggests broadening it by extending the period of six months to one year, and Austria wants to restrict it by excluding persons entering for business purposes. Norway finds the period of six months also too short and considers furthermore that the definition in the ECE draft is not clear.

D. Tourist cards

Seven governments commented on the proposals submitted by the OTA/IUOTO with regard to the introduction of a tourist card for facilitating the customs formalities with regard to baggage (see Annex 7). It was generally felt that, although the tourist card might in special cases fulfil a useful function, its introduction would considerably complicate frontier formalities without solving the problems connected with the importation of certain types of tourist equipment. The Government of Yugoslavia, however, favoured the inclusion of a provision on the subject in a world-wide convention.

### III. CONCLUSION

In summary it may be said that the replies indicated, with two exceptions, general support for the conclusion of world-wide customs conventions on the importation of private vehicles and on tourism and a considerable measure of agreement on the subject matter of the proposed conventions.

At the same time the replies indicated that before such conventions can be concluded there are a number of questions on which agreement needs to be reached. In reaching such agreement discussion between governments will presumably be needed with regard to the differences of view indicated in the various drafts and comments on the drafts. It seems doubtful that this discussion could be satisfactorily carried out by correspondence in view of the variety of comments which have been received and the different drafts preferred as bases for discussion. As there are a number of points of substance to be settled, consolidation of existing drafts of the two conventions and the proposed modifications of them into one draft of each convention, it would seem, could only be reached through discussion by the governments. It seems that such discussion

would need to take place in a conference.

In the case of the convention on the temporary importation of private vehicles, the governments have had before them only one text but amendments have been suggested to this text by a number of governments and a complete revised draft has been put forward by the United Kingdom, as has also been done by the OTA. The various new proposals should, it is suggested, be brought to the attention of the governments prior to the conference. In the case of the convention on tourism, three drafts have been circulated to the governments; here too the preferences of various governments for certain drafts as well as the amendments of specific provisions appearing in the various drafts which have been proposed presumably should be brought to the attention of all the governments prior to a conference.

It is thus suggested that a conference would need to have before it all of the drafts and comments which have been made, or which governments might wish subsequently to submit. The conference would then, if it seemed convenient to do so, be able to accept one of the drafts of each convention as a basis of discussion and proceed to its modification as agreed by the participants at the conference. This was the procedure followed, for example, at the 1949 Conference on Road and Motor Transport.

The Commission's attention is drawn to the question which has been raised of the scope which should be given to importation of vehicles. As noted above, the Commission at its fifth session recommended that consideration be limited to private vehicles, being of the opinion that the question of customs formalities for commercial vehicles was one to be considered at the regional level. The Economic and Social Council, after a proposal had been made and withdrawn by the United Kingdom delegation that the scope of the convention should include commercial vehicles, agreed in resolution 379D (XIII) to refer only to private vehicles. The question has now been raised again in regard to motor buses and touring cars, in the reply received from the Government of Yugoslavia, and in regard to commercial vehicles in general in the memorandum submitted by the OTA. The Commission may wish once more to make a recommendation to the Council on this question.

Objections of a basic nature were raised against the proposal for introducing a tourist card in a number of the replies from governments. Only one government favoured this proposal. The Commission may wish to consider whether this question should or should not be given further consideration.



ANNEX 1

SECRETARY-GENERAL'S NOTE OF 15 FEBRUARY 1952

ECA 124/2/01

and, in implementation of resolution 379D (XIII) concerning the question of customs formalities for touring which was adopted by the Economic and Social Council on 11 August 1951, has the honour to request that his Government inform the Secretary-General, if possible, not later than 1 July 1952, concerning its views with respect to points (b) (i), (ii) and (iii) of that resolution, the text of which follows:

"The Economic and Social Council

"Instructs the Secretary-General:

"(a) To circulate to the governments which were invited to the United Nations Conference on Road and Motor Transport, held in Geneva in September 1949, the Draft International Customs Convention on Touring prepared under the auspices of the Economic Commission for Europe (ECE), together with the proposals submitted jointly by the World Touring and Automobile Organization and the International Union of Official Travel Organizations;

"(b) To request the views of the governments concerning:

"(i) The desirability of considering the conclusion on a world-wide basis of two conventions relating to customs formalities;

"(1) For the temporary importation of private vehicles and their equipment;

"(2) For tourism (i.e. the personal effects of tourists travelling by any means of transport);

"(ii) The suitability of the ECE Draft International Customs Convention on Touring, together with the proposals of the World Touring and Automobile Organization and the International Union of Official Travel Organizations, as a basis of discussion for concluding such conventions; and

"(iii) Any modifications which they might consider desirable in order to increase the suitability of the Draft International Customs Convention on Touring and of the proposals of the World Touring and Automobile Organization and the International Union of Official Travel Organizations as a basis of such discussion; and

"(c) To report to the sixth session of the Transport and Communications Commission."

In accordance with this resolution, the Secretary-General

.....has the honour to enclose the following:

1. ~~Draft Provisions for Inclusion in a Convention Relating to Customs~~ Customs Formalities for the Temporary Importation of Private Vehicles and their Equipment: showing the full text of the Draft International Customs Convention on Touring prepared under the auspices of the Economic Commission for Europe (ECE) and indicating (1) without brackets, those provisions which are relevant to a Convention on the temporary importation of private vehicles and their equipment,<sup>1/</sup> and (2) in brackets, those provisions which are irrelevant to such a convention and which are relevant instead to a convention relating to customs formalities for tourism (i.e. the personal effects of tourists travelling by any means of transport). (The latter provisions are set out also in the second enclosure to the present note.)
2. Draft Provisions for Inclusion in A Convention Relating to Customs Formalities for Tourism (i.e. the personal effects of tourists travelling by any means of transport): including (1) the relevant provisions contained in the Draft International Customs Convention on Touring prepared under the auspices of the Economic Commission for Europe (ECE), and (2) the provisions jointly proposed by the World Touring and Automobile Organization (OTA) and the International Union of Official Travel Organizations (IUOTO).<sup>2/</sup>
3. A memorandum in regard to a "tourist card" relating to the equipment and effects of a traveller, prepared jointly by the World Touring and Automobile Organization and the International Union of Official Travel Organizations.<sup>3/</sup>

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<sup>1/</sup> For the text of the relevant provisions see Annex 5.

<sup>2/</sup> For the text of the relevant provisions of the ECE draft Convention and the OTA/IUOTO draft, see Annex 6.

<sup>3/</sup> See Annex 7.

..... The Secretary-General has the honour furthermore to enclose an extract from the Report of the Transport and Communications Commission on its fifth session setting out the background of this matter and the considerations which caused the Commission to recommend to the Council the action taken by the latter in resolution 379D (XIII).

Although the titles of the enclosures are self-explanatory, attention is drawn to the fact that as the Economic and Social Council resolution concerns the conclusion of two conventions whereas the ECE Draft International Customs Convention on Touring deals with both subjects in a single convention, the Secretariat for the convenience of the governments in considering the questions raised in the resolution has divided the provisions of the ECE Draft Convention into two texts. Thus, in the first enclosure to the present letter the whole of the ECE Draft Convention is set out but the provisions which are relevant to a convention on the temporary importation of private vehicles and their equipment are shown without brackets, those which are irrelevant to this subject being shown in brackets. In the second enclosure the general provisions of the ECE Draft Convention have been repeated and combined with the provisions relevant particularly to the subject of the personal effects of tourists under the heading "Draft Provisions for Inclusion in a Convention Relating to Customs Formalities for Tourism". For easy comparison the proposed text on the same subject submitted jointly by the World Touring and Automobile Organization (OTA) and the International Union of Official Travel Organizations (IUOTO), which the Secretary-General was also instructed to circulate, has been shown in the second enclosure beside the provisions from the ECE Draft Convention. The third enclosure contains a further proposal by the OTA and IUOTO for which a specific text was not submitted.

With further reference to the first enclosure, attention is drawn to the fact that the Draft International Customs Convention on Touring forms part of the Agreement Providing for the Provisional Application of the Draft International Customs Convention on Touring, on Commercial Road Vehicles, and on the International Transport of Goods by Road, done at Geneva on 16 June 1949, a certified true copy of which was transmitted to the Government by letter C.N.157.1950.TREATIES, dated 3 October 1950.

15 February 1952.

ANNEX 2

SECRETARY-GENERAL'S NOTE OF 25 FEBRUARY 1952

ECA 124/2/02

and has the honour to refer to his note No. ECA 124/2/01 of 15 February 1952 transmitting Economic and Social Council resolution 379D (XIII) of 11 August 1951 concerning the question of customs formalities for touring and the documents referred to in that resolution.

..... The Secretary-General has the honour to transmit herewith a copy of a note No. 351 (1632/4/51E), dated 10 September 1951 from the Permanent Representative of the United Kingdom to the United Nations, enclosing the draft "World Wide Convention on Tourism" <sup>1/</sup> prepared by the Government of the United Kingdom for consideration in connexion with the documents referred to in resolution 379D (XIII). Any comments which the Governments may wish to make with respect to the United Kingdom draft will be transmitted to the Transport and Communications Commission at its sixth session when the views of the Governments with respect to the questions raised in resolution 379D (XIII) will be considered.

25 February 1952

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<sup>1/</sup> For text of draft Convention see Annex 6.

No. 351  
(1632/4/51E)

10 September 1951.

The Permanent Representative of the United Kingdom at the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the resolution adopted at the 13th Session of the Economic and Social Council concerning customs formalities for international road transport and touring. According to this resolution the Secretary-General was instructed to circulate the Economic Commission for Europe Draft International Customs Convention on Touring and the proposals submitted by the World Automobile Organisation and the International Union of Official Travel Organisations, and to request the views of Governments on these drafts and on any further modifications made by Governments.

The United Kingdom delegates at the Economic Committee meeting proposed that the alternative draft "World Wide Convention on Tourism" already prepared by His Majesty's Government should be mentioned specifically in the resolution, but this amendment was opposed and eventually withdrawn. It was then agreed that the United Kingdom draft should be given separate circulation by the Secretary-General.

..... The Permanent Representative has the honour to transmit herewith a copy of this alternative draft prepared by His Majesty's Government and to request His Excellency to circulate it to the Governments which were invited to the United Nations Conference on Road and Motor Transport held in Geneva in September 1949, and to invite their consideration of, and views on, this draft Convention in connexion with the documents circulated to them by His Excellency under Resolution D of the report of the Transport and Communications Commission, Fifth Session, which was adopted by the Economic and Social Council on the 11th August, 1951.

ANNEX 3

VIEWS OF GOVERNMENTS COMMUNICATED IN REPLY TO SECRETARY-GENERAL'S NOTES OF 15 AND 25 FEBRUARY 1952 CONCERNING THE DESIRABILITY OF CONSIDERING THE CONCLUSION ON A WORLD-BASIS OF CONVENTIONS RELATING TO CUSTOMS FORMALITIES,  
(1) FOR THE TEMPORARY IMPORTATION OF PRIVATE VEHICLES AND  
(2) FOR TOURISM

Denmark

The competent Danish authorities consider it desirable that two world-wide conventions relating to customs formalities be concluded:

- (1) For the temporary importation of private vehicles and their equipment,
- (2) For tourism (i.e. the personal effects of tourists travelling by any means of transport).

Ecuador

Ecuador considers it desirable to conclude international conventions to facilitate tourism and temporary importation of vehicles.

Ethiopia

Imperial Ethiopian Government consider multilateral international arrangements desirable as a means of improving international touring.

France

It would seem preferable to consider the conclusion on a world-wide basis of two separate conventions relating to customs formalities for tourism, dealing respectively with:

- the temporary importation of private vehicles and their equipment; and
- tourism, i.e. the personal effects of tourists travelling by any means of transport.

Although the regulations governing these two questions have many points in common, the division of the agreement into two separate conventions would have the advantage of enabling certain countries not in agreement with all the matters concerning tourism to accede to one or the other of the conventions, whereas, because of differences of opinion with regard to specific points concerning either personal effects or the importation of motor vehicles, they would be obliged to refuse to accede to a single convention.

Guatemala

.... My Government would view favourably the conclusion on a world-wide basis a convention covering:

the temporary importation of vehicles and their equipment and tourism (i.e. the personal effects of tourists travelling by any means of transport).

Lebanon

.... The Lebanese Government is prepared to participate in the conclusion of the two conventions relating to the temporary importation of private vehicles and their equipment and the personal effects of tourists travelling by any means of transport.

Mexico

"In agreement with the Under-Secretary in charge of the Taxation Division, I have the honour to inform you that this Department considers that, so far as Mexico is concerned, the proposed international convention on touring is unnecessary, since our customs legislation grants tourists the maximum facilities for the temporary importation of their vehicles; under article 368 of the Customs Regulations they may import their vehicles temporarily for a period of six months, which may be extended by this Department, without providing any guarantee for the payment of duties. The only formality for obtaining a permit is that the person concerned must prove by his travel documents that he is a bone fide tourist; special personnel are appointed to deal with this matter.

"Personal effects may be imported free of import duties, since tourists are considered to be persons in transit. Furthermore, in accordance with article 297, paragraph I, of the above-mentioned Regulations, tents and camp beds, household linen, cooking utensils and a reasonable number of folding chairs and tables and a portable wireless receiving set or television set may also be imported free of duty; articles of wrought silver and objects typical of the country may also be exported, free of duty."

New Zealand

The New Zealand Government agrees with the suggestion that the Economic and Social Council consider the conclusion, on a world-wide basis, of two conventions relating to customs formalities.

- (1) For the temporary importation of private vehicles and their equipment
- (2) For the personal effects of tourists travelling by any means of transport.

#### Norway

The Norwegian Government considers it desirable to prepare on a world-wide basis two conventions relating to customs formalities, namely one for temporary importation of private vehicles, and one for importation of personal effects of tourists travelling by any means of transport.

#### Sweden

The draft International Customs Convention on Tourist Traffic, provisionally adopted by agreement reached at the fourth meeting of the ECE Transport Committee in July 1949 (to which agreement Sweden adhered on 15 September, 1950), concerns not only the importation of motor vehicles and their equipment but also that of personal effects belonging to tourists. The intention now is that these matters should instead be governed by two conventions, the first concerning Customs formalities for the temporary importation of private cars and their equipment and the second dealing with Customs formalities for tourist traffic, i.e. for personal effects belonging to tourists. As far as Sweden is concerned it is of little importance whether the matter is dealt with in two conventions in this way or in a single convention as has been done in the draft Customs Convention for Tourist Traffic. Since, however, the regulation of the question of the temporary importation of personal effects by tourists has no connexion with the means of transport used, there are convincing arguments in favour of separating the two issues.

#### Switzerland

The Swiss authorities consider that it is desirable to consider the conclusion on a world-wide basis of the two conventions mentioned. Two different questions are involved which, at the national level, are not, as a rule, governed by the same independent provisions. Furthermore, customs authorities in the various countries are not unanimous with regard to the formalities required for the temporary importation of private vehicles, although there does seem to be



agreement regarding the facilities for international touring. The proposal to conclude two conventions simplifies the situation as the majority of states will be able to sign either both or one of the conventions without reservations. A single convention would inevitably increase the number of points on which reservations might be made.

#### United Kingdom

While Her Majesty's Government in the United Kingdom are not anxious to foist a convention on other countries for the temporary importation of private vehicles and their equipment, they are ready and willing to co-operate in the task of drawing up a workman-like text, provided other countries display enthusiasm in the project.

In the view of Her Majesty's Government it is desirable to support the conclusion on a world-wide basis of a convention relating to customs formalities for tourism (i.e., the personal effects of tourists travelling by any means of transport).

#### United States of America

No objection is seen to the United Nations proposal to consider the conclusion on a world-wide basis of two conventions relating to customs formalities:

- (1) For the temporary importation of private vehicles and their equipment;
- (2) For tourism (i.e., the personal effects of tourists travelling by any means of transport).

Both of the proposed conventions appear designed to facilitate the flow of bona fide non-immigrant travel, and therefore are in accord with the policies of this Government. The first of these conventions would provide useful extension of the broad principles set forth in Article 3 of the Convention on Road Traffic of 1949, which has been ratified by the United States and other governments and which came into force on 26 March 1952. The second will standardize certain customs formalities for the importation of tourists' personal effects. It is noted with satisfaction that the "protocol of signature" in both proposed conventions recognizes that wider facilities may be granted by individual countries. Privileges accorded to foreign motorists and tourists entering the

United States are already more liberal in certain respects than those in the draft conventions.

Yugoslavia

The Government of the Federal People's Republic of Yugoslavia considers it desirable that a Convention on Tourism and a Convention on Temporary Importation of Private Vehicles and their Equipment should be concluded.

## ANNEX 4

## VIEWS OF GOVERNMENTS COMMUNICATED IN REPLY TO SECRETARY-GENERAL'S NOTES OF 15 AND 25 FEBRUARY 1952 CONCERNING THE SUITABILITY OF THE ECE DRAFT INTERNATIONAL CUSTOMS CONVENTION ON TOURING, TOGETHER WITH THE CTA/IUOTO PROPOSALS, AS A BASIS OF DISCUSSION

Austria

.....In general the Austrian Government does not object to the inclusion of the aforementioned Draft Provisions<sup>1/</sup> in the two referred Conventions, because the two Conventions would fit into the frame of Austrian customs regulations and of the International Customs Convention on Touring applied in Austria since 1 January 1950.

In the view of the Austrian Government the British Draft for a world-wide Convention on Tourism is in general similar to the Agreement providing for the Provisional Application of the Draft International Customs Convention on Touring, etc. etc., signed at Geneva on 16 June 1949. Considering the present Austrian Customs Regulations and the fact that the aforementioned Agreement on Touring has been applied in Austria since 1 January 1950, it is doubted whether a Convention on Tourism, as submitted by the British Government, would lead to an improvement of international tourism. The Austrian Government would welcome it if the Agreement of 1949 on Touring would continue to remain in force.

Denmark

The Danish authorities recommend that the ECE Draft International Customs Convention on Touring, together with the proposals of the World Touring and Automobile Organization and the International Union of Official Travel Organizations and also together with the Draft World-Wide Convention on Tourism, prepared by the United Kingdom Government, be used as a working basis.

With regard to some specific points, the British Draft appears to the Danish authorities to be the most suitable; as to the individual articles of said Draft the following observations are made (see Annex 6).

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<sup>1/</sup> See provisions of the ECE draft Convention, relevant to a Convention relating to customs formalities for the temporary importation of private vehicles (Annex 5) and to a Convention relating to customs formalities for tourism (Annex 6).

Ecuador

Drafts referred to in Note ECA 124/2/01<sup>1/</sup> should be taken as basis of discussion.

Ethiopia

ECE Draft International Customs Convention on Touring and Proposals of World Touring and Automobile Organization and International Union of Official Travel Organizations appear to provide suitable basis for discussion leading to multilateral arrangements.

France

It would seem desirable to take as a basis of discussion the draft international convention on touring prepared by the ECE.

This draft has already been accepted by a number of European countries, and the resulting regulations are already being applied.

The joint draft prepared by the World Touring and Automobile Organization and the International Union of Official Travel Organizations does not, in any case, differ substantially from the draft prepared by the ECE.

The same considerations apply to the draft convention on tourism prepared by the Government of the United Kingdom.

Guatemala

It accepts the first draft International Convention based on the results of the discussion of the proposals of the various international agencies mentioned; it finds no substantial differences between those proposals.

Lebanon

With regard to the selection of a draft as a basis of discussion for the conclusion of the conventions, the Lebanese Government prefers the draft prepared by the Economic Commission for Europe, and the proposals of the OTA and IUOTO since they contain specific provisions for the establishment of a liberal system which would encourage international tourism.

New Zealand

New Zealand does not, however, consider the ECE Draft International Customs Convention on Touring, together with the proposals of the World Touring and

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<sup>1/</sup> See Annex 1.

Automobile Organization, and the International Union of Official Travel Organizations, a satisfactory basis for discussion of concluding such conventions. This draft appears to have been especially designed to meet the case of states having land frontiers across which a particular vehicle might pass on a number of occasions. This may be satisfactory to such states, but as far as New Zealand is concerned the present triptyque system for the temporary importation of motor vehicles works very well, and there would be no advantage in adopting the more complicated procedures provided for in the Draft Convention. In the New Zealand view therefore the Draft should be modified to allow for the more simplified system operated by New Zealand and similarly placed other countries.

As regards the personal effects of tourists (including cameras, sporting equipment etc.) New Zealand would not oppose the introduction of an International Convention of the type suggested, but wishes to point out that these personal effects are already admitted into New Zealand free of duty as also is tourist advertising material sent by overseas companies or other organizations for free distribution in New Zealand. As there is no import duty on cinematograph film, the only revenue derived from it being a tax on the proceeds of its exhibition, there would be no taxation on film imported for the purposes envisaged in the draft convention on tourism. Furthermore, adequate facilities exist in New Zealand for the temporary duty-free admission of any normally dutiable articles referred to in the draft.

#### Norway

The Norwegian Government finds the ECE Draft International Customs Convention on Touring and the proposals of the World Touring and Automobile Organization and the International Union of Official Travel Organizations, suitable as a basis of discussion for concluding such conventions. The Norwegian Government feels, however, that the United Kingdom Government's draft is not as complete as the others and is not as well suited as a basis of discussion.

#### Sweden

The draft Convention on Tourist Traffic prepared by ECE forms a natural starting point for any discussion regarding the conclusion of world conventions on the present subject. Broadly speaking, there is no criticism to be made of the division, effected by the United Nations, of the original draft Convention into two separate instruments.

The draft convention put forward by OTA and IUOTO and the British proposal for a world convention might also serve as a basis of discussion. In connexion with these two draft conventions and the "tourist card" proposed by the organizations referred to, the following comments may, however, be made (see Annexes 6 and 7).

#### Switzerland

The text of the draft international customs convention on touring submitted is the same as that of the International Customs Convention on Touring prepared under the auspices of the ECE, which has been provisionally placed in force. The Swiss authorities note that no difficulties have so far arisen in the application of the convention. The proposed text could therefore be taken as a basis of discussion, together with the proposals of the OTA and the IUOTO.

The draft submitted by the United Kingdom Government modifies the provisional Convention which was given effect by the agreement concluded on 16 June 1949 under the auspices of the ECE. The Swiss authorities note that the Convention signed at Geneva has proved its worth and feel that it would be inappropriate to re-open questions already settled and to introduce restrictions which do not seem to be consistent with the purposes of the future international convention.

#### Union of South Africa

.....The Union Government, after careful consideration, has reached the conclusion that it will not be possible for the Union to become a party to the proposed world-wide Conventions (a) on the Temporary Importation of Private Vehicles, and (b) on Tourism. The reasons for the Union's attitude are as follows:

Firstly, with regard to the Convention on the Temporary Importation of Private Vehicles it is considered that some of the provisions envisaged are in conflict with Union Customs law and practice. In order that the position may be better understood a brief resumé of current practice in the Union is appended.

Carnets issued by certain specified clubs, or by member-clubs of the Fédération Internationale de l'Automobile (FIA) and the Alliance Internationale de Tourisme (AIT), in respect of which guarantees are paid by the Union's Department of Customs and Excise, are acceptable in the Union. Actually payment of duty is due at the time of importation and refund may be claimed on re-exportation, under the provisions of Section 96 (2) (n) of the Customs Act, No. 35 of 1944, and Part XV of Government Notice No. 2069 of 8 December 1944. The

acceptance of a carnet in lieu of the duty at the time of importation is therefore in itself a concession. If evidence of re-exportation is not produced within the period of validity of the carnet (maximum 12 months), the guarantors are immediately called upon to bring the duty to account. If thereafter the vehicle has not been satisfactorily accounted for within six weeks, the guarantor is required to lodge the duty by way of "temporary deposit" the currency of which does not exceed three months. If at the end of this period the matter has not been adjusted to the satisfaction of the Department of Customs and Excise, the duty is recovered and paid to revenue. The duty may nevertheless still be refunded on lodgement of a claim in the prescribed form, supported by acceptable evidence of re-exportation within the period for which temporary importation was allowed under the carnet.

The foregoing, coupled with the special arrangements in regard to touring which the Union has with contiguous territories, are concessions beyond which the Union Government feels that it cannot reasonably go. These concessions have worked well for a number of years and have proved entirely adequate, while the draft convention appears to have been designed to meet the needs of contiguous territories with a large volume of inter-state motoring, as for example in Europe. Having regard therefore to the Union's geographic location and the concessions already in successful application, it is considered that the necessity does not exist for the Union to become a party to the convention, nor will any good purpose be served by doing so.

Secondly, with regard to the Convention on Tourism (i.e. the personal effects of tourists travelling by any means of transport) the Union, after thorough consideration, is of the opinion that the principle in general of extending the "triptyque" or "carnet" system to tourists' effects in the drafts submitted are in any case rigid in character.

The position in the Union is that a person who on arrival declares himself to be a tourist, while required to make a declaration of dutiable articles in his possession, may import without payment of duty, such articles as cameras, typewriters, binoculars, camp equipment, merely on an undertaking that they will be re-exported within twelve months: this is in addition to admission, without payment of duty, of his own used clothing, jewellery, travelling rugs, sporting equipment, musical instruments, etc., provided they are in reasonable quantities. Although payment of duty is required on other non-consumable articles, such duty is refundable on re-export of the articles under supervision within twelve months.

The receipt issued to the tourist contains full directions for refund purposes. The relative provisions in Union law are Section 96 (2) (n) of the Customs Act, No. 35 of 1944, and Part XV of Government Notice No. 2069 of 8 December 1944.

In the case of organized tourist visits, e.g. the recent visit of the "Caronia", special arrangements are made in conjunction with the cruise director or other responsible official acting on behalf of the passengers in his charge.

#### United Kingdom

This sub-section of the Council's resolution invites views on the suitability of two separate documents as a basis of discussion for concluding conventions:

(a) Draft Provisions for inclusion in a Convention relating to customs formalities for the temporary importation of private vehicles and their equipment.

(b) Draft Provisions for inclusion in a Convention relating to customs formalities for tourism.

2. With regard to (a) it is the opinion of Her Majesty's Government that the Draft Convention on Touring prepared by the Economic Commission for Europe should provide a useful basis for the elaboration of a world-wide convention on private vehicles; but the material contained in the ECE Convention stands in need both of rearrangement into a more logical order and of improvement. The United Kingdom would therefore wish to suggest certain amendments to the ECE Convention. These amendments are set out in Enclosure C (i)<sup>1/</sup> and its annexes.

3. With regard to (b) the United Kingdom Government takes the view that while it may be convenient for the ECE Draft International Customs Convention on Touring and the proposals of the World Wide Touring and Automobile Association and the International Union of Official Travel Organizations to serve as a basis for discussion, some of the provisions in both drafts are, in the view of the United Kingdom, inadequate and require revision. With a view to facilitating this discussion the United Kingdom prepared a further draft which was circulated by the Secretary-General on 25 February 1952 under reference 124/2/02.<sup>2/</sup> Her

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<sup>1/</sup> See Annex 5.

<sup>2/</sup> See Annex 2.



Majesty's Government's comments on the draft prepared by the OTA and IUOTO and on those provisions of the ECE Draft International Customs Convention on Touring that deal with personal effects and tourists travelling by any means of transport, are set out in Enclosure C2.<sup>1/</sup>

United States of America

The material contained in the documents submitted with the Secretary-General's communication has provided a suitable basis for preliminary consideration of this matter. Because of the diversity of the several texts, however, this Government assumes that the Secretary-General will prepare a new consolidated draft of each of the two conventions, based on the original documents and the comments thereon received from member governments prior to 1 July 1952 as a basis of discussion.

With reference to the "Suggested World-wide Convention on Tourism - United Kingdom Draft", which was circulated to governments separately from the documents above referred to... is suggested that this documentation also be given consideration in preparation of the consolidated draft of a new convention as already mentioned.

Yugoslavia

The Government of the FPR of Yugoslavia considers also that the Draft International Customs Convention on Touring, prepared under the auspices of the Economic Commission for Europe and the proposals submitted jointly by the World Touring and Automobile Organization (OTA) and the International Union of Official Travel Organizations (IUOTO), represent a solid and appropriate basis of discussion in concluding the above said two Conventions.

The Government of the FPR of Yugoslavia considers that there is no essential difference between the proposed provisions of the ECE Draft International Customs Convention on Touring and the provisions proposed jointly by the OTA and the IUOTO. Therefore, it is of no essential importance whether the first or second proposal will be taken as a basis of discussion. However, the Government of the FPR of Yugoslavia, considering the OTA and IUOTO Draft more suitable, and taking it therefore as a basis of discussion, proposes the following amendments (see Annexes 5 and 6).

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<sup>1/</sup> See Annex 6.

ANNEX 5

- CONVENTION RELATING TO CUSTOMS FORMALITIES FOR THE  
TEMPORARY IMPORTATION OF PRIVATE VEHICLES: TEXTS OF
- (1) RELEVANT PROVISIONS OF ECE DRAFT CONVENTION,
  - (2) COMMENTS ON THESE PROVISIONS COMMUNICATED IN A  
REPLY TO THE SECRETARY-GENERAL'S NOTE OF  
15 FEBRUARY 1952, AND
  - (3) DRAFT PROVISIONS SUBMITTED BY THE OTA

Explanatory Note: The following texts are set out below:

1. those provisions of and annexes to the ECE Draft International Customs Convention on Touring which are relevant to a convention on the temporary importation of private vehicles;
2. the provisions of the "Draft International Customs Convention on the Temporary Importation of Private Road Vehicles, Aircraft, Boats and Vessels Used for Touring Purposes" submitted by the United Kingdom Government in commenting on the provisions of the ECE Draft Convention in reply to the Secretary-General's note of 15 February 1952;
3. other comments of Governments on the provisions of the ECE Draft Convention communicated in reply to the Secretary-General's note of 15 February 1952;
4. those provisions of the "Draft Customs Convention on the Temporary Importation of Vehicles and Protocol of Signature" submitted by the OTA, which differ from the provisions of the ECE Draft Convention, together with additional comments of the OTA and the text of an annex concerning the extension of validity of Carnets de Passage en Dovane.

The arrangement of these texts is as follows. The provisions from the ECE Draft Convention and the provisions of the United Kingdom Draft are shown in parallel columns. The other comments of Governments on the ECE text except those of a general nature which are reproduced in the beginning are shown immediately following the particular articles of that Draft to which they apply; the texts of the corresponding articles of the OTA Draft, together with the comments of that organization, are shown in the form of footnotes to the articles of the ECE Draft Convention. Those provisions of the OTA Draft which are identical with those of the ECE Draft Convention are not shown.

The text of the Draft Convention submitted by the United Kingdom incorporates that Government's proposals with regard to substance and form for amending the ECE Draft Convention. In order to facilitate comparing these amended provisions with the text of the ECE Draft Convention the wording of the United Kingdom text has been underlined wherever it differs from the ECE text, while in those cases when the ECE draft does not contain a similar provision to the United Kingdom text, the latter contains a footnote to that effect.

It was felt that such an arrangement would make it possible to omit at this stage a complete reproduction of the very extensive comments with regard to drafting points submitted with the United Kingdom draft. (Annex C of the United Kingdom's reply to the Secretary-General's note of 15 February 1952.)<sup>1/</sup> Similarly as the articles of the United Kingdom Draft have been numbered in accordance with the United Kingdom proposals for rearranging the text, (Annex A of the United Kingdom's reply to the Secretary-General's note of 15 February 1952)<sup>1/</sup> those proposals have not been reproduced separately. Where the United Kingdom's comments explained a proposed substantive change, they have been reproduced as comments mentioned under 3 above.

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<sup>1/</sup> The complete text of Annexes A and C is available for consultation in the Transport and Communications Division, United Nations Headquarters.

Comments of Governments

General

France

With regard to possible modification of the proposed texts, it is considered that the draft convention on the temporary importation of private vehicles, which is already in effect in several countries, is entirely satisfactory and that it is unnecessary to amend it.

Guatemala

[The Government of Guatemala] has no modification to propose to the draft International Customs Convention on Touring or to the proposals of the international organizations, since the exemptions granted in Guatemala are in general broader than those proposed, and since with regard to vehicles, the documents and controls proposed would appear to offer more effective safeguards from the fiscal standpoint.

It considers that a report should be made to the sixth session of the Transport and Communications Commission on any decision taken.

United Kingdom

The amendments suggested by the United Kingdom to the proposed Convention fall into two main classes:

- (a) re-arrangement of the order of the material contained in the draft Convention;
- (b) amendments as regards substance and form.

For easy appreciation of the proposals of the United Kingdom for re-arrangement, a schedule has been prepared (Annex A)<sup>1/</sup> which shows, in the left-hand column, the content and order of the ECE Draft Convention and, in the right-hand column, the order into which it is proposed that the Articles and paragraphs should be re-arranged in the world-wide convention. A cross-reference is provided, in the right-hand column, to the Article and paragraph number of the corresponding provision that the proposed re-arrangement represents an improvement on the ECE draft, it may be thought desirable to use as a working basis the re-draft which appears at Annex B of this memorandum.

<sup>1/</sup> See Explanatory Note.

The re-draft at Annex B incorporates all the amendments of form and of substance which are proposed by the United Kingdom. These amendments are, however, set out in detail at Annex C<sup>1/</sup> to this memorandum. The amendments proposed follow the order and numbering of the ECE draft but, to provide for the possibility that countries may consider that the United Kingdom proposal for re-arrangement is worth of adoption, a reference has been provided to the numbering of the Articles under the United Kingdom re-draft at Annex B.

The amendments at Annex C<sup>1/</sup> consist of a relatively small number of amendments of substance and a larger number of amendments of a more minor character which are put forward with the objects of bringing the terminology into line with current practice, and of providing a text which is at once clearer and more satisfactory from the legal point of view.

The most important amendments proposed by the United Kingdom are summarized below:

- (a) The re-definition of "vehicles" to include component parts, accessories and equipment.
- (b) The deletion of paragraph 5 of Article 2.
- (c) The inclusion on "carnets" and "triptyques" of a declaration by the holder attesting the correctness of the particulars on the paper, that he is principally resident outside the country of importation and that he will re-export the vehicle.
- (d) The deletion of Article 17.
- (e) The reduction of the period of one year in Article 33 to a period of six months (in both cases).
- (f) Addition of a new paragraph allowing for use of temporary importation papers by non-resident authorized by the holder.

Her Majesty's Government wishes in addition to draw attention to the necessity of ensuring that the terms of reference of the proposed conference are wide enough to cover not only road vehicles but ships and aircraft.

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<sup>1/</sup> See Explanatory Note.

Her Majesty's Government observe that the Draft Convention on Touring prepared by the Economic Commission for Europe employs the expression "Contracting States", and this term was accordingly retained both in the United Kingdom Draft Convention on Touring, and in the United Kingdom revision of the proposed Convention on Private Vehicles. Since, however, these drafts are expressed to be between the Governments signatory to them, Her Majesty's Government consider that it would be more appropriate to use the expression "Contracting Parties" and would prefer this wording to be employed. If other Governments agree therefore, both draft Conventions might usefully be amended so that "Contracting States" is throughout replaced by "Contracting Parties".

United States of America

For the information of the Secretary-General, the following comments are offered on three articles on which, if embodied in a final convention, the United States might have to file reservations: (see comments on Articles 9, 11 and 15 below).

RELEVANT PROVISIONS OF THE ECE DRAFT  
CONVENTION AND COMMENTS THEREON

PROVISIONS OF DRAFT INTERNATIONAL  
CUSTOMS CONVENTION ON THE TEMPORARY  
IMPORTATION OF PRIVATE ROAD VEHICLES,  
AIRCRAFT, BOATS AND VESSELS USED FOR  
TOURING PURPOSES, AND COMMENTS THEREON,  
SUBMITTED BY THE UNITED KINGDOM  
GOVERNMENT

.....  
.....  
desiring to facilitate the temporary  
importation of private vehicles and  
their equipment,<sup>1/</sup> have decided to  
conclude a Convention for this purpose.  
They have appointed as their  
plenipotentiaries:

.....  
.....  
who, after having communicated their  
full powers, found in good and due  
form, have agreed as follows:

Chapter I

GENERAL PROVISIONS

Article 1

For the purpose of this Convention:

- (a) 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;

Chapter I - Definitions

Article 1

For the purpose of this Convention:

- (a) 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;

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<sup>1/</sup> The underlined words were inserted  
by the Secretariat of the United  
Nations.

ECE DRAFT

(Article 1 -(cont'd)

(b) The term "vehicles" shall mean all road vehicles, including trailers and cycles with or without engines, or aircraft with or without engines, or pleasure boats or vessels with or without engines;

(c) The term "private use" shall exclude the transport of persons for remuneration, or the industrial or commercial transport of goods with or without remuneration; 1/

(d) The term "temporary importation papers" shall include a Customs receipt showing the deposit of import duties and import taxes;

(e) Unless the context otherwise requires, the term "persons" shall include both natural and legal persons.

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(Article 1 -(cont'd)

(b) Unless the context otherwise requires, the term "vehicles" shall mean all road vehicles (including trailers and cycles with or without engines) or aircraft with or without engines or pleasure boats or vessels with or without engines and shall include any component parts, accessories and equipment of vehicles required for and forming part of or imported in or with such vehicles, but shall not include any component parts, accessories or equipment imported separately;

(c) The term "private use" shall exclude the transport of persons for remuneration, reward or other consideration and the industrial or commercial transport of goods with or without remuneration;

(d) The term "temporary importation papers" shall include a Customs receipt showing the deposit of import duties and import taxes;

(e) Unless the context otherwise requires, the term "persons" shall include both natural and legal person.

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1/ In the OTA draft sub-paragraph (c) is omitted but the following article is included at the end of the draft:

Article 35

1. Each Contracting State may, at the time of signing this Convention or at a later date, declare that it intends to apply the provisions of this Convention only to vehicles imported and used for a purpose



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Footnote 1 - continued from previous  
page)

Footnote 1 - (continued)  
(OTA draft, Article 35 - cont'd)

other than the transport of persons against payment or the industrial or commercial transport of goods with or without payment. Such declaration made after the signing of this Convention shall become operative, as regards all Contracting States, on the sixtieth day after the date on which the declaration is received by the Secretary-General of the United Nations.

2. However, in this case, the provisions of this Convention shall continue to be applicable as regards non-discharged temporary importation papers at the time of the declaration by the Customs authorities of the declaring State, as well as to vehicles which, at the time, are actually in the territory of that State, under cover of a temporary importation paper as prescribed by this Convention. Any Contracting State which made this declaration may, at any time, revoke it and such revocation shall be operative as from the date on which it shall be received by the Secretary-General of the United Nations.

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Comment on Article 1

United States of America

The Convention should be limited to motor vehicles, which would permit consideration of the eventual desirability of making this a protocol to the 1949 Convention on Road Traffic and a desirable amplification of Article 3 thereof. Inclusion of private aircraft and pleasure boats under the definition of "vehicles" in Article 1 is deemed undesirable, since provisions relative to aircraft would be more appropriately within the scope of Annex 9 to the Convention on International Civil Aviation, dealing with "Facilitation of International Air Transport", and since the movements of pleasure boats are primarily local or regional in scope.

Yugoslavia

(See comments on Article 2.)

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Comment on Article 1 by the  
United Kingdom Government

The ECE draft convention on Touring is not very clear on the treatment of accessories, component parts and equipment imported with a vehicle. There is no positive affirmation that any reference to "vehicle" (say in Article 2(1)) includes a reference to normal accessories, parts and equipment. This difficulty was, of course, partly met by the association of the words "and articles" with the word "vehicles" wherever the latter occurred. It appears to have been envisaged that "and articles" would be deleted, on the assumption that the articles referred to will be covered by the separate convention on tourists' personal effects. This is not altogether the case and it will be necessary to cover accessories etc. specifically. It is suggested that the neatest way of doing this is to define "vehicles" as including component parts, accessories and equipment. Accordingly it is proposed that after "engines" in line 4 the sentence should continue "and shall include component parts, accessories

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~~Comment on Article 11 by the United Kingdom Government (continued)~~

and equipment of vehicles required for and forming part of or imported in or with such vehicles, but shall not include any component parts, accessories or equipment imported separately."

Comment by OTA

Clause permitting those States which do not wish commercial traffic to benefit from the facilities granted by this Convention, to sign, notwithstanding, the Convention, so that it may apply to private vehicles only.

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Chapter II - Admission free of  
import duties and  
import taxes

Article 2

Article 2

1. Each of the Contracting States shall grant temporary free admission subject to re-exportation on the conditions laid down in this Convention to vehicles ... which are imported and utilized for their private use by persons not principally resident in its territory who are the owners of such vehicles ... or who have possession or control of them.

1. Each of the Contracting States shall grant temporary admission free of import duties and import taxes, subject to re-exportation, on the conditions laid down in this Convention, to vehicles owned by persons not principally resident in its territory which are imported and utilized either by the owners or by other persons not principally resident in its territory for their private use on the occasion of a temporary visit.  
..... 1/

2. Such vehicles ... shall be covered by temporary importation papers guaranteeing the payment of import duties and import taxes, and, if the contingency should arise, of any Customs penalties incurred, subject to the special provisions of Article 33, paragraph 3, of this Convention.

2. Such vehicles shall be covered by temporary importation papers ~~guaranteeing~~ payment of import duties and import taxes, and, if the contingency should arise, of any Customs penalties incurred, subject to the special provision of paragraph 3 of Article 34 of this Convention.

.....

5. The import prohibitions imposed by the Contracting States shall only be applied to vehicles and articles which would otherwise benefit under this Convention when the prohibition was imposed on grounds other than those of an economic character, for example, moral, humanitarian, sanitary, veterinary, phyto-pathological and public security grounds.

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1/ For the second sentence of this paragraph see comments on Article 11 of the ECE draft.

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Comment on Article 2

Yugoslavia

In order to facilitate the exemption from customs duties, not only of vehicles imported temporarily for private use of their owners or beneficiaries, but also of buses and autocars, it would be necessary to provide by the Convention that even such vehicles travelling temporarily through a foreign country, may enjoy the same privileges as granted to private cars. The extension of these facilities on buses and autocars might be provided by the inclusion of the following paragraph into Article 2, between paragraphs 1 and 2:

"The Contracting States shall grant temporary free admission subject to re-exportation, also to vehicles utilized for transport of persons for remuneration, provided that their services shall be limited exclusively to persons brought by them from the foreign country".

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Comment on Article 2 by the  
United Kingdom Government

It is curious that the English text of this paragraph, which contains the most important provision in the whole convention, does not make it clear that it is temporary admission free of import duties and import taxes which is intended. It is proposed that line 2 should be amended to read "temporary admission free of import duties and import taxes, subject to re-exportation".

The words "which are imported and utilized for their private use by persons not principally resident in its territory who are the owners of such vehicles or who have possession or control of them" in lines 5 to 9 are not strict enough. The United Kingdom has had difficulty with British owners of foreign cars seeking to import such cars under the temporary importation provisions through the agency of a foreigner who is granted temporary possession or control of the car for the express purpose. The required conditions are surely two-fold: firstly, the owner must be a non-resident and, secondly, the person who imports the car must be a non-resident. The conditions imposed by the text of the Convention are alternative. It is proposed that this deficiency be met by

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Comment on Article 2 by the United Kingdom Government (cont'd)

the substitution, for the words quoted, of the following: "owned by persons not principally resident in its territory which are imported and utilized either by the owners or by other persons not principally resident in its territory for their private use on the occasion of a temporary visit".

The ECE Draft Convention on Commercial Road Vehicles does not contain any provision parallel to paragraph 5 of the ECE draft and it does not appear that such a provision is necessary; it is accordingly proposed that the paragraph be deleted.

The OTA draft contains the following text for Article 2:

1. Each of the Contracting States shall grant temporary free admission Subject to re-exportation, on the conditions laid down in this Convention, to vehicles registered by the competent authority of one of the other Contracting States and allowed to

Comment by OTA

1. There appears to be some confusion in drafts A and B between "articles" as defined in Article 2, paragraph 3 of draft A and "articles" as defined in Article 13, paragraph 4 of draft A (Article 12, paragraph 4 of draft B).<sup>1/</sup> Only the former, which

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<sup>1/</sup> Note: Draft A refers to the Draft International Customs Convention on Touring; Draft B refers to the Draft International Customs Convention on Commercial Road Vehicles, both prepared under the auspices of the Economic Commission for Europe (document E/ECE/109).

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OTA draft, Article 2 - (cont'd)

be used in the territory of that State, together with the articles mentioned in paragraph 4 of Article 12 below, which are imported by persons not principally resident in or operating from its territory who are the owners of such vehicles and articles, or who have possession or control of them.

2. Vehicles shall be covered by temporary importation papers guaranteeing the payment of import duties and import taxes.

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Comment by OTA - (cont'd)

are the subject of a separate Convention, should be excluded. Mention should be made of the latter (for example, wireless sets fixed in the vehicle, accessories not considered as constituting the normal equipment of vehicles).

2. (a) No mention is made of "articles", as these need only be covered by temporary importation papers if the customs authorities expressly require it (see Article 13, paragraph 4, ECE draft).

(b) The words "and, if the contingency should arise, of any Customs penalties incurred have been omitted. In practice the guarantor is not required to pay these penalties, even according to the provisions of drafts A and B, which in Articles 33, paragraph 3 and 31, paragraph 3 respectively, free him from this obligation. In the eyes of the law, the theory that a third party could guarantee the payment of penalties is indefensible. It is obvious that one cannot ensure oneself against the consequences of ones own misdemeanour. This would be an encouragement to break the law, which is strictly contra bonos mores.

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UNITED KINGDOM DRAFT

Comment by CTA - (cont'd)

Neither can the guarantor stand surety. Any violation of the principle that penal responsibility cannot be shared would undermine the very foundations of penal law.

Article 3

The fuel contained in the ordinary tanks of vehicles temporarily imported shall be admitted free of import duties and import taxes. Each Contracting State may determine in relation to its territory the conditions under which this concession will be granted.

Article 3

The fuel contained in the ordinary tanks of vehicles temporarily imported shall be admitted free of import duties and import taxes. Each Contracting State may determine in relation to its territory the limits and conditions under which this concession will be granted.

Comment by CTA

The right granted to States in drafts A and B to determine as they think fit the conditions and even the limits of this franchise, has been omitted. These conditions are sufficiently clearly defined by the words "contained in the Ordinary tanks". It should be remembered that the Convention only concerns foreign vehicles and not national vehicles returning from abroad.



ECE DRAFT

Article 4

1. The following shall be admitted free of import duties and import taxes:

Temporary importation or international circulation papers sent to the authorized associations by their corresponding associations or federations or by the Customs authorities of the Contracting States and which are to be used by persons residing in the country of importation for the admission of their vehicles into other countries;

The OTA draft contains the following text for Article 4:

Temporary importation or international circulation papers sent to the authorized associations by their corresponding associations or federations or by the Customs authorities of the Contracting States, which must be used for the temporary admission of vehicles in other countries, shall be admitted free of import duties and import taxes.

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Article 6

Temporary importation or international circulation papers sent to the authorized associations by their corresponding associations or federations or by the Customs authorities of the Contracting States and which are to be used by persons in the country of importation for the admission of their vehicles into other countries shall be admitted free of import duties and import taxes.

Comment by OTA

This wording is practically identical with drafts A and B, but covers all papers, whatever their purpose. It should be noted that it is not proposed to draw up models of different customs papers according to the use to which the vehicles concerned are put. Such differentiation would, in practice, be impossible, and is not made at the present time.

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Chapter II

TEMPORARY IMPORTATION PAPERS

Article 5

1. Temporary importation papers may be valid for a single country or for several countries.
2. Each of the Contracting States may obtain from the other Contracting States information as to the form or forms of temporary importation papers valid in its territory other than those contained in the Annexes of this Convention.

Article 8

1. Temporary importation papers may be valid for a single country or for several countries.
- 2.\* Temporary importation papers shall not be valid for the country in which the person owning the vehicle is principally resident nor for the country in which the person importing and using the vehicle is principally resident

Article 11

Each of the Contracting States may obtain from the other Contracting States information as to the form or forms of temporary importation papers valid in its territory in addition to those contained in the annexes of this Convention.

Comment by the United Kingdom Government

It should be clearly stated that temporary importation papers shall not be valid for the country in which the person owning the vehicle is principally resident or in which the person importing and using the vehicle is principally resident.

Article 6

1. Temporary importation papers valid for the territories of all or several of the Contracting States shall be known as "carnets de passages en douane" and shall conform to the standard forms contained in Annexes I and II for motor vehicles and trailers and, where required, for aircraft, respectively.

Article 9

1. Temporary importation papers valid for the territories of more than one of the Contracting States shall be known as "carnets de passages en douane" and shall conform to the standard forms contained in Annexes [ ] for road vehicles and, where required, for aircraft

\* New provision.

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Article 6 - (cont'd)

2. If a carnet is not to be used in the territory of one or several of the Contracting States, it may be made not valid for that or those territories by the issuing association.

3. Temporary importation papers valid only for the territory of a single Contracting State may conform to the standard form contained in Annex III. Contracting States are free to use other documents if they so desire.

UNITED KINGDOM DRAFT

Article 9 - (cont'd)

respectively. They shall be printed on white paper.

2. If a carnet is not to be used in the territory of one or several of the Contracting States, it shall be made not valid for that or those territories by the issuing association.

Article 10

Temporary importation papers valid only for the territory of a single Contracting State may conform to the standard form contained in Annex [ ] for road vehicles. Contracting States are free to use other documents if they so desire, but in that event the documents shall include the following form of declaration to be signed, at importation, by the holder of the papers in the presence of a Customs' officer:-

"I certify that the above particulars are true and correct, that I am principally resident outside the country of importation, that I am visiting that country only for a temporary period, that I will comply with all Customs conditions and requirements during the period of my visit and that I will re-export the vehicle referred to above before the period of validity of this document expires

----- Holder's signature"

Comment on Article 6

Yugoslavia

In order to prevent discriminatory measures in delivering carnets, it would be necessary to amend the following

Comment by the United Kingdom Government

Add at the end of para. 1 of Article 9, "They shall be printed on white paper". It would be well to lay down this condition formally, in order to avoid

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Comment on Article 6 - (cont'd)  
articles of this Convention:

Article 6, para. 1 of the Draft  
Convention, delete the words:

"or several of the";

Article 6, delete paragraph 2: "If a  
carnet ... by the issuing  
association".

Article 7

The period of validity of temporary  
importation papers, other than those  
issued by authorized associations as  
provided for in Article 10, shall be  
laid down by each Contracting State in  
accordance with its regulations.

Article 8

1. The vehicles and articles mentioned  
in the temporary importation papers must  
be re-exported in the same state within  
the period of validity of such papers.

2. Evidence of re-exportation shall be  
provided by the exit visa properly  
appended to the temporary importation  
papers by the Customs authorities of  
the country into which the vehicles and  
articles were temporarily imported.

3. The Contracting States may, however,  
make the discharge of temporary  
importation papers for aircraft, if  
required, subject to proof of the  
arrival of the machine in foreign  
territory.

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Comment by the United Kingdom  
Government - (cont'd)

confusion with any carnets which may be  
issued under a Convention covering  
commercial road vehicles.

Article 12

The period of validity of temporary  
importation papers, other than those  
issued by authorized associations as  
provided for in Article 7, shall be laid  
down by each Contracting State in  
accordance with its regulations.

Article 17

1. The vehicles mentioned in the  
temporary importation papers must be  
re-exported in the same state within the  
period of validity of such papers.

2. Evidence of re-exportation shall be  
provided by the exit visa properly  
appended to the temporary importation  
papers by the Customs Authorities of  
the country into which the vehicles  
were temporarily imported.

3. A Contracting State may, however,  
make the discharge of temporary  
importation papers for aircraft, if  
required, subject to proof of the  
arrival of the machine in foreign  
territory.

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Article 9Article 18

1. Notwithstanding the requirement of re-exportation laid down in Article 8, the re-exportation of badly damaged vehicles shall not be required, in the case of duly authenticated accidents, provided that the vehicles are either subjected to the import duties and import taxes to which they are liable, or abandoned free of all expense to the Exchequer of the country into which they were imported temporarily or destroyed at the expense of the parties concerned, as the Customs authorities may require.

2. When a vehicle temporarily admitted cannot be re-exported as the result of a seizure, other than a seizure made at the suit of private persons, the period of validity of the temporary importation papers shall be suspended for the duration of the seizure.

3. The Customs authorities shall notify, so far as possible, to the guaranteeing association, seizures made by or on behalf of these Customs authorities of vehicles admitted under cover of temporary importation papers guaranteed by that association and shall advise it of the measures they intend to take.

1. Notwithstanding the requirement of re-exportation laid down in Article 17, the re-exportation of badly damaged vehicles shall not be required, in the case of duly authenticated accidents, provided that:-

(a) the vehicles are either subjected to the import duties and import taxes to which they are liable; or

(b) are abandoned free of all expense to the Exchequer of the country into which they were imported temporarily; or

(c) are destroyed at the expense of the parties concerned

as the Customs authorities may require.

2. When a vehicle temporarily admitted cannot be re-exported as the result of a seizure, other than a seizure made at the suit of private persons, the requirement of re-exportation within the period of validity of the temporary importation papers shall be regarded as suspended for the duration of the seizure.

3. The Customs authorities shall notify, so far as possible, to the guaranteeing association, seizures made by or on behalf of these Customs authorities of vehicles admitted under cover of temporary importation papers guaranteed by that association and shall advise it of the measures they intend to take.

Comment on Article 9United States of America

Under presently existing tariff laws a private vehicle brought into the United States without payment of duty cannot be abandoned to the United States

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~~Comment~~ on Article 9 - (cont'd)

Government free of expense to the owner. It must be either exported, destroyed under customs supervision, or entered under section 308(5), Tariff Act of 1930, and penalty paid in the amount of one and one-quarter times the duty which would have been payable had duty been paid at the time of its importation.

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Chapter III

Chapter III - Issue of Temporary  
Importation Papers

FACILITIES ACCORDED TO AUTHORIZED  
ASSOCIATIONS

Article 10

Article 7

1. Subject to such guarantees and conditions as it shall determine, each of the Contracting States may authorize associations, such as those affiliated to an international organization, to issue directly or through corresponding associations the temporary importation papers covered by this Convention.

2. The period of validity of these papers shall not exceed a year from the day of issue.

Subject to such guarantees and conditions as it shall determine, each of the Contracting States may authorize associations, such as those affiliated to an international organization, to issue directly or through corresponding associations the temporary importation papers covered by this Convention. The period of validity of these papers shall not exceed a year from the day of issue.

Comment on Article 10

Yugoslavia

In order to prevent discriminatory measures in delivering carnets, it should be necessary to add after paragraph 1 the following paragraph:

"As regards the issuance of carnets and the payment of taxes and guaranteed deposits, the said organization shall neither make any discrimination among the Contracting States, nor shall it exclude single Contracting States from the system of carnets, nor shall the issuance of carnets be conditioned by a higher taxation or by an increased amount of the guaranteed deposit".

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Chapter IV

Conditions of Application of Temporary Admission

Article 11

The temporary importation facilities laid down in this Convention shall be accorded to persons not principally resident within the country which they visit temporarily. A person shall be considered to be not principally resident within the country of importation if he has resided or will reside in that country for less than six months on an average per year either to tour there or for a professional purpose irrespective of whether or not he is the proprietor or lessee of the house or apartment which he occupies.

Comment on Article 11

United States of America

The United States customs definition of "non-resident" does not agree with this definition of "persons not principally resident" and it is possible that a "person not principally resident" in the United States would be considered a "resident" of the United States for customs purposes and therefore not entitled to import a vehicle free of duty for a temporary period. According to United States customs practice residence is primarily a matter of intent. Persons who have at any time resided in this country are deemed to remain residents of this country unless they have abandoned their residence in this country and acquired an actual bona fide residence in a foreign country. A person who has entered the

Article 2

.....  
A person shall be considered to be not principally resident within the country of importation if he has resided or will reside in that country for less than six months on an average per year either to tour there or for business purposes, irrespective of whether or not he is the proprietor or lessee of the house or apartment which he occupies.

Comment by the United Kingdom Government

It is proposed that "a professional purpose" should be amended to read "business purposes", which is wider in scope.



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UNITED KINGDOM DRAFT

Comments on Article 11 by the United States of America (CONFID)

United States with the intention to become a permanent resident, under circumstances which permit him to take up such permanent residence, is regarded as a resident of the United States for customs purposes.

Comment by CTA

Article 11 of draft A defines the conception of "residence". It is proposed that this definition should be included in the Protocol of Signature. The non-resident clause appears at the end of Article 2.

Article 12

1. Temporary importation papers issued by the authorized association shall be made out in the name of the persons who own the vehicles temporarily imported or who have the possession or control of them.
2. Vehicles admitted under cover of temporary importation papers may be used by persons duly authorized by the holders and fulfilling the conditions laid down in this Convention. The Customs authorities of the Contracting States have the right to require evidence that such third persons have been duly authorized by the holders and, if this evidence does not appear sufficient, to refuse importation or use of the vehicle in their country under cover of the papers.
3. The Customs authorities of the Contracting States may permit, in special circumstances and under conditions of which they shall be sole judges, a vehicle circulating under cover of a temporary importation document to be driven by a person who is principally resident in the country of importation, in particular when the driver drives the vehicle on behalf of or under instructions from the holder of the temporary importation document.

Article 13

Temporary importation papers issued by the authorized association shall show the name and address of the person who owns the vehicle temporarily imported and also the name and address of the person who has possession or control of this vehicle (if not the owner).

Article 16

- .....
2. Vehicles admitted under cover of temporary importation papers may be used by any person named in the papers or by any person duly authorized by any such person provided that the owner is not principally resident in the country of importation. The Customs authorities of the Contracting States have the right to require evidence that such persons have been duly authorized and fulfil the aforesaid condition and, if this evidence does not appear sufficient, to refuse use of the vehicle in their country under cover of the papers.
  3. Notwithstanding the provisions of paragraph 1 of this Article, the Customs authorities of any Contracting State may permit, in special circumstances

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Article 16 (cont'd)

and under conditions of which they shall be sole judges, a vehicle circulating under cover of a temporary importation document to be driven by a person who is principally resident in the country of importation, in particular when the driver drives the vehicle on behalf of or under instructions from the holder of the temporary importation document.

Temporary<sup>1/</sup> importation papers may be used by a person other than the person or persons named in the papers provided that he is authorized in writing to use the papers by any person named in the papers, and is himself entitled to temporary importation facilities in the country of importation. The Customs authorities in the country of importation have the right to require evidence that the aforesaid conditions are fulfilled and, if this evidence does not appear sufficient, to refuse importation or use of the vehicle in their country under cover of the papers.

Comment on Article 12 by  
United Kingdom Government

It sometimes happens that a chauffeur brings a vehicle over on behalf of the owner who intends to pick up the vehicle later and that the owner may not have taken the precaution of having the papers made out in the chauffeur's name.

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<sup>1/</sup> New provision.

ECE DRAFT

UNITED KINGDOM DRAFT

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Comment by OTA on Article 12,  
Paragraph 2

Text identical with draft A, except that the word "used" has been replaced by "driven". Indeed the word "used" must be interpreted as the action of making the vehicle travel, and therefore of driving; a passenger in the vehicle, if he is neither the holder of the Customs paper nor the driver of the vehicle, need not necessarily fulfil the conditions laid down by the Convention. In this connection, see also Article 17, ECE Draft.

Draft B does not mention the reserve "fulfilling the conditions laid down in this Convention" nor the right to require evidence and to refuse importation or use of the vehicle. The option not to require that the conditions of the Convention be fulfilled is given in paragraph 3 of Article 12, which is identical with paragraph 3 of Article 12 of draft A, but which does not appear in draft B as the conditions in question are omitted from that draft. There is no reason why the Customs authorities should not be able to verify that the driver of a vehicle used for commercial purposes has been duly authorized by the holder, in the same way as they can check on the driver of a vehicle used privately.

Article 13

1. The eight to be declared on temporary importation papers is the net weight of the vehicles. It shall be expressed in the metric system. In the case of papers valid for one country only, the Customs authorities of that country may prescribe the use of another system.

2. The value to be declared on temporary importation papers valid for

Article 14

1. The weight to be declared on temporary importation papers shall be the net weight of the vehicles. It shall be expressed in the metric system. In the case of papers valid for one country only, the Customs authorities of that country may prescribe the use of another system.

2. The value to be declared on temporary importation papers valid for

Article 13 (cont'd)

one country only is to be expressed in the currency of that country. The value to be declared on a "carnet de passages en douane" is to be expressed in the currency of the country where the temporary importation papers are issued.

3. The articles and tool-kit which form the normal equipment of vehicles need not be specially declared on the temporary importation papers.

4. When the Customs authorities so require, spare parts (such as tyres, inner tubes or propellers) and accessories not considered as constituting the normal equipment of vehicles (such as wireless sets, trailers not declared on a separate document, or luggage carriers) shall be declared on the temporary importation papers with the necessary particulars (such as weight or value) and shall be produced on exit from the country visited.

Article 14

Any particulars inserted on temporary importation papers by the issuing association may not be altered unless the alteration is duly approved by the issuing or guaranteeing association. No alteration to the papers may be made after they have been passed by the Customs authorities of the country of importation except with the consent of those authorities.

Article 14 (cont'd)

one country only shall be expressed in the currency of that country. The value to be declared on a "carnet de passages en douane" shall be expressed in the currency of the country where the temporary importation papers are issued.

3. The articles and tool-kit which form the normal equipment of vehicles need not be specially declared on the temporary importation papers.

4. When the Customs authorities so require, spare parts (such as tyres, inner tubes or propellers) and accessories not considered as constituting the normal equipment of vehicles (such as wireless sets, trailers not declared on a separate document, or luggage carriers) shall be declared on the temporary importation papers with the necessary particulars (such as weight or value) and shall be produced on exit from the country visited.

Article 15

Any particulars inserted on temporary importation papers by the issuing association may not be altered unless the alteration is duly approved by the issuing or guaranteeing association. No alteration to the papers may be made after they have been passed by the Customs authorities of the country of importation except with the consent of those authorities.

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Comment by OTA

At the end of Article 13, para. 4, the words "weight or value" are used. This should read, "weight and value".

## ECE DRAFT

## UNITED KINGDOM DRAFT

Article 15

Separate parts imported privately for the repair of vehicles imported temporarily under this Convention into the territory of one of the Contracting States shall be given temporary free admission subject to re-exportation.

Comment on Article 15Norway

In article 15 concerning import of separate parts, should be added that import license should not be required for such import.

United States of America

Importation of repair parts free of duty at a time subsequent to arrival of the vehicle in this country would require enabling legislation.

Article 16

Replaced parts shall be liable to import duties and import taxes unless re-exported except where the regulations of the country concerned allow payment of such duties or taxes to be waived when the parts are abandoned free of all expense to the Exchequer or destroyed at the expense of the parties concerned.

Article 17

Vehicles imported into the territory of one of the Contracting States under cover of temporary importation papers may not be used even incidentally for transport against payment between points within the frontiers of that territory.

Article 4

Accessories or component parts imported separately for the repair of a vehicle which has been or is being imported temporarily under this Convention into the territory of one of the Contracting States shall be given temporary admission free of import duties and import taxes subject to re-exportation as part of the vehicle or separately.

Article 5

Replaced parts shall be liable to any appropriate import duties and import taxes unless re-exported except where the regulations of the country concerned allow payment of such duties or taxes to be waived when the parts are abandoned free of all expense to the Exchequer or destroyed at the expense of the parties concerned.

ECE DRAFT

UNITED KINGDOM DRAFT

Comment on Article 17

United Kingdom

It is proposed that this be deleted;  
its effect is fully covered by Article 2,  
paragraph 1, as reinforced by the  
definition of "private use" in Article 1.

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Chapter V

EXTENSION OF VALIDITY AND RENEWAL  
OF TEMPORARY IMPORTATION PAPERS

Article 18

The lack of proof of re-exportation within the time allowed of vehicles temporarily imported shall be disregarded when the vehicles are presented within eight\* days from the expiry of the papers and satisfactory explanations of the delay are given.

Article 24

The lack of proof of re-exportation within the time allowed of vehicles temporarily imported shall be disregarded when the vehicles are presented to the Customs authorities for final exportation within eight days from the expiry of the papers and satisfactory explanations of the delay are given.

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Text of Article 17 submitted by  
OTA:

Nothing in this Convention shall be deemed to prejudice the right of each Contracting State to prohibit the use of vehicles registered abroad for the transport, even occasionally, of persons against payment, or of goods, from a point within the frontiers of the country into which the vehicle is imported to another point within those frontiers.

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\* The OTA proposes to raise the period of grace from 8 to 14 days as failure to re-export a vehicle in the given time is usually due to illness or to a breakdown of the vehicle and it has been proved in practice that a period of 8 days is often too short.

ECE DRAFT

Article 19

1. Requests for extension of validity of temporary importation papers shall be presented to the competent Customs authorities before the expiry of these papers, unless this is rendered impossible by force majeure.

2. Extensions of time necessary for the re-exportation of vehicles and articles imported temporarily shall be granted when the persons concerned can establish to the satisfaction of the Customs authorities concerned that they are prevented by force majeure from re-exporting the said vehicles or articles within the time allowed.

Article 20

The Contracting States shall recognize as valid for their territories extensions of validity to carnets de passages en douane, where these extensions are granted on conditions agreed between their Customs authorities.

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The OTA proposes the addition of the following paragraph to Article 19:

3. If the temporary importation paper has been issued by an authorized association, the request for extension must be made by the association which guarantees the document.

The OTA proposes the following text for Article 20:

The Contracting States shall recognize as valid for their territories extensions of validity to carnets de passages en douane granted by another Contracting State, where these extensions are granted under the conditions laid down in Annex V of this Convention.

UNITED KINGDOM DRAFT

Article 26

1. Requests for extension of validity of temporary importation papers shall be presented to the competent Customs authorities before the expiry of these papers, unless this is rendered impossible by force majeure.

2. Extensions of time necessary for the re-exportation of vehicles imported temporarily shall be granted when the persons concerned can establish to the satisfaction of the Customs authorities concerned that they are prevented by force majeure from re-exporting the said vehicles within the time allowed.

Article 25

The Contracting States shall recognize as valid for their territories extensions of validity to carnets de passages en douane, where these extensions are granted on conditions authorized by the appropriate Customs authorities.

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Comment by OTA  
Article 19

The extension of the validity of a document which engages the responsibility of the association cannot be made without the knowledge and consent of that association (see also the end of Article 21).

Article 20

Text identical with drafts A and B except that the conditions for the granting of extensions are contained in an annex, instead of being laid down in a later agreement. There is no reason to leave this point unsettled and since an agreement is necessary before Article 20 can become effective, it is better to include such agreement in the Convention.



ECE DRAFT

UNITED KINGDOM DRAFT

Article 21

Each of the Contracting States shall, unless the conditions of temporary admission are no longer satisfied, authorize, subject to whatever measures of control they may consider necessary, the renewal of temporary importation papers issued by the authorized associations and relating to vehicles or articles temporarily imported into its territory. Requests for renewal shall be presented by the guaranteeing association.

Article 27

Each of the Contracting Parties shall, unless the conditions of temporary admission are no longer satisfied, authorize, subject to whatever measures of control they may consider necessary, the renewal of temporary importation papers issued by the authorized associations and relating to vehicles temporarily imported into its territory. Requests for renewal shall be presented by the guaranteeing association.

Chapter VI

VISAS ON TEMPORARY IMPORTATION PAPERS  
ISSUED BY THE AUTHORIZED ASSOCIATIONS

Article 22

Persons entitled to temporary admission facilities may, during the period of validity of temporary importation papers, import the vehicles or articles covered by those papers as often as necessary, on conditions that they have each passage (entry and exit) established by a visa of the Customs officers concerned, if the Customs authorities so require. Temporary importation papers may be made valid for a single journey only.

Article 19

Persons entitled to temporary admission facilities may, during the period of validity of temporary importation papers, import the vehicles covered by those papers as often as necessary, on condition that they have each passage (entry and exit) established by a visa of the Customs officers concerned, if the Customs authorities so require. Temporary importation papers may be made valid for a single journey only.

Article 23

When temporary importation papers without detachable vouchers for each passage are used, the visas given by the Customs officers between the first entry and the final exit are provisional. Provisional visas given on exit may, nevertheless, under the conditions determined by each country, be admitted, while the papers are still valid, as proof of the re-exportation of the vehicles or articles temporarily imported.

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Article 20

When temporary importation papers without detachable vouchers for each passage are used, the visas given by the Customs officers between the first entry and the final exit are provisional. Provisional visas given on exit may, nevertheless, under the conditions determined by each country, be admitted, while the papers are still valid, as proof of the re-exportation of the vehicles temporarily imported.

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The OTA proposes to replace the last sentence of Article 23 by the following:

Nevertheless, when the last visa is a provisional exit visa, it will be admitted as proof of the re-exportation of the vehicles or articles temporarily imported.

UNITED KINGDOM DRAFT

Comment by the OTA

Drafts A and B give only the Customs Authorities the right to admit a provisional exit visa as proof of re-exportation. There seems no valid reason why this practice should not be generalized and made the rule. Distinction must be made between basic requirements and formalities. The basic requirement is that the vehicle be re-exported within the given time. This has been fulfilled, for if not the last visa on the document would not be an exit visa. The vehicle has not returned to the country of temporary importation, or its entry would have been noted on a document. It is difficult to see why the Customs authorities would rather have confidence in a foreign authority which issues a certificate of presence, than in their own offices who have noted the exit. In these circumstances, to require a certificate of presence is to insist on a complicated and perfectly useless procedure.

The formality is the proper discharge of the document. There must be an exit voucher corresponding to the entry voucher passed by the Customs. Request for regularization must therefore be sent to the Customs authorities, together with the document in question. On seeing the provisional exit visa which is the last visa on the document, the Customs complete the formality of

ECE DRAFT

UNITED KINGDOM DRAFT

final discharge and detach the exit voucher, which is paired off with the corresponding entry voucher. The document is regularized.

The document need not necessarily still be valid. Even if it has expired, and in practice this will most often be the case, there is no chance of abuse. The vehicle was indeed re-exported on the date appearing on the provisional exit visa and has not re-entered, because there is no later entry visa.

Article 24

When temporary importation papers with detachable voucher for each passage are used, each entry and each exit shall be regarded as final.

Article 25

When the Customs authorities of a country have finally and unconditionally discharged temporary importation papers they can no longer claim from the guaranteeing association payment of import duties and import taxes, unless the certificate of discharge was obtained improperly.\*

Article 21

When temporary importation papers with a detachable voucher for each passage are used, each entry and each exit shall be regarded as final.

Article 22

When the Customs authorities of a country have certified the exportation of a vehicle imported under temporary importation papers, they may no longer claim from the guaranteeing association payment of import duties and import taxes on the vehicle unless it is established within 12 (or 24) months of the date of exportation/ that the importer was not entitled to temporary importation facilities or has contravened the conditions under which temporary importation facilities were allowed.

Comment by the  
United Kingdom Government

It should be appreciated that the mere fact that the Customs authorities have certified the final exportation of the vehicle is no justification for their

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\* The OIA suggests substituting for "improperly" the word "fraudulently" as being more precise and expressing more clearly what is meant.

ECE DRAFT

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Text of Article 24 submitted by the  
OTA:

When temporary importation papers with a detachable voucher for each passage are used, each entry admits the passing of the document by the Customs, and each subsequent exit constitutes its final discharge.

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Article 26

Visas on temporary importation papers used under the conditions laid down in this Convention shall not be subject to the payment of charges for Customs attendance during the authorized hours for Customs offices and posts.

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Chapter VII

REGULARIZATION OF TEMPORARY IMPORTATION  
PAPERS ISSUED BY THE AUTHORIZED ASSOCIATIONS

Article 27

1. If the Customs authorities so permit, the lack of a certificate of discharge for temporary importation papers which

UNITED KINGDOM DRAFT

Article 22 - Comment -(cont'd)  
being prevented from seeking satisfaction from the guaranteeing association if it should prove that the importer received temporary importation facilities irregularly or broke the conditions under which those facilities were offered.

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Comment by the OTA:

Drafts A and B say: "each entry and each exit shall be regarded as final". It seems illogical to talk of an entry being final, since by definition any entry is only temporary. Hence the proposed change of wording.

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Article 23

Visas on temporary importation papers used under the conditions laid down in this Convention shall not be subject to the payment of charges for Customs attendance during the authorized hours for Customs offices and posts.

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CHAPTER VII - Regularization  
of undischarged papers

Article 28

1. If the Customs authorities so permit, the lack of a certificate of exportation for temporary importation papers which have been destroyed, lost or stolen, may be disregarded provided

ECE DRAFT

Chapter VII - Article 27 - (cont'd)

have been destroyed, lost or stolen, may be disregarded provided that a certificate issued either by a consular authority of the country concerned, by a Customs authority, or a police authority is produced, testifying that the vehicles or articles described on the papers have been presented to them and are outside the country of importation after the date of expiry of the papers.

2. Undischarged papers may likewise be regularized, before or after expiry, if the Customs authorities so permit and on condition that the papers are produced by one of the competent authorities mentioned above, or by such other proof as may be required, showing that the vehicles or articles are outside the country of importation. Nevertheless, if the papers in question have not expired, the said certificate or the said proof may only be accepted after the deposit of the said papers with the Customs authorities. If the vehicle is stolen after having been re-exported from the country of temporary importation without the exit being regularly endorsed on the temporary importation papers, the papers may be regularized provided that the guaranteeing association furnishes the papers together with proof of the theft. If the temporary importation papers have not expired, the Customs authorities may require their surrender.

3. A standard form of such certificate is shown in Annex IV.

UNITED KINGDOM DRAFT

Chapter VII - Article 28 - (cont'd)

that a certificate issued either by a consular authority of the country concerned, by a Customs authority, or a police authority, is produced, testifying that the vehicle described on the papers has been presented to them and is outside the country of importation after the date of expiry of the papers.

2. Papers on which exportation has not been officially certified by the Customs authorities may likewise be regularized, before or after expiry, if the Customs authorities so permit and on condition that the papers are produced to them, accompanied by a certificate issued by one of the competent authorities mentioned above, or by such other proof as may be required, showing that the vehicle is outside the country of importation. Nevertheless, if the papers in question have not expired, the said certificate or the said proof may only be accepted after the deposit of the said papers with the Customs authorities. If the vehicle is stolen after having been re-exported from the country of temporary importation without the exit being regularly endorsed on the temporary importation papers, the papers may be regularized provided that the guaranteeing association furnishes the papers together with proof of the theft. If the temporary importation papers have not expired, the Customs authorities may require their surrender.

3. A standard form of such certificate is shown in Annex .

ECE DRAFT

UNITED KINGDOM DRAFT

Comment on Article 27

Norway

Article 27 should be amended so that it is made clear that the Customs authorities in the country to which the vehicle has temporarily been imported, should be obliged to regularize the custom documents when the proofs mentioned in the article have been procured.

United States of America

Difficulty is reported to have been encountered in the United States in obtaining certificates for the adjustment of undischarged or lost temporary importation papers due to unwillingness of police departments and foreign consulates to examine the automobiles covered by such papers. The requirement might be simplified by making it possible, without examination of vehicles, to procure from customs records where available evidence of the importation of the vehicle which would not require more information than year, make, type of car and motor or serial number.

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Text of Article 27 submitted by the  
OTA:

1. When a temporary importation paper has been destroyed, lost or stolen without being regularly discharged, although the vehicle and articles to which it refers have been re-exported, the Customs authority shall accept as proof of re-exportation the presentation of a

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Comment by the OTA

The object of this article is to define what will be accepted as proof of re-exportation, failing a final exit visa, which will leave no doubt as to the fact that the vehicle and articles concerned have been re-exported and which are in consequence sufficient to enable

ECE DRAFT

Text of Article 27 -(cont'd)

certificate based on the standard form appearing at Annex V of this Convention, issued either by a Consular authority of the country concerned, by a Customs authority or a police authority, testifying that the vehicle and articles in question have been presented to them and are outside the country of importation after the date of expiry of the paper.

2. When a carnet de passages en douane has been destroyed, lost or stolen while the vehicle to which it refers is temporarily imported into the territory of one of the Contracting States, the Customs authority will, at the request of the association concerned, accept a replacement document. The regular discharge of this paper shall be accepted after the date of expiry of the paper destroyed, lost or stolen, as a sufficient proof of re-exportation for the regularization of the carnet in question. This also applies to exit visas marked on an export permit or similar document issued in respect of re-exportation of the vehicle concerned.

UNITED KINGDOM DRAFT

Comment by the OTA -(cont'd)

the paper to be discharged. It should be remembered that, in accordance with Article 8, paragraph 2, the visa itself is only a proof of re-exportation. Undue formalism which has no practical utility should be avoided. It is also necessary to define clearly not the proofs which may be accepted, as each Customs authority is naturally free to accept whatever proof it considers sufficient, but those proofs which will be accepted. Otherwise the provisions which appear in the Convention concerning regularization would lose their practical value.

The proposed article covers:

- (a) the case where the temporary importation paper has been destroyed, lost or stolen without being properly discharged;
- (b) the case where the temporary importation paper has not been properly discharged, but is still in the holder's possession.

As regards case (a), the article distinguishes between the case where the vehicle has left the territory of the country of temporary importation (paragraph 1), and the case where the vehicle is still in that territory (paragraph 2).

In the former case, a certificate specially introduced by this Convention for this purpose testifying that the vehicle is outside the country of importation, will be recognized as proof of re-exportation. In order to guard against the possibility of fraud and of a false declaration of loss of a customs document, the certificate must be dated later than the expiry date of the lost document. In these conditions, the certificate gives positive proof that the vehicle has indeed been finally re-exported.

ECE DRAFT

UNITED KINGDOM DRAFT

Comment by the OTA - (cont'd)

In the case where the vehicle is still in the territory of the country of importation, a more simple and more practical procedure is laid down if the paper which has been destroyed, lost or stolen is a carnet de passages en douane.

It must be borne in mind that the holder of the missing carnet must be provided with a document which will allow him to leave the country of temporary importation and, if necessary, cross other foreign countries. A new document must therefore be issued in some way or another. It is possible, without running the slightest risk of abuse, firstly to accept the document issued in replacement, which must not be valid after the date of expiry of the missing document, and secondly to consider the discharge of this document on exit as proof of re-exportation of the vehicle to which the lost carnet de passages en douane refers.

It is quite useless to claim a certificate of presence abroad. This is tantamount to requiring a declaration made by foreign officers to confirm the testimony of ones own officers. In order to avoid any possibility of confusion, the replacement document must be produced for the regularization of the missing document after the date of expiry of the latter. The Customs can thus ensure that the carnet has not been used after the discharge of the replacement document.

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Article 28

Subject to the conditions determined by the Customs authorities of each country, the lack of a certificate of discharge for outdated temporary

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Article 29

Subject to the conditions determined by the Customs authorities of each country, the lack of a certificate of exportation for outdated temporary



## ECE DRAFT

## Article 28 - (cont'd)

importation papers without detachable vouchers may also be disregarded when the last provisional visa on those papers is an exit visa.

## UNITED KINGDOM DRAFT

## Article 29 - (cont'd)

importation papers without detachable vouchers may also be disregarded when the last provisional visas on those papers is an exit visa.

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Comment by the OTA

Article 28 of draft A (Article 26 of draft B) has been omitted. The regularization of triptyques has already been provided for in Article 23. The distinction made between expired and unexpired triptyques in the drafts (Articles 23 and 28 of draft A and 21 and 26 of draft B) is not justified. The triptyque is presented to the Customs authority for regularization. Whether or not it has expired, so long as the last visa is an exit visa, it proves that the vehicle was re-exported on the date on which the exit visa was noted on the triptyque. The vehicle has not re-entered the country, as the last visa is an exit visa. Once the triptyque has been regularized it is obviously no longer valid and can not be used any more, even if it did come into the hands of the holder, as the final exit voucher has been detached.

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Article 29

When an exit visa of a country has been omitted from, or has been irregularly

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Article 30

When an exit visa of a country has been omitted from, or has been irregularly

ECE DRAFT

UNITED KINGDOM DRAFT

Article 29 -(cont'd)

appended to a carnet de passages en douane, the visas entered thereon by the Customs authorities of countries subsequently visited may be taken into account for the purpose of discharging the carnet.

Article 30 -(cont'd)

appended to, a carnet de passages en douane, the visas entered thereon by the Customs authorities of countries subsequently visited may be taken into account for the purpose of certifying exportation on that carnet.

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Text submitted by the OTA:

If a carnet de passages en douane has not been regularly discharged, the Customs authorities will accept as proof of re-exportation visas entered on the said carnet by the Customs authorities of countries subsequently visited.

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Comment by the OTA

Text identical with drafts A and B, except for a slight change of wording. Drafts A and B read: "When an exit visa of a country has been omitted from, or has been irregularly appended to ...". It is better to keep to the wording previously used in similar cases.

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Article 30

Unless contrary to import prohibitions and restrictions or other measures, the discharge of the undertakings entered into may be authorized exceptionally on payment of the import duties and import taxes applicable to the vehicles or articles temporarily imported.

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Article 31

Unless contrary to import prohibitions and restrictions or other measures, the discharge of the undertakings entered into may be authorized exceptionally on payment of the import duties and import taxes applicable to the vehicles temporarily imported.

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Text submitted by the OTA:

Unless it is contrary to import prohibitions and restrictions or other measures, the holder of a temporary importation paper may, in exceptional circumstances, be freed from his obligation to re-export the vehicle and articles described on the paper, on payment of the import duties and import taxes applicable to the vehicles and articles of which permanent importation

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Comment by the OTA

As has been said in the remark on Article 5 paragraph 4, the first obligation of a holder of a temporary importation document is to re-export the vehicle and articles described on his document within the given time limit. It is this obligation which is guaranteed by

ECE DRAFT

Text submitted by the OTA - (cont'd)

has been authorized. If the temporary importation paper has been issued by an authorized association, the latter cannot be held responsible for this payment, and the discharge of its undertakings will be granted without further ado.

UNITED KINGDOM DRAFT

Comment by the OTA - (cont'd)

the authorized association. If this obligation is not fulfilled, the guarantor is jointly and severally responsible with the holder for the payment of the duty due as a result. The guarantor is thus only responsible for the payment of duty if it becomes due as a result of failure to fulfil the obligation to re-export, or as a result of one of the other conditions necessary for the application of the temporary importation regime. He does not in any event guarantee payment of duty due as a result of a permanent importation which has been properly authorized. In consequence, if the authorities of a given country authorize the permanent importation of a vehicle during the period of validity of a temporary importation paper in respect of the said vehicle, the latter ceases to be under the temporary importation regime, no irregularity has been committed and the guarantor is no longer required to guarantee the execution of an obligation which the authorities of the country concerned have of their own accord renounced. The guarantor cannot obviously be held responsible for the consequences of failure to fulfil an obligation which does not exist. The fact that an import licence has been granted changes temporary importation

ECE DRAFT

UNITED KINGDOM DRAFT

Comment by the OTA -(cont'd)  
into permanent importation. Even disregarding the preceding remarks, it is obvious that the conditions under which the authorized associations stood guarantor vis-a-vis the customs have been radically altered and that such unilateral alteration can only free the co-contractant from his obligations.

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Article 31

In the cases referred to in Articles 27, 28, 29 and 30 of this Convention, each Customs authority shall have the right to charge a regularization fee and interest.

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Article 32

In the cases referred to in Articles 28, 29, 30 and 31 of this Convention, each Customs authority shall have the right to charge a regularization fee and interest.

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Article 32

Customs authorities shall not have the right to demand from the guaranteeing associations payment of import duties and import taxes on vehicles or articles temporarily imported when the non-discharge of the temporary importation papers has not been notified to the guaranteeing associations within a year of the date of expiry of the validity of those papers.

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Article 33

Customs authorities shall not have the right to demand from the guaranteeing associations payment of import duties and import taxes on vehicles temporarily imported on the grounds that the vehicle has not been re-exported, when the non-certification of re-exportation on the temporary importation papers has not been notified to the guaranteeing associations within a year of the date of expiry of the validity of those papers.

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Comment on Article 31 by the OTA:

Article 31 of draft A (29 of draft B) has been omitted. In practice it is the authorized associations which undertake nearly all the work necessary to obtain the regularization of a paper. The

ECE DRAFT

UNITED KINGDOM DRAFT

Comment on Article 31 by the OTA -(cont'd)

Customs authorities should undertake their formalities free of charge, on the basis of reciprocity between Contracting States.

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Article 33

1. The guaranteeing associations shall have a period of one year as from the notification of the non-discharge of temporary importation papers in which to furnish proof of the re-exportation of the vehicles or articles under the conditions laid down in this Convention.
2. If such proof is not furnished within the time allowed, the guaranteeing association shall deposit or pay provisionally the import duties and import taxes payable. This deposit or payment shall become final after a period of one year from the date of the deposit or provisional payment. During the latter period, the guaranteeing associations may still avail themselves of the facilities provided by the first paragraph of this Article with a view to repayment of the sums deposited or paid.
3. In the case of the non-discharge of temporary importation papers, the guaranteeing association shall not be required to pay a sum greater than the total of the import duties and import taxes applicable to the vehicles or articles exported, together with interest if required.

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Article 34

Nothing in this Convention shall prevent the Customs authorities from proceeding to recover from the holders of

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Article 34

1. The guaranteeing associations shall have a period of six months as from the date of notification of the non-certification of re-exportation on temporary importation papers in which to furnish proof of the re-exportation of the vehicles under the conditions laid down in this Convention.
2. If such proof is not furnished within the time allowed the guaranteeing association shall deposit or pay provisionally the import duties and import taxes payable. This deposit or payment shall become final after a period of six months from the date of the deposit or provisional payment. During the latter period, the guaranteeing associations may still avail themselves of the facilities provided by the first paragraph of this Article with a view to repayment of the sums deposited or paid.
3. In the case of the non-discharge of temporary importation papers, the guaranteeing association shall not be required to pay a sum greater than the total of the import duties and import taxes applicable to the vehicles not exported, together with interest if required.

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Article 35

Nothing in this Convention shall prevent the Customs authorities from proceeding to recover from the holders of

ECE DRAFT

Article 34 - (cont'd)

temporary importation papers the import duties and import taxes and also any penalties to which they have rendered themselves liable in the event of fraud, contravention or abuse. In such a case, the guaranteeing associations shall lend their assistance to the Customs authorities.

UNITED KINGDOM DRAFT

Article 35 - (cont'd)

temporary importation papers the import duties and import taxes and also any penalties to which they have rendered themselves liable in the event of fraud, contravention or abuse. In such a case, the guaranteeing associations shall lend their assistance to the Customs authorities.

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Comment on Article 33 by the OTA:

Paragraph 3 of this Article is omitted, because, as indicated in the remark (b) on Article 2 paragraph 2, a guarantor cannot be held responsible for the payment of penalties and cannot in consequence be required to pay a sum greater than the total of the import duties and import taxes, together with interest if required.

ECE DRAFT

UNITED KINGDOM DRAFT

Chapter VIII

Chapter VIII

MISCELLANEOUS PROVISIONS

MISCELLANEOUS PROVISIONS

Article 35

Article 36

For the fulfilment of the formalities laid down in this Convention, the Contracting States will endeavour to keep open during the same hours Customs offices and posts next to each other on the same international road.

For the fulfilment of the procedure laid down in this Convention, the Contracting States will endeavour to keep open during the same hours Customs offices and posts next to each other on the same international road.

Article 36

Article 37

The Contracting States will endeavour not to institute Customs measures which might have the effect of impeding the development of international touring.<sup>1/</sup>

The Contracting States will endeavour not to institute Customs measures which might have the effect of impeding the development of international touring.

Article 37

Article 38

Any breach of the provisions of this Convention, any substitution, false declaration or act having the effect of causing a person, a vehicle or an article improperly to benefit from the system of importation laid down in this Convention, any use of a vehicle or an article thus imported for a purpose other than laid down therein, or by a person not fulfilling the conditions necessary to benefit from the aforesaid system of importation may render the offender liable to the penalties prescribed by the laws of the country in which the offence was committed.

Any breach of the laws of the Contracting States implementing the provisions of this Convention, any substitution, false declaration or act having the effect of causing a person, a vehicle or an article improperly to benefit from the system of importation laid down in this Convention, any use of a vehicle or an article thus imported for a purpose other than laid down therein, or by a person not fulfilling the conditions necessary to benefit from the aforesaid system of importation may render the offender liable to the penalties prescribed by the laws of the country in which the offence was committed.

PROTOCOL OF SIGNATURE

PROTOCOL OF SIGNATURE

At the time of signing the Convention of this day's date, the undersigned plenipotentiaries make the following declarations:

At the time of signing the Convention of this day's date, the undersigned plenipotentiaries make the following declarations:

The terms of this Convention set out minimum facilities. It is not the intention of the Contracting States to restrict the wider facilities which are

The terms of this Convention set out minimum facilities. It is not the intention of the Contracting States to restrict the wider facilities which are

<sup>1/</sup> The CTA proposes the substitution of the words "international traffic" for the words "international touring".

ECE DRAFT

UNITED KINGDOM DRAFT

PROTOCOL OF SIGNATURE (continued)

PROTOCOL OF SIGNATURE (continued)

granted or may be granted by certain of them in regard to international touring. This Convention shall not preclude the application of the provisions of other conventions and national laws concerning road traffic.

granted by certain of them in regard to international touring. This Convention shall not preclude the application of the provisions of other conventions and national laws concerning road traffic

The Contracting States reserve the right to grant the same advantages to persons resident in non-Contracting States.

The Contracting States reserve the right to grant the same advantages to persons in non-Contracting countries.

The Customs authorities of the Contracting States reserve the right to take all appropriate measures of control to prevent frauds, contraventions or abuses which might be committed as a result of the facilities laid down in this Convention.

The Customs authorities of the Contracting States reserve the right to take all appropriate measures of control to prevent frauds, contraventions or abuses which might be committed, as a result of the facilities laid down in this Convention.

The Contracting States recognize that the satisfactory operation of this Convention requires the provision of facilities to the authorized associations for:

The Contracting States recognize that the satisfactory operation of this Convention requires the provision of facilities to the authorized associations for:

(a) the transfer of the currency necessary for the payment of import duties and import taxes claimed by Customs authorities of one of the Contracting States for non-discharge of the temporary importation papers covered by this Convention;

(a) the transfer of the currency necessary for the payment of import duties and import taxes claimed by Customs authorities of one of the Contracting Parties for non-discharge of the temporary importation papers covered by this Convention;

(b) the transfer of currency when repayment of import duties or import taxes is made in accordance with the arrangements laid down in Article 33 of this Convention; and

(b) the transfer of currency when repayment of import taxes is made in accordance with the arrangements laid down in Article 4 of this Convention; and

(c) the issue of any necessary import or export licences and the transfer of currency for payment for temporary importation or international circulation papers sent to the authorized associations by the corresponding associations or federations.

(c) the issue of any necessary import or export licenses and the transfer of currency for payment for temporary importation or international circulation papers sent to the authorized associations by the corresponding associations or federations.



ECE DRAFT

Ad Article 2, Paragraph 1

It is understood that the grant of free admission shall not preclude the levying of small charges in the nature of statistical fees.1/

Ad Article 22

The Customs authorities of the Contracting States will endeavour to bring into general use, for visas on temporary importation papers, date stamps marking the date of the entry or exit and the name of the Customs office at which the entry or exit was recorded.2/

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1/ The OTA Proposes to insert a new paragraph under Ad Article 2, para. 1 as follows:

(b) A natural person shall be considered to be not principally resident within the country of temporary importation if his periods of stay in that country during consecutive civil years do not exceed an average of six months per year, it being understood that his periods of stay during the first year shall be counted as at the most six months, even if his periods of stay during that first year were in fact longer. This shall apply whether the person stays in the country of temporary importation to tour there or for professional purposes and irrespective of whether or not he is the proprietor or lessee of the house or apartment which he occupies.

Customs authorities will endeavour to bring to the notice of authorized associations the fact that a person holding a temporary importation paper issued by them has become principally resident in the country of importation and that in consequence, no temporary importation paper valid for that country may be issued to him.

2/ The OTA proposes to insert the following paragraph: Ad Article 14  
No import licence will be required for spare parts mentioned in this article.

UNITED KINGDOM DRAFT

Ad Article 2, Paragraph 1

It is understood that the grant of free admission shall not preclude the levying of small charges in the nature of statistical fees.

Ad Article 19

The Customs authorities of the Contracting States will endeavour to bring into general use, for visas on temporary importation papers, date stamps marking the date of the entry or exit and the name of the Customs office at which the entry or exit was recorded.

Ad Article 34

In the case of countries whose regulations do not provide for the deposit or provisional payment of import duties, the payments made under Article 34 will be regarded as final, it being understood that the sums paid may be refunded when the conditions laid down in the said Article are fulfilled.

Annexes

As in ECE Draft Convention, subject to the amendments proposed by the United Kingdom.

Comments by the OTA

This is a more precise version of the definition of "principally resident" given in Article 11 of draft A. The expression "six months on an average per year" is very vague and could be interpreted in many different ways, depending on the number of years used as a basis for calculation. According to the proposed definition, a person may stay up to a maximum of twelve months

ECE DRAFT

Ad Article 33

For countries whose regulations do not provide for the deposit or provisional payment of import duties, the payments made under Article 33 will be regarded as final, it being understood that the sums paid may be refunded when the conditions laid down in the said Article are fulfilled.

UNITED KINGDOM DRAFT

Comments by the UKA (continued )

during his first civil year in a foreign country, and up to an average of six months during following years, without becoming principally resident. This definition is in accordance with the practice followed in many countries.

If the Customs authorities co-operated with the authorized associations, greater protection against possible abuse would be ensured.

ECE DRAFT

ANNEX I

"CARNET DE PASSAGES EN DOUANE"

The carnet is issued in French.

The dimensions are 22 x 27 cm.

The issuing Association shall insert its name on each voucher and shall include the initials of the international organization to which it belongs.

Comment by the United Kingdom Government

In lines 1 and 2 amend "is" and "are" to read "shall be".

[International Organization]

# CARNET DE PASSAGES EN DOUANE

## FOR MOTOR VEHICLES AND TRAILERS

No. 

**VALID FOR ONE YEAR, i.e., until** ..... **inclusive,**

*[Insert the date in red ink]*

4\* subject to compliance by the holder during this period with the Customs laws and regulations of the countries visited.



5 Issued by .....

6 \* Holder .....

[BLOCK LETTERS]



7 \* Principal residence .....

[BLOCK LETTERS]

or Business address .....

8 For the vehicle registered in ..... under No. ....

9 This carnet may be used in the following countries:  
(LIST OF COUNTRIES)

--	--	--

\* Comment by the United Kingdom Government

Expand items for name and address of holder to name and address of owner and name and address of person having possession or control of vehicle (if not the owner).  
Delete line 4.

EXTENSION OF VALIDITY

DESCRIPTION OF VEHICLE

44

7 MOTOR VEHICLE driven by internal combustion, electricity, steam; TRAILER } Delete words not applicable  
 8 Type (car, bus, lorry, tractor, motor-cycle with or without side-car, cycle with auxiliary engine) }  
 9 Registered in ..... under No. ....

10 Chassis . . . . . }  
 11            Make ..... }  
 12            No. .... }  
 13            Make ..... }  
 14            No. .... }  
 15 Engine . . . . . }  
 16            Number of cylinders ..... }  
 17            Horse power ..... }  
 18            Type or shape ..... }  
 19            Make ..... }  
 20            Colour ..... }  
 21            Upholstery ..... }  
 22            Number of seats or carrying capacity .....

23 Year of manufacture .....

24 Spare tyres .....

25 Other particulars .....

26 .....

27 Net weight of vehicle .....

[IN WORDS AND FIGURES]

28 Value of vehicle .....

[IN WORDS AND FIGURES]

29 Issued at ..... the ..... 19.....

30 On condition that the holder re-exports the vehicle within the specified period of validity and complies with the Customs laws and regulations relating to the temporary admission of motor vehicles in the countries visited under the guarantee, in each country where the document is valid, of the authorized Association affiliated to the undersigned international Association. On expiry, the carnet must be returned to the Association which delivered it to the holder.

31 Holder's signature ..... Signature of Secretary of the Central Office of the International Touring Alliance and the International Automobile Federation

Signature of authorized official of ..... (Issuing Association)

Indications required for purposes other than Customs requirements for (1) goods vehicles whose maximum permissible weight exceeds 3,500 kg., and (2) passenger vehicles with more than 8 seats, excluding the driver's seat.

32 Width of vehicle .....

33 Height of vehicle .....

34 Maximum permissible weight of vehicle .....

35 Maximum permissible weight on heaviest laden axle [weight to be given in words and figures] .....

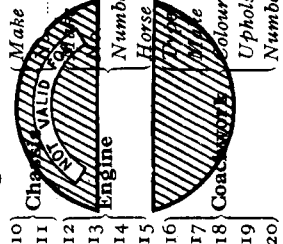
**1**  
**IMPORTATION VOUCHER**

Of Carnet de Passages  
en Douane **No.** 

- 3 VALID until .....
- 4 Issued by .....
- 5 Holder .....
- 6 Principal residence .....
- or Business address .....

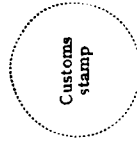
[Block letters]

- 7 For a MOTOR VEHICLE driven by inter-  
nal combustion, electricity or steam ;  
TRAILER } Delete  
Type (car, bus, lorry, van, tractor, motor- } words  
cycle with or without sidecar, cycle with } not  
auxiliary engine) } applicable
- 9 Registered in ..... under No. ....



- 10 Chassis (No., Make) .....
- 11 Chassis (No., Make) .....
- 12 Chassis (No., Make) .....
- 13 Engine (No., Make, Cylinders, Horse power, Type or shape) .....
- 14 Engine (No., Make, Cylinders, Horse power, Type or shape) .....
- 15 Engine (No., Make, Cylinders, Horse power, Type or shape) .....
- 16 Engine (No., Make, Cylinders, Horse power, Type or shape) .....
- 17 Coachwork (Make, Colour, Upholstery, Number of seats or carrying capacity) .....
- 18 Coachwork (Make, Colour, Upholstery, Number of seats or carrying capacity) .....
- 19 Coachwork (Make, Colour, Upholstery, Number of seats or carrying capacity) .....
- 20 Coachwork (Make, Colour, Upholstery, Number of seats or carrying capacity) .....
- 21 Year of manufacture .....
- 22 Spare tyres .....
- 23 Other particulars .....
- 24 .....
- 25 .....
- 26 .....
- 27 Net weight of vehicle [in words and figures] .....
- 28 Value of vehicle [in words and figures] .....

- 29 Importation into .....
- 30 Took place on .....
- 31 At the Customs Office of .....
- 32 Where this voucher has been registered under No. ....
- 33 Customs Officer's signature .....



34 Customs stamp

35 N.B. - The Customs Officer must not omit to fill in  
36 lines 35 and 36 of the adjacent exportation voucher.....

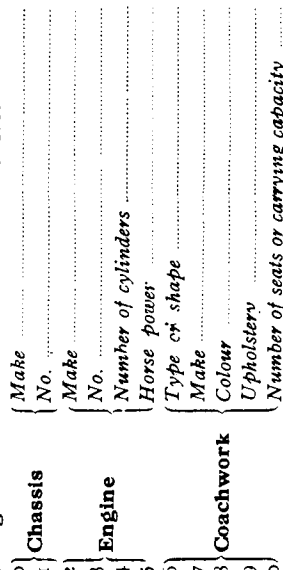
**1**  
**EXPORTATION VOUCHER**

Of Carnet de Passages  
en Douane **No.** 

- 3 VALID until .....
- 4 Issued by .....
- 5 Holder .....
- 6 Principal residence .....
- or Business address .....

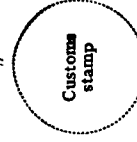
[Block letters]

- 7 For a MOTOR VEHICLE driven by inter-  
nal combustion, electricity or steam ;  
TRAILER } Delete  
Type (car, bus, lorry, van, tractor, motor- } words  
cycle with or without sidecar, cycle with } not  
auxiliary engine) } applicable
- 9 Registered in ..... under No. ....



- 10 Chassis (No., Make) .....
- 11 Chassis (No., Make) .....
- 12 Chassis (No., Make) .....
- 13 Engine (No., Make, Cylinders, Horse power, Type or shape) .....
- 14 Engine (No., Make, Cylinders, Horse power, Type or shape) .....
- 15 Engine (No., Make, Cylinders, Horse power, Type or shape) .....
- 16 Engine (No., Make, Cylinders, Horse power, Type or shape) .....
- 17 Coachwork (Make, Colour, Upholstery, Number of seats or carrying capacity) .....
- 18 Coachwork (Make, Colour, Upholstery, Number of seats or carrying capacity) .....
- 19 Coachwork (Make, Colour, Upholstery, Number of seats or carrying capacity) .....
- 20 Coachwork (Make, Colour, Upholstery, Number of seats or carrying capacity) .....
- 21 Year of manufacture .....
- 22 Spare tyres .....
- 23 Other particulars .....
- 24 .....
- 25 .....
- 26 .....
- 27 Net weight of vehicle [in words and figures] .....
- 28 Value of vehicle [in words and figures] .....


- 29 Exportation from .....
- 30 Took place on .....
- 31 At the Customs Office of .....
- 32 Where this voucher has been registered under No. ....
- 33 Customs Officer's signature .....

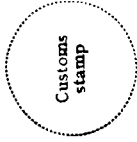


34 Customs stamp

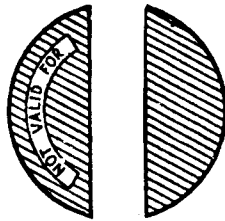
35 To be returned to the Customs Office of Importation at  
36 Where the carnet has been registered under No. ....

**1**  
**COUNTERFOIL**

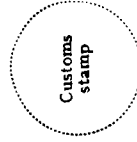
- 2 Importation into .....
- 3 of the vehicle described in carnet
- 4 **No.** 
- 5 took place on .....
- 6 at the Customs Office of .....
- 7 Customs Officer's signature .....



8 Customs stamp



- 9 Exportation from .....
- 10 Took place on .....
- 11 From the Customs Office of .....
- 12 Customs Officer's signature .....



13 Customs stamp

46

The following information is provided by the issuing Association  
to motorists.

Comment on page 85

United Kingdom

1. In line 8 delete "bus, lorry, tractor".
2. In note above line 32 amend "indications" to read "particulars".

OTA

As the Central Bureau of the Alliance Internationale de Tourisme and the Federation Internationale de l'Automobile has been replaced by the Secretariat of the World Touring and Automobile Organization (OTA), it is the signature of the Secretary General of this Organization which will appear on the carnets.

Comment on page 86

United Kingdom

1. Insert new provision, as indicated in comment on Article 6(3) (ECE Draft) on importation voucher.
2. Delete "bus, lorry, van, tractor" at line 8 of exportation and importation vouchers.
3. In line 35 of importation voucher amend "The Customs Officer must not omit to fill ..." to read "The Customs Officer should fill..."



ECE DRAFT

ANNEX II

CARNET DE PASSAGES EN DOUANE FOR AIRCRAFT

The carnet is issued in French.\*  
The dimensions are 40 x 24 cm.

Comment by Governments

United Kingdom

In lines 1 and 2 amend "is" and "are" to read "shall be".

The United Kingdom proposes the introduction of an English version of the aircraft "carnet".

United States of America

Annex 2, covering "carnet de passage en douane pour aeronefs", should be deleted for the reasons already stated (see comment on Article 1).

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\* The English text reproduced in this document has been prepared by ICAO's Secretariat.

CARNET DE PASSAGE EN DOUANE FOR AIRCRAFT

No. . . . .

VALID from . . . . . until . . . . .  
(Insert dates in red ink)

Subject to compliance by the holder during this period with the Customs laws and regulations of the countries visited.

Issued by . . . . .

Holder . . . . . principal residence . . . . .

For a (type of aircraft) . . . . . registered in (name of state of registry) . . . . . and bearing

registration marks . . . . . on condition that the holder re-exports the aircraft within the specified

period of validity and complies with the Customs laws and regulations relating to the temporary admission of aircraft in

the countries visited under the guarantee, in each country where the document is valid, of the authorized Association

affiliated to the international Association mentioned on page 2. On expiry, the carnet must be returned to the

Association which delivered it to the holder.

THIS CARNET MAY BE USED IN THE FOLLOWING COUNTRIES:

52.



Customs office of .....	1
Passavant No. ....	2
Valid until .....	3
Noted departure of aircraft described above .....	4
Holder .....	5
Carnet de passages en douane No. ....	6
For a: Spherical Balloon, Airship, Amphibian, .....	7
Seaplane, Aeroplane (type: monoplane, biplane, tri- plane) Autogyro, Helicopter(1) .....	8
Registration marks and number .....	9
Value of aircraft (including engine(s)).....	10
Empty weight of aircraft .....	11
Spherical balloon or airship(1) .....	12
Aeroplane, Seaplane, Amphibian, Gyroplane, Helicopter or Glider(1) .....	12
(Doped silk fabric .....	13
Envelope(1) (Doped cotton span .....	14
(Rubberized cotton lifting surface .....	15
Volume (in cubic metres) (Number .....	16
(Make .....	17
(Serial Nos. ....	18
(Horse power .....	19
(Type or shape .....	20
(Number of seats .....	21
(Colour .....	22
Year of manufacture .....	23
Particulars, weight and value of spares and flying instruments .....	24
.....	25
.....	26
.....	27

Customs Officer's signature:

Customs Stamp

Delete words not applicable.

NOTE: The adjacent voucher to be filled out, detached and retained by the Customs Office on departure of the aircraft from the State of origin.

1 EXIT VOUCHER FROM STATE OF ORIGIN	
2 CARNET DE PASSAGES EN DOUANE No. ....	2
3 VALID until .....	3
4 Issued by .....	4
5 Holder .....	5
6 Principal residence .....	6
7 For a: Spherical Balloon, Dirigible, Amphibian, Seaplane, .....	7
8 Aeroplane (type: monoplane, biplane, triplane) Autogyro, Helicopter(1) .....	8
9 Registration marks and number .....	9
10 Value of aircraft (including engine(s)) .....	10
11 Empty weight of aircraft .....	11
12 Spherical balloon or airship(1) .....	12
Aeroplane, Seaplane, Amphibian, Gyroplane, Helicopter or Glider(1) .....	12
(Doped silk fabric .....	13
Envelope(1) (Doped cotton span .....	14
(Rubberized cotton lifting surface .....	15
Volume (in cubic metres) (Number .....	16
(Make .....	17
(Serial Nos. ....	18
(Horse power .....	19
(Type or shape .....	20
(Number of seats .....	21
(Colour .....	22
Year of manufacture .....	23
24 Particulars, weight and value of spares and flying instruments .....	24
.....	25
.....	26
.....	27
27 Exportation from (name of country) .....	27
28 took place on .....	28
29 at the Customs office of .....	29
30 where this voucher has been registered under No. ....	30
31 Customs Officer's signature	31

Customs Stamp

(1) Delete words not applicable.

NOTE: This voucher to be detached by the Customs Office on departure of the aircraft from the State of origin.

IMPORTATION COUNTERFOIL 1

1 Importation into the territory of  
(name of country) ..... 2  
2 of the aircraft described in Carnet de  
passages en douane No. .... 3  
3 took place on ..... 4  
4 at the Customs Office of ..... 5  
5 Customs Officer's signature: 6



Note: The Customs Office must enter the name of the office of importation on line 32 of the exportation voucher.

EXPORTATION COUNTERFOIL 1

1 Exportation from the territory of  
(name of country) ..... 2  
2 of the aircraft described in Carnet de  
passages en douane No. .... 3  
3 took place on ..... 4  
4 at the Customs Office of ..... 5  
5 Customs Officer's signature: 6



Note to be printed in red)

N.B.: When exportation is by air, the Customs Office of the aerodrome of departure must make a notation on the exportation counterfoil and voucher.

If re-exportation is directly by land, the frontier Customs Office of exportation must make a notation on both the exportation counterfoil and voucher, the control counterfoil and voucher.

(The Customs Office must enter the name of the office and the country of departure on line 2 of the control voucher.



EXPORTATION VOUCHER 1

1 of Carnet de passages en douane No. .... 2  
2 Valid until ..... 3  
3 Issued by ..... 4  
4 Holder ..... 5  
5 Principal residence ..... 6  
6 For a: Spherical Balloon, Airship, Amphibian,  
8 Seaplane, Aeroplane, (type: monoplane,  
biplane, triplane) Gyroplane, Helicopter(1)  
9 Registration marks and number ..... 9  
10 Value of aircraft (including engine(s)) ..... 10  
11 Empty weight of aircraft ..... 11  
12 Spherical balloon or Aeroplane, Seaplane,  
airship(1) Amphibian, Gyroplane,  
Helicopter or glider(1)  
13 (Doped silk (fabric ..... 13  
14 Envelope (Doped cotton (span ..... 14  
(1) (Rubberized (lifting surface ..... 15  
(cotton  
15 Volume in cubic metres: (Number ..... 16  
16 Make ..... 17  
17 (Serial No(s) ..... 18  
18 (Horse power ..... 19  
19 (Type or shape ..... 20  
20 (Number of seats ..... 21  
21 (Colour ..... 22  
22 Year of manufacture ..... 23  
23 Particulars, weight and value of spares and flying  
instruments ..... 24  
24  
25  
26  
26 Exportation from the territory of (name of  
country) ..... 27  
27 took place on ..... 28  
28 At the customs office of ..... 29  
29 Where this voucher has been registered under No. .... 30  
30 Customs Officer's signature: 31  
31  
32 After receipt of control voucher, this voucher to  
be returned to the office of  
33 Importation ..... 33  
34 where the carnet has been registered under No. .... 34

(1) Delete words not applicable.

IMPORTATION VOUCHER 1

1 Entry number in Customs Register ..... 1  
2 of Carnet de Passages en douane No. .... 2  
3 Valid until ..... 3  
4 Issued by ..... 4  
5 Holder ..... 5  
6 Principal residence ..... 6  
7 For a: Spherical Balloon, Airship, Amphibian,  
8 Seaplane, Aeroplane, (type: monoplane,  
biplane, triplane), Gyroplane, Helicopter(1)  
9 Registration marks and number ..... 9  
10 Value of aircraft (including engine(s)) ..... 10  
11 Empty weight of aircraft ..... 11  
12 Spherical balloon or Aeroplane, Seaplane,  
airship(1) Amphibian, Gyroplane,  
Helicopter or glider(1)  
13 (Doped silk (fabric ..... 13  
14 Envelope (Doped cotton (span ..... 14  
(1) (Rubberized (lifting surface ..... 15  
(cotton  
15 Volume in cubic metres: (Number ..... 16  
16 Make ..... 17  
17 (Serial No(s) ..... 18  
18 (Horse power ..... 19  
19 (Type or shape ..... 20  
20 (Number of seats ..... 21  
21 (Colour ..... 22  
22 Year of manufacture ..... 23  
23 Particulars, weight and value of spares and flying  
instruments ..... 24  
24  
25  
26  
26 Importation into ..... 27  
27 took place on ..... 28  
28 at the Customs office of ..... 29  
29 Where this voucher has been registered under No. .... 30  
30 Customs Officer's signature: 31  
31



(1) Delete words not applicable.

2 BIS

**CONTROL COUNTERFOIL**

1 Exportation from territory of (name of country) ..... 2  
 3 Of the aircraft described in Carnet de Passages en douane No. .... 3  
 4 is confirmed on ..... 4  
 (line to be printed in red)  
 5 at the Customs office of ..... 5  
 6 of the territory of (name of country) ..... 6  
 7 Customs Officer's signature: ..... 7

(Customs stamp)

NOTE: If exportation by air from the country indicated on line 2 of the preceding exportation voucher is confirmed by landing in the next country, the Customs Officer at the aerodrome of importation who fills out this counterfoil and this voucher must detach the latter and return it to the Customs Office indicated on line 5 of the preceding exportation voucher.

Return postage must be claimed from the holder by the Customs Office.

If after departure by air, the exportation is effected by land, this counterfoil and voucher must be filled out by the Customs Office at the frontier on departure from the country indicated on line 2 of the preceding voucher. The voucher must be detached and returned to the Customs Office indicated on line 5 of the preceding voucher.

3

**IMPORTATION COUNTERFOIL**

1 Importation into the territory of (name of country) ..... 2  
 3 of the aircraft described in Carnet de Passages en douane No. .... 3  
 4 took place on ..... 4  
 5 at the Customs Office of ..... 5  
 6 Customs Officer's signature: ..... 6

(Customs stamp)

NOTE: The Customs Office must enter the name of the office of importation into the country on line 3 of the exportation voucher.

3

**EXPORTATION COUNTERFOIL**

1 Departure from the territory of (name of country) ..... 2  
 3 of the aircraft described in Carnet de Passages en douane No. .... 3  
 4 took place on ..... 4  
 5 at the Customs Office of ..... 5  
 6 Customs Officer's signature: ..... 6

(Customs stamp)

(N.B.: When exportation is by air, the Customs office of the aerodrome of departure must make a notation on the exportation counterfoil and voucher.

(Note to be printed in red) If re-exportation is effected directly by land, the frontier Customs Office of exportation must make a notation on both the exportation counterfoil and voucher and the control counterfoil and voucher. The Customs Office must enter the name of the office and the country of departure on line 2 of the control voucher.

3

**EXPORTATION VOUCHER**

1 of Carnet de Passages en douane No. .... 2  
 3 Valid until ..... 3  
 4 Issued by ..... 4  
 5 Holder ..... 5  
 6 Principal residence ..... 6  
 7 For a: Spherical balloon, airship, amphibian, seaplane, Aeroplane, (type: monoplane, biplane, triplane) Gyroplane, Helicopter (1) ..... 7  
 8 Registration marks and number ..... 9  
 10 Value of aircraft (including engine(s)) ..... 10  
 11 Empty weight of aircraft ..... 11  
 12 Spherical Aeroplane, seaplane, balloon or Amphibian, Gyroplane, airship(1) Helicopter or glider(1) ..... 12

13 (Doped silk)	(fabric)	13
14 Enve-(Doped lope (cotton (1)))	Wings( span)	14
15 (Rubberized cotton)	(lifting surface)	15
16 Volume in cubic metres	(Number)	16
17 Engine(s)	(Make)	17
18 (Serial No(s))	(Serial No(s))	18
19 (Horse power)	(Horse power)	19
20 (Type or shape)	(Type or shape)	20
21 Fuselage( Number of seats)	(Number of seats)	21
22 (Colour)	(Colour)	22

23 Year of manufacture ..... 23  
 24 Particulars, weight and value of spares and flying instruments ..... 24  
 25 ..... 25  
 26 ..... 26  
 27 Exportation from the territory of (name of country) ..... 27  
 28 took place on ..... 28  
 29 at the Customs Office of ..... 29  
 30 Where this voucher has been registered under No. .... 30  
 31 Customs Officer's signature: ..... 31

(Customs stamp)

(1) Delete words not applicable.

3

**IMPORTATION VOUCHER**

1 Entry number in Customs Register ..... 1  
 2 of Carnet de Passages en douane No. .... 2  
 3 Valid until ..... 3  
 4 Issued by ..... 4  
 5 Holder ..... 5  
 6 Principal residence ..... 6  
 7 For a: Spherical balloon, airship, amphibian, seaplane, Aeroplane, (type: monoplane, biplane, triplane) Gyroplane, Helicopter (1) ..... 7  
 8 Registration marks and number ..... 9  
 9 Value of aircraft (including engine(s)) ..... 10  
 11 Empty weight of aircraft ..... 11  
 12 Spherical Aeroplane, seaplane, balloon or Amphibian, Gyroplane, airship(1) Helicopter or glider(1) ..... 12

13 (Doped silk)	(fabric)	13
14 Enve-(Doped lope (cotton (1)))	Wings( span)	14
15 (Rubberized cotton)	(lifting surface)	15
16 Volume in cubic metres	(Number)	16
17 Engine(s)	(Make)	17
18 (Serial No(s))	(Serial No(s))	18
19 (Horse power)	(Horse power)	19
20 (Type or shape)	(Type or shape)	20
21 Fuselage( Number of seats)	(Number of seats)	21
22 (Colour)	(Colour)	22

23 Year of manufacture ..... 23  
 24 Particulars, weight and value of spares and flying instruments ..... 24  
 25 ..... 25  
 26 ..... 26  
 27 Importation into ..... 27  
 28 took place on ..... 28  
 29 at the Customs Office of ..... 29  
 30 Where this voucher has been registered under No. .... 30  
 31 Customs Officer's signature: ..... 31

(Customs stamp)

(1) Delete words not applicable.

2 BIS

**CONTROL VOUCHER**

To be sent to the customs office of..... in the territory of.....

1 Entry No. in Customs Register ..... 1  
 2 of Carnet de Passages en douane No. .... 2  
 3 Valid until ..... 3  
 4 Issued by ..... 4  
 5 Holder ..... 5  
 6 Principal residence ..... 6  
 7 For a: Spherical balloon, airship, amphibian, seaplane, Aeroplane (type: monoplane, biplane, triplane) Gyroplane, Helicopter(1) ..... 7  
 8 Registration marks and number ..... 9  
 9 Value of aircraft (including engine(s)) ..... 10  
 11 Empty weight of aircraft ..... 11  
 12 Spherical Aeroplane, seaplane, balloon or Amphibian, Gyroplane, airship(1) Helicopter or glider(1) ..... 12

13 (Doped silk)	(fabric)	13
14 Enve-(Doped lope (cotton (1)))	Wings( span)	14
15 (Rubberized cotton)	(lifting surface)	15
16 Volume in cubic metres	(Number)	16
17 Engine(s)	(Make)	17
18 (Serial No(s))	(Serial No(s))	18
19 (Horse power)	(Horse power)	19
20 (Type or shape)	(Type or shape)	20
21 Fuselage( Number of seats)	(Number of seats)	21
22 (Colour)	(Colour)	22

23 Year of manufacture ..... 23  
 24 Particulars, weight and value of spares and flying instruments ..... 24  
 25 ..... 25  
 26 ..... 26  
 27 Exportation from the territory of (name of country) ..... 27  
 28 is confirmed on ..... 28  
 (line to be printed in red)  
 29 at the Customs Office of ..... 29  
 30 in the territory of ..... 30  
 31 Customs Officer's signature: ..... 31

(Customs stamp)

(1) Delete words not applicable.

Voucher to be detached by the Customs Office

(See counterfoil for mailing arrangements)

59

25 BIS

CONTROL COUNTERFOIL

- 1
- 2
- 3
- 4
- 5
- 6
- 7

Customs Stamp

N.B.: If exportation by air from the country indicated on line 2 of the preceding exportation voucher is confirmed by landing in the next country, the Customs Officer at the aerodrome of importation who fills out this counterfoil and this voucher must detach the latter and return it to the Customs Office indicated on line 5 of the preceding exportation voucher.

Return postage must be claimed from the holder by the Customs Office.

If after departure by air, the exportation is effected by land, this counterfoil and voucher must be filled out by the Customs Office at the frontier, on departure from the country indicated on line 2 of the preceding voucher. The voucher must be detached and returned to the Customs office indicated on line 5 of the preceding voucher

N.B.: When exportation is by air, the Customs Office of the Customs aerodrome of departure must make a notation on the exportation counterfoil and voucher.  
If re-exportation is effected directly by land, the frontier Customs Office of exportation must make a notation on both the exportation counterfoil and voucher and the control counterfoil and voucher.  
The Customs Office must enter the name of the office and the country of departure on line 2 of the control voucher.

be printed in red

25 BIS

CONTROL COUNTERFOIL

- To be sent to the customs office of ..... in the territory of .....
- 1 Entry No. in Customs Register ..... 1
- 2 of Carnet de Passages en douane No. .... 2
- 3 Valid until ..... 3
- 4 Issued by ..... 4
- 5 Holder ..... 5
- 6 Principal residence ..... 6
- 7 For a: Spherical balloon, Airship, Amphibian, seaplane, ..... 7
- 8 Aeroplane, (type: monoplane, biplane, triplane) Gyroplane, Helicopter(1) 8
- 9 Registration marks and number ..... 9
- 10 Value of aircraft (including engine(s)) ..... 10
- 11 Empty weight of aircraft ..... 11
- 12 Spherical balloon or airship(1) Aeroplane, seaplane, Amphibian, Gyroplane, Helicopter or glider(1) 12
- 13 { Doped silk { fabric ..... 13
- 14 Envelope(1) { Doped cotton { span ..... 14
- 15 { Rubberized cotton { lifting surface ..... 15
- 16 Volume in cubic metres { Number ..... 16
- 17 { Make ..... 17
- 18 { Serial No(s). ..... 18
- 19 { Horse power ..... 19
- 20 { Type or shape ..... 20
- 21 { Number of seats ..... 21
- 22 { Colour ..... 22
- 23 Particulars, weight and value of spares and flying instruments ..... 23
- 24 ..... 24
- 25 ..... 25
- 26 Exportation from the territory of (name of country) ..... 26
- 27 is confirmed on ..... 27  
(line to be printed in red)
- 28 at the Customs office of ..... 28
- 29 in the territory of ..... 29
- 30 Customs Officer's signature: ..... 30

Customs stamp

(1) Delete words not applicable.

Voucher to be detached by the Customs office.

(See counterfoil for mailing arrangements)

ECE DRAFT

ANNEX III

TRIPTYCH

The triptych should be printed in the national language of the country of importation and, if desired, also in one other language.  
The dimensions are 13 x 29.5 cm.

Comment by Governments

United Kingdom

In third line substitute "shall be" for "are".

United States of America

It is reported that several countries have recently printed the triptyques they are now using so that they can be folded and typed with carbon paper in a single operation, and permissive provision to this effect might prove helpful.



ECE DRAFT

1. Importation Voucher

TRIPTYCH No. [REDACTED]

For the temporary importation into [REDACTED] of the vehicle described below.

VALID until [REDACTED]  
 Guaranteed by [REDACTED]  
 Delivered by [REDACTED]  
 Holder [REDACTED] (block letters)  
 Principal residence [REDACTED]  
 or Business address [REDACTED]

For a MOTOR VEHICLE driven by internal combustion, electricity, steam; TRAILER  
 Type (car, bus, lorry, van, tractor, motorcycle with or without not applicable  
 sidecar, cycle with auxiliary engine)

Registered in [REDACTED] under No. [REDACTED]

Chassis { Make [REDACTED]  
 No. [REDACTED]

Engine { Make [REDACTED]  
 No. [REDACTED]  
 Number of cylinders [REDACTED]  
 Horse power [REDACTED]  
 Type or shape [REDACTED]  
 Make [REDACTED]  
 Colour [REDACTED]  
 Upholstery [REDACTED]  
 Coachwork { Number of seats or carrying capacity [REDACTED]

Year of manufacture [REDACTED]  
 Spare tyres [REDACTED]  
 Other particulars [REDACTED]

Net weight of vehicle [REDACTED] (in words and figures)  
 Value of vehicle [REDACTED]

This vehicle is imported subject to the holder's obligation to re-export it by the end of the period of validity of the importation certificate to the countries of origin or to the temporary destination of motor vehicles in the countries visited, under the guarantee of [REDACTED] (the guaranteeing association) in virtue of an undertaking which the latter association has given to [REDACTED] (the Customs authority) the [REDACTED] 19 [REDACTED]

Signature of the Secretary of the guaranteeing association [REDACTED]  
 Signature of the Holder [REDACTED]

The vehicle described above was imported at the Customs Office of [REDACTED] on [REDACTED] 19 [REDACTED] where this voucher has been entered in the Special Register under the No. [REDACTED]

Signature of the Holder [REDACTED]  
 Customs Officer's signature and Customs stamp [REDACTED]

Do not omit to make a similar entry in the corresponding section of Vouchers Nos. 2 and 3.

This voucher to be detached and retained by the Customs Office of importation.

2. Exportation Voucher

TRIPTYCH No. [REDACTED]

For the temporary importation into [REDACTED] of the vehicle described below.

VALID until [REDACTED]  
 Guaranteed by [REDACTED]  
 Delivered by [REDACTED]  
 Holder [REDACTED] (block letters)  
 Principal residence [REDACTED]  
 or Business address [REDACTED]

For a MOTOR VEHICLE driven by internal combustion, electricity, steam; TRAILER  
 Type (car, bus, lorry, van, tractor, motorcycle with or without not applicable  
 sidecar, cycle with auxiliary engine)

Registered in [REDACTED] under No. [REDACTED]

Chassis { Make [REDACTED]  
 No. [REDACTED]

Engine { Make [REDACTED]  
 No. [REDACTED]  
 Number of cylinders [REDACTED]  
 Horse power [REDACTED]  
 Type or shape [REDACTED]  
 Make [REDACTED]  
 Colour [REDACTED]  
 Upholstery [REDACTED]  
 Coachwork { Number of seats or carrying capacity [REDACTED]

Year of manufacture [REDACTED]  
 Spare tyres [REDACTED]  
 Other particulars [REDACTED]

Net weight of vehicle [REDACTED] (in words and figures)  
 Value of vehicle [REDACTED]

The vehicle described above was imported at the Customs Office of [REDACTED] on [REDACTED] 19 [REDACTED] where this voucher has been entered in the Special Register under the No. [REDACTED]

Signature of Holder [REDACTED]  
 Customs stamp [REDACTED]

Do not omit to make a similar entry in the corresponding section of Vouchers Nos. 1 and 3.

The vehicle was finally re-exported from [REDACTED] on [REDACTED] 19 [REDACTED] from the Customs Office of [REDACTED]

Signature of the Holder [REDACTED]  
 Customs Officer's signature and Customs stamp [REDACTED]

Do not omit to make a similar entry at the foot of Voucher No. 3.

This voucher to be detached and retained at the Customs Office of exportation, to be forwarded to the Customs Office of the first importation.

3. Holder's Copy

TRIPTYCH No. [REDACTED]

For the temporary importation into [REDACTED] of the vehicle described below.

VALID until [REDACTED]  
 Guaranteed by [REDACTED]  
 Delivered by [REDACTED]  
 Holder [REDACTED] (block letters)  
 Principal residence [REDACTED]  
 or Business address [REDACTED]

For a MOTOR VEHICLE driven by internal combustion, electricity, steam; TRAILER  
 Type (car, bus, lorry, van, tractor, motorcycle with or without not applicable  
 sidecar, cycle with auxiliary engine)

Registered in [REDACTED] under No. [REDACTED]

Chassis { Make [REDACTED]  
 No. [REDACTED]

Engine { Make [REDACTED]  
 No. [REDACTED]  
 Number of cylinders [REDACTED]  
 Horse power [REDACTED]  
 Type or shape [REDACTED]  
 Make [REDACTED]  
 Colour [REDACTED]  
 Upholstery [REDACTED]  
 Coachwork { Number of seats or carrying capacity [REDACTED]

Year of manufacture [REDACTED]  
 Spare tyres [REDACTED]  
 Other particulars [REDACTED]

Net weight of vehicle [REDACTED] (in words and figures)  
 Value of vehicle [REDACTED]

The vehicle described above was imported at the Customs Office of [REDACTED] on [REDACTED] 19 [REDACTED] where this voucher has been entered in the Special Register under the No. [REDACTED]

Signature of the Holder [REDACTED]  
 Customs stamp [REDACTED]

Do not omit to make a similar entry in the corresponding section of Vouchers Nos. 1 and 2.

The vehicle was finally re-exported from [REDACTED] on [REDACTED] 19 [REDACTED] from the Customs Office of [REDACTED]

Signature of the Holder [REDACTED]  
 Customs Officer's signature and Customs stamp [REDACTED]

Do not omit to make a similar entry at the foot of Voucher No. 2.

This voucher is to be retained by the holder after having been stamped and signed by the Customs authorities (1) on first importation into [REDACTED] (2) on final re-exportation from [REDACTED] and must subsequently be returned to [REDACTED] (Association which delivered the document to the holder).



Comment on page 97

United Kingdom

Importation Voucher.

1. Expand item for name and address of owner to name and address of owner and name and address of person having possession or control of vehicle (if not the owner).
2. Delete "bus, lorry, van, tractor".
3. Insert new provision as indicated in comment on Article 6(3) (ECE Draft).
4. Amend "Do not omit to make" to read "Please make".

Exportation Voucher.

1. Delete "Bus, lorry, van, tractor".
2. Amend "Do not omit to make" to read "Please make" (twice).
3. Amend "from the Customs office" to read "at the Customs office".

Holder's copy

1. Delete "bus, lorry, van, tractor".
2. Amend "Do not omit to make" to read "Please make" (twice).
3. Amend "from the Customs office" to read "at the Customs office".



ANNEX V

Text submitted by the OTA



EXTENSION OF VALIDITY OF CARNETS DE PASSAGES EN DOUANE\*

1. As soon as the holder of a carnet de passages en douane realizes that the time period during which he must re-export his vehicle is not long enough, he sends his carnet to the guarantor association, with a request for extension, stating precisely the exceptional circumstances which force him to prolong his stay. He will submit with his request, as supporting evidence, such papers as a medical certificate, a statement from the garage repairing his vehicle, or any other authentic document showing that the delay in question is indeed caused by "force majeure".
2. If the guarantor association considers that the request for extension can be passed on to the Customs Authorities, it stamps the cover of the carnet de passages en douane in the space specially reserved for this purpose. The stamp must conform with the model appearing below.
3. In the first part, the guarantor association itself fills in the date, in figures and words, until which extension is requested. The President or representative of the association signs and the seal of the association is affixed.
4. The length of the extension must not exceed a reasonable period necessary to complete the journey, and should not normally exceed three months from the date of expiry of the carnet.
5. The wording of the extension is in French. This can be complemented by a text in another language.
6. The guarantor association then sends the carnet de passages en douane to the central Customs Administration, or to the branch of that Administration empowered to grant extensions. The request made by the holder of the carnet and the supporting evidence are attached to the carnet.
7. The Customs Authority decides with the shortest possible delay whether the extension shall be granted. If it is granted, the competent Customs officer completes the stamp made on the cover of the carnet by the guarantor association, by adding a serial or registry number, the place and date and his own rank. He then signs and adds the Customs seal.
8. The carnet de passages en douane is then returned to the guarantor association, who in turn returns it to the person concerned.

---

\* See the text of Article 20, proposed by the OTA.

9. The Customs Administration may reduce the period of extension requested, or refuse to grant any extension.
10. Before having the necessary stamp made, the guarantor associations must submit a model, with all necessary entries duly filled in, to the Customs Administration of their country.
11. The stamp for extension of validity shall conform with the following model:

Pays .....	
Association garante .....	
La prorogation pour tous les pays où ce carnet est valable est demandée jusqu'au .....	
..... (en lettres et en chiffres)	
....., Le .....19..	
	Signature du Président ou du délégué de l'Association garante
<hr/>	
No .....	
Prorogation accordée jusqu'au .....	
..... ..... (en lettres et en chiffres)	
....., Le .....19..	
	qualité et signature du fonctionnaire de la douane

ANNEX 6

CONVENTION RELATING TO CUSTOMS FORMALITIES FOR TOURISM:  
TEXTS OF

- (1) RELEVANT PROVISIONS OF THE ECE DRAFT CONVENTION,
- (2) DRAFT PROVISIONS PROPOSED BY THE OTA/IUOTO,
- (3) UNITED KINGDOM DRAFT FOR A WORLD-WIDE CONVENTION ON TOURISM AND
- (4) COMMENTS ON THESE TEXTS COMMUNICATED BY GOVERNMENTS IN REPLY TO THE SECRETARY-GENERAL'S NOTES OF 15 AND 25 FEBRUARY 1952.

Explanatory Note: The texts of the following are set out below:

1. those provisions of the ECE Draft International Customs Convention on Touring which are relevant to a convention on customs formalities for tourism;
2. provisions for inclusion in a Convention relating to Customs Formalities, jointly proposed by the World Touring and Automobile Organization (OTA) and the International Union of Official Travel Organizations (IUOTO);
3. provisions of the United Kingdom draft of a Suggested World-Wide Convention on Tourism;
4. comments received from governments in reply to the Secretary-General's notes of 15 and 25 February 1952.

The arrangement of these texts is as follows. The provisions of the ECE Draft, the OTA/IUOTO Draft, and the United Kingdom Draft are shown in parallel columns. The text of Articles X through XVI of the United Kingdom Draft, containing procedural provisions, are however reproduced as a separate appendix for the following reasons:

The procedural provisions relating to the Draft International Customs Convention on Touring, prepared under the auspices of the ECE, are not contained in that instrument but in the "Agreement Providing for the Provisional Application of the Draft International Customs Convention on Touring, on Commercial Road Vehicles and on the International Transport of Goods by Road" adopted by the Inland Transport Committee of the ECE at its fourth session, held from 13 to 16 June 1949. It was felt that at this stage there was no need to reproduce

in this paper the text of those provisions, particularly as they are concerned with the provisional application of three instruments and would therefore not form a suitable basis of discussion for a world-wide convention on tourism. The OTA/IUOTO proposals also do not contain procedural provisions.

The general comments of governments on the texts of the three drafts are reproduced at the beginning of this Annex while the comments on particular provisions follow immediately the specific articles of the Draft to which they apply.



General Comments

Guatemala

The Government of Guatemala has no modification to propose to the draft International Customs Convention on Touring or the proposals of the international organizations, since the exemptions granted in Guatemala are in general broader than those proposed and since, with regard to vehicles, the documents and controls proposed would appear to offer more effective safeguards from the fiscal standpoint.

Lebanon

Certain modifications of detail are, however, required in the draft in question in order to preserve the general harmony of customs legislation in this matter, to avoid possible differences in the interpretation of the texts and to prevent abuses.

United Kingdom

The United Kingdom Government agree generally with the criticisms of the ECE draft made by OTA and IUOTO. A United Kingdom Draft was prepared with a view to meeting the context of the proposed Convention.

To this end, Article I, paragraph (1), defines the tourist from abroad as one who enters a territory other than that in which he is normally resident and remains there for not less than twenty-four hours and not more than 6 months; and paragraph (2) defines "personal effects" as all articles which might reasonably be expected to be brought for the purpose of the journey, excluding merchandise.

Article II stipulates, in paragraph (1), that personal effects, as thus defined, may be imported free (i.e., for a stay of up to six months) without any formality by the tourist (such as "temporary importation papers" mentioned in Article 2, paragraph 2 of the ECE draft, or the completion of any written declaration or Tourist Card as proposed by OTA and IUOTO) apart from an oral declaration; but it reserves the right, in paragraph (2), to require security for articles of high value.

Thus Article I and II taken together have the merit of flexibility in that they impose the minimum of restrictions on the genuine tourist while providing adequate safeguards against abuse.

Similarly Articles IV and V, unlike Article 4 of the IUOTO draft, place no specific restriction on the quantity or value of travel souvenirs that may be imported and exported, except that in paragraph (2) of Article IV, the right to require security is reserved above a certain limit.

\* \* \*

Her Majesty's Government observe that the Draft Convention Touring prepared by the Economic Commission for Europe employs the expression "Contracting States", and this term was accordingly retained both in the United Kingdom Draft Convention on Touring, and in the United Kingdom revision of the proposed Convention on Private Vehicles. Since, however, these drafts are expressed to be between the Government's signatory to them, Her Majesty's Government consider that it would be more appropriate to use the expression "Contracting Parties" and would prefer this wording to be employed. If other Governments agree therefore, both draft Conventions might usefully be amended so that "Contracting States" is throughout replaced by "Contracting Parties".

United States of America

With reference to the "Suggested World-wide Convention on Tourism - United Kingdom Draft", which was circulated to governments separately from the documents above referred to, it is suggested that this documentation also be given consideration in preparation of the consolidated draft of a new convention as already mentioned.

Relevant Provisions of the ECE Draft Convention and comments thereon

OTA/TUOTO Draft Provisions and comments thereon

United Kingdom Draft for a World-Wide Convention on Tourism and comments thereon

.....
desiring to facilitate the development of international touring, have decided to conclude a Convention for this purpose. They have appointed as their plenipotentiaries
.....
.....
who, after having communicated their full powers, found in good and due form, have agreed as follows:

Article 1

For the purpose of this Convention:

- (a) 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;
(b) the term "private use" shall exclude the transport of persons for remuneration, or the industrial or commercial transport of goods with or without remuneration;
(c) unless the context otherwise requires, the term "persons" shall include both natural and legal persons.

Comments on Article 1

Sweden

The question may be asked, however, whether the definitions of "private use" and "person" should not be omitted from the new draft Convention on Customs Formalities for Tourist Traffic and a definition of "temporary importation papers" (Arts. 2 and 6) inserted.

Switzerland

The definition in sub-paragraph (b) is unnecessary as the convention refers only to tourism. It should therefore be deleted.

It is unnecessary to define the term "temporary importation papers" as the provisions concerning temporary admission are sufficiently explicit in this respect.

United States of America

These definitions appear desirable. It is suggested that a definition of tourist or tourism be added.

The Government's signatory to the present Convention, Desiring to facilitate the development of International Tourism, Having agreed as follows:

## Article 2

1. Each of the Contracting States shall grant temporary free admission subject to re-exportation, on the conditions laid down in this Convention, to articles of an every-day kind in actual use, not prohibited, which are imported and utilized for their private use by persons not principally resident in its territory who are the owners of such articles, or who have possession or control of them.
2. Such vehicles and articles, except those specified in paragraph 3 of this Article, shall be covered by temporary importation papers guaranteeing the payment of import duties and import taxes, and, if the contingency should arise, of any Customs penalties incurred.

## Comments on Article 2, paragraphs 1 and 2

Switzerland

This article might be drafted as follows:

- paragraph 1: paragraph 1 of article 1 of the  
OTA/IUOTO draft
- paragraph 2: paragraph 3 of article 1 of the  
OTA/IUOTO draft
- paragraph 3: paragraph 2 of article 2 of the  
ECE draft
- paragraph 4: paragraphs 2 and 1 of article 6  
of the OTA/IUOTO draft

In paragraph 2 of article 2 the word "shall" in the second line should be replaced by the word "may". The provision of temporary papers should not be compulsory. Under the legislation of certain countries, free admission is granted without any customs document. Papers are usually required when there is suspicion of abuse. The word "paragraph" in the second line should be replaced by the word "article".

## OTA/IUOTO DRAFT

## Article 1

1. Subject to the provisions of paragraphs 2, 3 and 4 of this Article and in the absence of suspicion of abuse, each of the Contracting States shall grant temporary free admission to articles of an every-day kind in actual use, not prohibited, imported temporarily by nationals of one of the Contracting States.
2. The said articles are to be put exclusively to the private use of the person who imports them temporarily during his stay on the territory of the State which grants temporary free admission. They cannot during this stay be put to any other use.
2. Temporarily imported articles must be re-exported in the same state, subject only to changes resulting from their normal use, within a maximum period of 12 months.

## Article 2

There will be suspicion of abuse if the nature or the quantity of the articles for which the importer requests temporary free admission do not correspond to his social position.

## Comments on Articles 1 and 2

Switzerland

There seems to be no need to specify the maximum period of twelve months mentioned in paragraph 2.

United Kingdom

This proposes (in article 1, paragraph 2) that temporary free importation should be allowed for a maximum stay of 12 months. Twelve months is regarded as too long and it is considered that for the purposes of the Convention, it should be limited to six months, especially in view of article 7 paragraph (1) of the draft, which provides that wider facilities shall be granted wherever practicable.

Article 2 is unnecessarily restrictive and should be deleted.

## UNITED KINGDOM DRAFT

## Article II

- (1) Where a tourist from abroad enters the territory of a Contracting State, its customs authorities shall permit the temporary importation into its territory of the personal effects of any such tourist free of all import duties or taxes, without any formality by the tourist concerned other than an oral declaration of such effects to the said customs authorities.

## Comments on Article II, paragraph 1

EgyptViews of the Technical Research Division of the Department of Tourism

We consider that the exemption from customs duty without opening of luggage should be subject to some qualification. Some kind of selective or partial customs inspection in accordance with customs regulations should be imposed.

Views of the Egyptian Customs Administration

We are in agreement with the first paragraph of this article, with the exception of the provision that a mere oral declaration by the tourist to the customs authorities will suffice. We consider that such declaration should be made in writing, in view of the restrictions imposed on currency, jewellery, imports and exports etc. Such a written declaration will also facilitate agreement on the second paragraph.

Comments on Articles 1 and 2 (cont'd)Yugoslavia

After article 1, a provision similar to paragraph 2 of article 2 of the Draft of ECE, should be added, providing for temporary importation papers, where all personal effects of the traveller should be entered, with the exception of those excluded by the Convention.

3. Clothing and other used personal effects, cameras with twelve plates or two rolls of film, miniature cinematograph cameras with one roll of film, personal jewellery, binoculars, portable musical instruments, gramophones, portable wireless receiving sets, portable typewriters, tents and small articles of camping equipment, perambulators, sports equipment (such as sporting firearms, skis and tennis rackets) belonging to residents in the territory of one of the Contracting States making a temporary stay in the territory of another Contracting State shall be admitted temporarily without temporary importation papers, in the absence of suspicion of abuse, on condition that they bear obvious signs of use and correspond to the social position of the persons concerned. The concession in this paragraph is limited for each traveller to one camera, one miniature cinematograph camera, one musical instrument, one gramophone with twenty records, one portable wireless receiving set, one typewriter, and sporting and camping equipment for personal use.

Comments on Article 2, paragraph 3France

(a) The admission of sporting firearms without temporary importation papers should be limited to two firearms per person.

(b) It should be specifically stated that articles imported temporarily must be re-exported by and with the person who imported them.

Lebanon

To be granted free admission without temporary importation papers of the articles listed, the person concerned should make at least an oral declaration of the effects in his possession, in order to prevent fraud and to ensure that the operation is bona fide.

Article 2

Shall be granted temporary free admission as provided for in Article 1 of this Convention, especially: clothing and other personal effects in actual use, personal jewellery, binoculars, tents and camping equipment, perambulators, sports equipment such as sporting firearms, skis, skates, tennis rackets, golf bags and clubs, and also, for each traveller, one camera with twelve plates or two rolls of film, one miniature cinematograph camera with one roll of film, one portable musical instrument, one portable gramophone with twenty records, one portable wireless receiving set, one portable typewriter.

Comments on Article 3United Kingdom

It is considered that to insert any list of personal effects even when quoted as examples only, tends unduly to restrict the scope of the concession. In particular, it is undesirable in the interests of the tourists that any support should seem to be given for limiting the amount of photographic equipment e.g., to 12 plates or one or two films. In the United Kingdom's view it is preferable that it should be understood that the Customs authorities may allow reasonable quantities which will no doubt vary e.g., according to the length of the proposed visit.

Article 1

For the purpose of this Convention

- .....
- (2) "personal effects" means all articles which a tourist from abroad might reasonably be expected to take him for the purpose of his journey, excluding merchandise.

Comments on Article 1, paragraph (2)Egypt

Views of the Technical Research Division of the Department of Tourism

we consider that articles purchased as travel souvenirs by a tourist in his own country or in another, either for his personal use or as gifts for his friends or relatives, should be regarded as "personal effects".

It is possible to fix an upper limit to the amount of merchandise exported as personal effects; e.g., shoes, ties and socks, which are universally regarded as personal effects, should cease to be regarded as such if their number exceeds this upper limit.

**ECE DRAFT**

Comments on Article 2, Paragraph 3 (cont'd)

United Kingdom

In particular, as has been pointed out, the definition of tourists' effects in Article 2, paragraph 3, is too narrow, especially as temporary free importation should in principle be allowed to new as well as to used articles.

Switzerland

Proposed text:

"(List of all the articles mentioned in the ECE and OTA/IUOTO drafts)...shall be granted temporary free admission, as temporary imports, on condition that they bear obvious signs of use and correspond to the social position of the importers. The concession in this paragraph is limited for each traveller to one camera, one miniature cinematograph camera, one musical instrument, one gramophone with 20 records, one portable wireless receiving set, one typewriter, and sporting and camping equipment for personal use."

Article 2 of the OTA/IUOTO draft would form the second paragraph of this article.

**OTA/IUOTO DRAFT**

Comments on Article 3 (cont'd)

Yugoslavia

At the end of Article 3, in connexion with the amendment above (under Article 1) the provision should be added that each Contracting State may determine for its territory which of the above-mentioned effects - and under what conditions - shall not be entered in the list of temporary import.

The adoption of the above amendments would not hamper the tourist traffic, but would considerably eliminate possible misuses.

**UNITED KINGDOM DRAFT**

Comments on Article 1, Paragraph (2), (cont'd)

Views of the Egyptian Customs Administration

We consider that the words "excluding merchandise" in the last line of this paragraph should be replaced by the words "excluding all merchandise and articles exported for commercial purposes".

Article 2

4. The provisions of this Convention shall not prejudice in any way the application of police and other regulations relating to the importation, possession and carrying of firearms and ammunition.

5. The import prohibitions imposed by the Contracting States shall only be applied to articles which would otherwise benefit under this Convention when the prohibition was imposed on grounds other than those of an economic character, for example moral, humanitarian, sanitary, veterinary, phyto-pathological and public security grounds.

Article 3

Provisions for the journey, small quantities of tobacco, cigars and cigarettes shall be admitted free of import duties and import taxes. Each Contracting State may determine in relation to its territory the conditions under which this concession will be granted.

Article 6

2. The provisions of this Convention shall not prejudice in any way the application of police and other regulations relating to the importation, possession and carrying of firearms and ammunition.

1. The import prohibitions imposed by the Contracting States shall only be applied to articles which would otherwise benefit under this Convention, when the prohibition was imposed on grounds other than those of economic character, for example, moral, humanitarian, sanitary, veterinary, phyto-pathological and public security grounds.

Article 4

Provisions for the journey, and per traveller, except in the case of frontier traffic, 200 cigarettes or 250 grammes of tobacco, two quarter litre bottles of toilet water, of which one must be opened, two bottles of perfumes, of a maximum capacity of 25 grammes each, of which one must be opened, one opened bottle of wine, not more than half a litre of alcoholic beverage other than wine, souvenirs of the journey of a value not exceeding the equivalent in national currency of 50 United States dollars, shall be admitted free of import duties and import taxes.

Article III

A tourist from abroad shall be allowed to import in his accompanied hand baggage for his own personal use up to half a pound of tobacco goods (250 grammes), one bottle of wine of normal size, half a bottle of spirits (a quarter of a litre) and half a pint (a quarter of a litre) of toilet water and perfume, of which not more than a quarter of a pint (an eighth of a litre) shall be perfumed spirits, without payment of import duties and taxes. This Article shall not apply to persons under the age of sixteen.

Article IV

(1) Where a tourist from abroad enters the territory of a Contracting State, its customs authorities shall permit the temporary importation free of all import duties and taxes, without any formality other than an oral declaration by the tourist concerned to the said customs authorities, of a small quantity of travel souvenirs of a non-commercial nature, provided that they have been obtained in a territory other than that in which the said tourist is normally resident.

(2) Notwithstanding the provisions of paragraph (1) of this Article, the customs authorities of a Contracting State may, in the case of articles whose value exceeds fifty United States dollars, or its equivalent in the currency of that State, reserve the right to require security to be given pending re-exportation of the articles.

1/ See Swiss comments on Article 2, paragraphs 1 and 2 of the ECE Draft, proposing that paragraphs 2 and 1 of Article 6 of the OTA/IUOTO Draft become paragraph 4 of Article 2 of the ECE Draft.

Article VIII

The provisions of this Convention shall not be deemed to affect in any way the application of the regulations of Contracting States relating to the importation, possession and carrying of firearms and ammunition; or to the enforcement of import prohibitions imposed on moral, humanitarian, sanitary, veterinary, phyto-pathological or public security grounds.

Lebanon

Article 3 should be replaced (except in so far as fuel is concerned) by the provisions of article 4 of the OTA/IUOTO draft, which are more explicit and would standardize the various regulations in force on this subject in the contracting countries.

Switzerland

Provisions for the journey should be dealt with in a new article. In Switzerland, the maximum quantities of provisions for the journey, cigars, cigarettes, travel souvenirs etc. are those established by the OEEC. These allowances are fair and should be retained in the convention. The text might be drafted along the lines of article 4 of the OTA/IUOTO draft, taking into account the quantities laid down by the OEEC.

United Kingdom

As regards Article 3 of the ECE draft which makes provision for the free importation of small quantities of tobacco etc., the United Kingdom agree that the amount of consumables thus admissible should be specified.

France

It would be advisable to specify the quantities and type of goods that may be admitted free of import duties. In this connexion, the provisions of article 4 of the OTA/IUOTO draft might be taken as a basis of discussion, provided that it is made clear that so far as souvenirs of the journey are concerned, admission free of import duties is granted only: (a) to articles acquired in a territory other than the territory where the tourist is habitually resident.

(b) on condition that they are re-exported by the tourist when he leaves the country visited.

It would also be advisable to add to this article a provision to the effect that the tourist may re-export, without formalities, the personal effects and souvenirs of the journey which he previously imported temporarily free of import duties, together with any souvenirs of the journey of a non-commercial character which he may have acquired during his stay, the exportation of which is not prohibited by the State in question.

Sweden

In this article the suggested provisions conform to a certain extent to the corresponding section of a proposal made by the Tourist Committee of OEEC for certain customs relaxations etc. intended to facilitate tourist traffic. Subject to ratification, Sweden has adhered to the resolution of the Council of OEEC approving this proposal.

The suggestion which is now being made that tobacco (250 grammes) and cigarettes (200) should be allowed in free of duty is in substantial agreement with the Tourist Committee's proposal. At the time of adhering to the OEEC resolution approving the proposal, however, Sweden made a reservation to allow for stricter provisions regarding the importation of

Austria

The list of effects which a tourist is allowed to import, quoted in this Article, should be revised because the quantities mentioned conflict with customs regulations of certain states. It seems advisable to avoid any enumeration of these effects, because the need for such effects differs according to individual preference.

Denmark

The express statement that exemption from duty on certain goods is subject to the fact that the goods are contained in the accompanied hand baggage seems especially valuable.

It must be considered important, that the World Convention to be concluded does contain provisions on "souvenirs" correspondent to those formulated in Art. IV and V.

EGYPT

Views of the Technical Research Division of the Department of Tourism

Article III

We suggest that the quantity of toilet water and perfume should be charged to a full litre. We agree with the remainder of the article.

Article IV

1. We suggest that a form should be drawn up. We also propose the deletion from this article of the proviso that souvenirs must have been obtained in a territory other than that in which the tourist is normally resident, since the tourist might take with him souvenirs from his own country for his friends abroad.

2. The maximum value of the articles should be fixed at one hundred dollars instead of fifty.

84



Comment on Article 4 - (cont'd)Sweden - (cont'd)

tobacco to be applied to travellers domiciled in the Scandinavian countries.

United Kingdom

Article 4 makes provision, inter alia, for the duty free importation of not more than "half a litre of alcoholic beverages other than wine". Half a litre is double the quantity allowed by paragraph 5 of the OEEC Council draft decision - see T.O.U./WP3(50)1 and should be amended to "a quarter of a litre".

Yugoslavia

Instead of Article 4 of this Draft, Article 3 of the ECE Draft should be adopted, since in it the question of provisions for the journey, cigarettes, etc. is better settled.

United States of America

The restrictions set forth in the OTA/IUOTO draft seems unnecessarily restrictive and the ECE language more desirable.

Comment on Articles III and IV - (cont'd)Egypt - (cont'd)Views of the Egyptian Customs AdministrationArticle IV

We are in agreement with the first paragraph, with the exception of the provision that an oral declaration by the tourist of the gifts he has with him will suffice. We suggest that such declarations should be made in writing, in accordance with our views on Article II. We are in agreement with the second paragraph.

Sweden

The exemption of souvenirs from Customs duty has been proposed both by the Tourist Committee and by OTA and IUOTO. The proposed exemption is, however, confined to souvenirs to a value of not more than 50 United States dollars. Under the present proposal it would also be possible to grant exemption in cases where the value was in excess of 50 dollars, when the Customs authority concerned would be entitled to demand that security should be deposited pending the re-exportation of the souvenirs.

There is probably nothing objectionable in the latter part of the proposal in itself, but in view of the considerable amount of control that would be called for by the procedure envisaged in the Article it may be questioned whether the matter can suitably be regulated through a convention.

In this connexion it should, however, be pointed out that current Swedish regulations on what travellers may take with them without payment of duty when entering or leaving Sweden are in several respects more liberal than those contained in the draft Convention.

Article V

On his departure from the territory of a Contracting State a tourist from abroad shall be allowed to export, without formality other than an oral declaration to its customs authorities, the personal effects and travel souvenirs which he has temporarily imported under Articles II and IV above. The tourist shall also be allowed to export any travel souvenirs of a non-commercial nature obtained in the said territory. These provisions shall, however, be subject to the application of any regulations of the Contracting State, which prohibit the export of any particular article.

Comment on Article VAustria

The issuing of prescriptions with regard to the question dealt with in Article V should be a matter for each of the Contracting States.

Denmark

It must be considered important, that the World Convention to be concluded does contain provisions on "souvenirs" correspondent to those formulated in Art. IV and V.

EgyptViews of the Technical Research Division of the Department of Tourism

We believe that a partial (selective) inspection is necessary and that a penalty should be applicable in cases where the information given does not correspond to the facts.

Nevertheless, we approve of the application of any domestic regulations relating to a ban on the export of any particular article, even in the case of a small quantity exported as a souvenir.

Views of the Egyptian Customs Administration

We are in agreement with this article, with the exception of the provision relating to the oral declaration to be made by the tourist on the articles he has with him, and consider that such declarations should be made in writing, in accordance with our comments on Articles II and IV.

Article 4

1. The following shall be admitted free of import duties and import taxes:

Printed matter and propaganda posters on paper without restriction as to quantity (time tables in book or poster form, guides, pamphlets, folders, whether illustrated or not, illustrated posters), the essential purpose of which is to induce the public to visit foreign countries or localities or to attend abroad meetings or events of a touring or sporting character, provided that such documents are to be distributed free of charge, that they do not contain more than 25 per cent of advertising matter, and that they are obviously intended as touring or sporting propaganda.

2. Subject to re-exportation and on such conditions as may be determined by each Contracting State to prevent abuse, temporary free admission shall be granted to touring propaganda material (documentary cinematograph films of a maximum width of 16 mm and a maximum length of 500 m imported for free exhibition, printing plates, lantern slides, dioramas, photographs) not prohibited, the essential purpose of which is to induce the public to visit foreign countries or localities or to attend abroad meetings or events of a touring or sporting character.

Comment on Article 4Switzerland

The ECE draft is acceptable. Free admission should continue to be restricted to paper matter. The present practice might however be extended to printed matter and posters inducing the public to attend abroad meetings or events of a cultural, religious or sporting character, excluding propaganda material relating to professional meetings or events.

United States of America

Article 4 (ECE) - Article 5 (OTA/TUOTO). At the present time printed matter and propaganda material intended to encourage touring or attendance abroad at special meetings or events are subject to duty upon entry into the United States unless public documents issued at the instance and expense of a foreign government. Amandatory legislation would be required to exempt

Article 5

1. Shall be admitted free of import duties and import taxes printed matter and propaganda posters without restriction as to quantity (time tables in book or poster form, guides, pamphlets, folders, whether illustrated or not, illustrated posters, photographs) not prohibited, the essential purpose of which is obviously to induce the public to visit foreign countries or localities or to attend abroad meetings or events of a touring, cultural, religious, professional or sporting character, provided that such documents are to be distributed free of charge, and that they do not contain more than 25 per cent of advertising matter.

2. Subject to re-exportation and on such conditions as may be determined by each Contracting State to prevent abuse, temporary free admission shall be granted to touring propaganda material (documentary cinematograph films of a maximum width of 16 mm and a maximum length of 500 m imported for free exhibition, printing plates, lantern slides, dioramas) not prohibited, the essential purpose of which is to induce the public to visit foreign countries or localities or to attend abroad meetings or events of a touring, cultural, religious, professional or sporting character.

Comment on Article 5Yugoslavia

Article 5 should be deleted, since the question on touring propaganda should not be settled by a Convention dealing with the question of facilitating tourism. Propaganda for tourism or importation of propaganda material is a question regarding tourist organizations and might be settled by a special international agreement.

Article VI

Contracting States shall admit, free of import duties and taxes and without restriction as to quantity, travel posters and travel literature (pamphlets, guides, time-tables, leaflets and similar publications), whether illustrated or not, including those published by private commercial enterprises, whose purpose is to stimulate travel outside the territory into which they are imported, provided that

- (1) they are imported for free distribution, and
- (2) they do not contain more than 25 per cent of private commercial advertising matter.

Article VII

Subject to re-exportation by the original importers within twelve months and on such conditions as may be determined by each Contracting State to prevent abuse, temporary admission free of import duties and taxes shall be granted to touring propaganda material (documentary cinematograph films of a maximum width of 16 millimetres and a maximum length of 500 metres imported for free exhibition, printing plates, lantern slides, dioramas and photographs) the purpose of which is to stimulate travel outside the territory into which they are imported.

Comment on Articles VI and VIIAustria

The stipulations of this Article should be brought into force as soon as possible.

Egypt

Views of the Technical Research Division of the Department of Tourism

Article VI

We are in agreement with regard to printed matter relating to tourism, but consider that printed matter published by commercial establishments not connected with tourism should be liable to duties and taxes, even if distributed free of charge. It is understood that the exemption applies equally to governmental printed matter, even if printed and published in a country other than the country of origin.

Comment on Article 4 - (cont'd)

United States of America - (cont'd)

such merchandise from United States customs duties. It is recommended that the matter of free entry of all printed tourist propaganda regardless of quantity and of tourist photographic propaganda should be stricken from the final convention as matters which are not included in the terms of reference of the proposed convention, i.e., "personal effects of tourists".

Comment on Article 5 - (cont'd)

Egypt - (cont'd)

Views of the Technical Research Division of the Department of Tourism - (cont'd)

Article VII

Agreed. We would also suggest the inclusion of 35-millimetre films, provided that they are used for purposes of non-commercial touring propaganda.

Views of the Egyptian Customs Administration

Article VI

We are in agreement with the draft provisions relating to reciprocal treatment, especially since the Egyptian Government has promulgated Act No. 19 (1935) published in No. 15 of the Official Gazette on 18 February 1935, to exempt printed matter, publications, notices, catalogues, cards etc., issued for publicity purposes, whether illustrated or not and whether printed on paper, cardboard, wood or any other material, if such matter is imported for distribution free of charge for the purposes of tourist publicity. Paragraph II of this Act stipulates that the exemption shall apply only to publicity material imported through one of the officially recognized associations or agencies set up for the purpose of encouraging tourism.

It is understood that the aforesaid material will come from countries which are prepared to grant the same exemption for similar material sent from Egypt.

Article VII

We are in agreement with these provisions, though the material temporarily admitted duty-free should be so admitted subject to the deposit of surety guaranteeing re-export within the prescribed time-limit, failing which they would be liable to the regulation duties.

Comment on Articles VI and VII - (cont'd)

Article 5

The temporary importation facilities laid down in this Convention shall be accorded to persons not principally resident within the country which they visit temporarily.

A person shall be considered to be not principally resident within the country of importation if he has resided or will reside in that country for less than six months on an average per year either to tour there or for professional purpose irrespective of whether or not he is the proprietor or lessee of the house or apartment which he occupies.

Comment on Article 5

Norway  
It does not seem quite clear what is meant by the expression that one must reside in a country "for less than six months on an average per year".

Switzerland

This article would consist of article 1, paragraph 4 of the OTA/IUOTO draft. It should be stated that the person entitled to free importation facilities must be the owner of the articles, since the provision to that effect would be deleted from article 3.

Article 1

4. The person entitled to temporary admission facilities must be the owner of the temporarily free imported articles or have possession or control of them.

He cannot be principally resident within the country which grants temporary free admission. A person shall be considered as fulfilling this last condition if he resides in that country for less than six months on an average per year either to tour there or for professional, education or health purposes, irrespective of whether or not he is the proprietor or lessee of the house or apartment which he occupies.

Article 1

For the purpose of this Convention

(1) "tourist from abroad" means a person who by any method of travel enters the territory of a Contracting State other than that in which he is normally resident, and who remains there for not less than twenty-four hours and not more than six months.

.....

Comment on Article 1, paragraph (1)

Austria

"The proviso "who does not enter for business purposes" should be included in the provisions of this Article after the words "... he is normally resident."

Denmark

The definition of a "tourist from abroad" seems in principle to be more unmistakable and in consequence more serviceable than the correspondent provisions in the other drafts.

Egypt

Views of the Technical Research Division of the Department of Tourism

We consider that the expression "tourist in transit" means any person who stays in a country other than his own for one to twenty-four hours, and that the expression "tourist" means a person who remains in a country other than his own for not more than twelve (instead of six) months.

Views of the Egyptian Customs Administration

The expression "tourist from abroad" means any person who, as a simple visitor, enters a country other than that in which he is permanently resident in order to stay there for not less than one week and not more than six months. Nevertheless, this provision will not apply if the tourist is a member of a group of visitors.

UNITED KINGDOM DRAFT

Comment on Article I, Paragraph (1) - (cont'd)

Norway

The Norwegian Government particularly finds the definition of the expression "tourist from abroad" unfortunate as this expression would mean that one could not stay longer than six months in the country concerned.

Article IX

.....

(2) The Convention shall not apply in the case of local frontier traffic.

Article 6

Nothing in this Convention shall prevent the Customs authorities from proceeding to recover from the holders of temporary importation papers the import duties and import taxes and also any penalties to which they have rendered themselves liable in the event of fraud, contravention or abuse.

Comment on Article 6

Switzerland

The phrase "from the holders of temporary importation papers" should be replaced by the phrase "from persons entitled to temporary admission facilities".

Article 7

The Contracting States will endeavour not to institute Customs measures which might have the effect of impeding the development of international touring.

Article 7

.....  
2. The Contracting States will endeavour not to institute Customs measures which might have the effect of impeding the development of international touring.

Comment on Article 7

United Kingdom

Article 7 is too wide in its implications and is out of place in the context of the proposed Convention.

Article IX

(1) The benefits of this Convention may be withheld from any tourist from abroad not making a full and accurate declaration, as required by the regulations of the Contracting State concerned, or otherwise attempting to benefit improperly from the provisions of this Convention.

Comment on Article IX, paragraph (1)

Austria

It seems that demanding a "full and accurate declaration" from the tourist, as provided in this Article, may be in contradiction to the proviso of Art. IV, where it is stated that no other formality than an oral declaration by the tourist would be required.

Article 8

Any breach of the provisions of this Convention, 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 Convention, any use of an article thus imported for a purpose other than laid down therein, or by a person not fulfilling the conditions necessary to benefit from the aforesaid system of importation, may render the offender liable to the penalties prescribed by the laws of the country in which the offence was committed.

Article 8

Any breach of the provisions of this Convention, 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 Convention, any use of an article thus imported for a purpose other than laid down therein, or by a person not fulfilling the conditions necessary to benefit from the aforesaid system of importation may render the offender liable to the penalties prescribed by the laws of the country in which the offence was committed.

Comment on Article 8

Switzerland

It would seem advisable to mention the "laws of the country in which the offence was committed".

PROTOCOL OF SIGNATURE

At the time of signing the Convention of this day's date, the undersigned plenipotentiaries make the following declarations:

The terms of this Convention set out minimum facilities. It is not the intention of the Contracting States to restrict the wider facilities which are granted or may be granted by certain of them in regard to international touring. This Convention shall not preclude the application of the provisions of other conventions and national laws concerning road traffic.

The Contracting States reserve the right to grant the same advantages to persons resident in non-Contracting States.

The Customs authorities of the Contracting States reserve the right to take all appropriate measures of control to prevent frauds, contraventions or abuses which might be committed as a result of the facilities laid down in this Convention.

.....

Article 7

1. Facilities granted under this Convention are minimum facilities, and each of the Contracting States will grant, whenever practicable, wider facilities.

Article IX

(3) The concessions provided for in the foregoing Articles are to be regarded as minimum concessions which the Contracting States may extend if they so wish.



Ad Article 2, Paragraph 1

It is understood that the grant of free admission shall not preclude the levying of small charges in the nature of statistical fees.

Comment on Protocol of Signature

Switzerland

The first clause might well be replaced by a provision such as that contained in article 7 of the OTA/IUOTO draft. The last sentence in the ECE draft should be deleted.

The second clause should be retained in the interests of tourism.

The third clause is self-evident and would appear to be superfluous.

APPENDIX

PROCEDURAL PROVISIONS CONTAINED IN THE UNITED KINGDOM  
DRAFT FOR A WORLD-WIDE CONVENTION ON TOURISM

Article X

- (1) Any dispute between any two or more Contracting States concerning the interpretation or application of this Convention shall so far as possible be settled by negotiation between them.
- (2) Any dispute which is not settled by negotiation shall be referred to a person or body agreed between the Contracting States in dispute, provided that if they are unable to reach agreement, any of those Contracting States may request the President of the International Court of Justice to nominate an arbitrator.
- (3) The decision of any person or body appointed under paragraph (2) of this Article shall be binding on the Contracting States concerned.

Article XI

- (1) This Convention shall be open for signature until \_\_\_\_\_ by the Governments of all States Members of the United Nations and the Government of every other State which the General Assembly may declare to be eligible.
- (2) The Convention shall be subject to ratification by the signatory Governments. Ratification shall be effected by the deposit of an instrument of ratification with the Secretary-General of the United Nations.

Article XII

- (1) After \_\_\_\_\_ the Government of any State referred to in paragraph (1) of Article XI, which is not a signatory, may accede to the present Convention.
- (2) Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article XIII

- (1) When \_\_\_\_\_ of the Governments referred to in Article XI and Article XII have deposited their instruments of ratification or accession, this Convention shall come into force between them on the thirtieth day after the date of the deposit of the \_\_\_\_\_ th such instrument. It shall come into force for each other Government on the thirtieth day after the deposit of its instrument of ratification or accession.

Article XIV

(1) After this Convention has been in force for \_\_\_\_\_ years any Contracting Government may denounce it by notification of denunciation to the Secretary-General of the United Nations.

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

Article XV

(1) Any signatory or acceding Government may at the time of the deposit of its instrument of ratification or accession or at any time thereafter by notification addressed to the Secretary-General of the United Nations declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible, and the Convention shall extend to the territories named in the notification as from the thirtieth day after the date of receipt of the notification by the Secretary-General of the United Nations or as from the date on which the Convention comes into force under Article XIII, whichever is the later.

(2) Any Government which has made a declaration under paragraph (1) of this Article extending the Convention to any territory for whose international relations it is responsible may denounce the Convention separately in respect of that territory in accordance with the provisions of Article XIV.

Article XVI

The Secretary-General of the United Nations shall notify all signatory and acceding Governments of all signatures, ratifications and accessions of this Convention and of the date on which the Convention comes into force and every notification or declaration received by him under Article XIV or XV.

In witness whereof the undersigned plenipotentiaries have signed this Convention

Done at \_\_\_\_\_ this \_\_\_\_\_ in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations shall transmit certified copies thereof to all signatory and acceding Governments.

ANNEX 7

MEMORANDUM IN REGARD TO A "TOURIST CARD" RELATING TO THE EQUIPMENT AND EFFECTS OF A TRAVELLER, PREPARED JOINTLY BY THE OTA AND THE IUOTO, AND COMMENTS ON THIS MEMORANDUM COMMUNICATED BY GOVERNMENTS IN REPLY TO THE SECRETARY-GENERAL'S NOTE OF 15 FEBRUARY 1952.

Memorandum

1. Notes

When a tourist has to cross a frontier the various papers, documents, etc., which he may have for submission to the frontier control authorities, in addition, eventually, to those which may relate to his personal means of transport, only consist at present of identity documents, documents relating to currency in his possession and documents relating to health regulations (vaccination certificates, etc.). The object of all these documents is to facilitate the passage of the tourist through the controls normally thought necessary by the government of the country which he is leaving or that of the country which he is entering.

There is, however, one frontier formality imposed on all travellers and in connexion with which he has no official documents, namely, customs inspection of his luggage.

Though, on the whole, the actual modus operandi may be thought satisfactory, there are regions in which travel involves the transport of a large quantity of luggage: camping and hunting equipment, cine-camera and films, heavy equipment, etc. In this case the tourist often experiences difficulties in going from one country to another without having to pay customs duty, and sometimes he even finds it difficult to take back to his country of residence equipment which he brought out of it.

In order to remedy this situation the Third International Congress of African Touring, held in Nairobi in October, 1949, made the suggestion that a "tourist card" should be issued, with the object of facilitating the transport of the equipment and personal effects of a tourist across the frontiers which he has to pass, in cases where this need has been felt.

2. Contents of the "Tourist Card"

The "tourist card" in question might contain amongst other information the following:

- (a) Summarized information in regard to the identity of the traveller.
- (b) A complete list, prepared by the traveller, of the effects, equipment and material that he is taking with him.

3. Issue and Utilization of the Card

The necessary printed forms could be handed to the tourist on request, either by government offices of his country of residence, or by consular agents, or organizations officially authorized by the governments concerned (Autcmobile and Touring Clubs, or certain travel agencies, etc.)

The tourist would complete the document, supplying a list of the articles which he was taking, and would get it stamped, after all necessary checking, by the customs authorities of his country of residence at the time of departure, or by one of the above-mentioned agencies if the governments in question agree to give them the necessary authorization.

The tourist would thus be in possession of a document of an official character, which could not but facilitate considerably the various customs examinations which he had to undergo in the course of his journey.

Comments from Governments

Austria

.... It is the view of the Austrian Government that such a tourist card, though facilitating the transport of so-called heavy equipment of a tourist across the frontiers which he has to pass, nevertheless could not replace the issuance of a temporary importation paper (Zollvermerk) required for free re-export of such an equipment.

France

With regard to the tourist card proposed by the OTA/IUCTO, it may be considered, a priori, that the introduction of such a document would facilitate customs examination and eliminate difficulties at each frontier crossing.

The card would provide a kind of detailed, written inventory, certified as correct by the customs authority in the tourist's country of residence, of all the articles carried by the tourist.

For the customs authorities in the tourist's country of residence, the proposed document might well serve as a re-entry permit and thus facilitate the re-importation free of duty of all the articles still in the tourist's possession when he returns to his country. While this is an undoubted advantage, its importance should not be over-estimated. A cautious person can always ask the customs authorities in his country for a re-entry permit and it would not appear that the special card has been proposed primarily for this purpose.

The adoption of a tourist card would be of real value only if it was clear that the card would facilitate or expedite customs formalities in all the countries which the tourist wished to visit, particularly on entry into any one of them. In this connexion, it should be pointed out that the status of tourist would be granted by the customs authorities in the country of residence, in other words, by the authorities in the country in the worst position to judge whether the person concerned is a bona fide tourist and which cannot judge for other countries.

The list of articles carried with the tourist might possibly facilitate the customs examination to some extent if presented to the customs officials at the port of entry of the country which the traveller wishes to visit. In that case, however, the card would have to be drawn up in several languages and the articles would have to be divided between the various articles of luggage in the same way as when the tourist left his country of residence. Furthermore, the list or inventory would probably soon become obsolete, either because articles had been lost or destroyed during the journey or because the tourist had bought goods or obtained replacement in the countries visited. Moreover, in the case of articles with regard to which the customs authorities in the country of entry wished to take special measures to ensure re-exportation, the tourist card would not be sufficient, since it could not contain any valid undertaking in this connexion.

To sum up, the creation of special papers of this kind would seem to present only relative advantages, particularly in view of the fact that the international convention itself would list the articles which the contracting countries were prepared to allow tourists to import free of duty.

The French Government accordingly feels that although the use of such a card might possibly be recommended, it should not be compulsory, particularly since the majority of customs authorities are already satisfied with a brief and in many cases oral declaration.

#### Norway

Concerning .... the Memorandum in regard to a "Tourist Card" relating to the equipment and effects of a traveller, the proposal seems not sufficiently prepared and the Norwegian Government finds it difficult on basis of this memorandum to state its views on this question. If such an arrangement should be carried through, all travellers crossing a frontier must have such a card. If only those who carry luggage are supposed to have this card, they would be able to dispose of their effects in the country which they visit, and they would not have to tell the authorities upon leaving that country that they were in possession of such a card when entering. If all travellers are supposed to have such a card, it seems that crossing the frontiers from one country to another would be even more complicated if travellers were supposed to carry even another document.

#### Sweden

At present the customs examination to which a traveller's baggage is subjected when leaving for abroad is largely carried out on a "sampling" basis. The introduction of the proposed procedure based on a "tourist card" would mean that traveller's effects would have to undergo very careful examination. According to the proposal this examination and the confirmation of the particulars stated in the tourist card would be carried out either by a public authority or by a specially approved tourist organization. In Sweden's case it is not possible to lay such a heavy burden of work on the customs administration, and the proposal should therefore be rejected as far as Sweden is concerned.

It may, however, be mentioned in this connexion that in Sweden and Denmark and certain other countries there is in use a customs declaration form which is intended to facilitate the clearing of traveller's baggage. It is filled in by the traveller with particulars of alcohol, tobacco, items of new clothing etc. carried, and is not required to be certified by any official body. The submission of a customs declaration is voluntary in Sweden. The circular of the Royal Swedish Board of Customs dealing with such declarations is attached, together with a specimen of the form used.

United Kingdom

The United Kingdom Government could not agree to this and finds difficulty in seeing what benefit this tourist card would have either to Customs Authorities or to the tourists themselves. Passengers are expected to make a declaration and they may do so orally or, if they wish, by presenting a written list of the contents of their baggage. But a card issued by the visitors' own Customs authorities, or by a Travel Organization, could not be accepted as a complete inventory of his effects (apart from goods acquired since he left home) and could not therefore obviate the need for oral questioning or baggage examination by the Customs. The United Kingdom's view is that written declarations tend to hold up traffic rather than expedite it.

United States of America

With reference to the memorandum in regard to a tourist card relating to the equipment and effects of a traveller, United States customs require only a verbal declaration of items reported for private or personal use, and the need for either temporary importation papers or a tourist card would be an unnecessary addition to the present requirements. According to the memorandum, the plan applies primarily to regions in which travel involves transport of a large quantity of luggage such as hunting equipment, camera and film, etc. It is felt that this is more properly a matter for local or regional regulation than for an international convention.

Yugoslavia

It would be useful to include in the Convention a provision on the "tourist card", pursuant to the "Memorandum in regard to a tourist card relating to the equipment and effects of a traveller", prepared jointly by the World Touring and Automobile Organization and the International Union of Official Travel Organizations.



## ANNEX 8

MEMORANDUM ON THE PROVISIONS TO BE INSERTED IN A  
WORLD CUSTOMS CONVENTION GOVERNING THE TEMPORARY  
IMPORTATION OF VEHICLES, SUBMITTED BY THE WORLD  
TOURING AND AUTOMOBILE ORGANIZATION (OTA)

1. The Customs aspect of the temporary importation of vehicles is at present governed at national level by agreements concluded between the competent Customs authorities of each country and the user associations members of the three international organizations concerned, namely the Alliance Internationale de Tourisme, the Fédération Internationale de l'Automobile and the Fédération Aéronautique Internationale. At international level, these matters are governed by agreements concluded between the above-mentioned national associations, under the auspices of their respective international organization. The system which has been established by these international user organizations covers practically every country in the world and the Customs document issued by them, known as "carnet de passages en douane" has an almost universal validity.
2. Although it can be said that this system functions satisfactorily, certain advantages would be gained if the rules applicable were standardized, simplified and adopted officially by as large a number of countries as possible. As long ago as 1937 a draft Convention dealing with this matter was signed by a certain number of States, but the advent of the Second World War prevented it from being ratified. After the war, the matter was again taken up and new draft Conventions were prepared under the auspices of the Economic Commission for Europe. Following an agreement signed in Geneva on 16 June 1949, the provisions of these draft Conventions were provisionally applied in a certain number of European countries.
3. In order to complete the work started in this field, the convocation of a World Customs Conference has been suggested. Such a Conference would draw up the final text of one or more World Customs Conventions, which would be signed by as many States as possible. The World Touring and Automobile Organization hopes that Member States of the United Nations will realize the advisability of convening such a Conference and that the Economic and Social Council will decide

accordingly. With a view to discussions which might take place in the not too distant future, the World Touring and Automobile Organization therefore, as the body under whose guidance the present international system concerning the Customs aspect of the temporary importation of vehicles functions, has the honour to submit the following remarks:

4. The World Touring and Automobile Organization is of the opinion that if a World Customs Conference is convened with a view to settling, amongst other matters, Customs problems arising from the temporary importation of vehicles in international traffic, advantage should be taken of this opportunity to settle the whole of these questions, and that the terms of reference of the Conference should not be restricted to the solution of problems concerning one given category of vehicles. It would be most regrettable if Customs experts, meeting in world-wide conference, could not, as a result of restricted terms of reference, deal with the Customs matters arising from the temporary importation of vehicles in commercial traffic. Indeed, whatever solutions are contemplated, it is certain that this is an international problem, the importance of which is ever increasing, and it is difficult to see why separate conferences should be convened to deal with it, and the same experts called together again in regional groups. It would seem that here a great saving of time and money could be made.

5. This is not however the only reason for which the OTA would like to see the terms of reference of the proposed conference extended. The conference will meet to solve Customs problems. Now in practice, the Customs problems arising from the temporary importation of privately used vehicles are identical with the Customs problems arising from the temporary importation of commercially used vehicles. In order to realize this, the provisions relating to the temporary importation of vehicles of the draft International Customs Convention on Touring should be compared closely with the provisions of the draft International Customs Convention on Commercial Road Vehicles, both of which were prepared under the auspices of the Economic Commission for Europe. If certain countries are reluctant to apply to vehicles entering temporarily into their territory for commercial purposes, the same Customs regime as applied to private vehicles, it is because these countries consider, for economic reasons, that international commercial road traffic should be controlled, whereas international private

traffic should be free. Whatever the necessity to exercise a more or less strict control of international commercial road traffic, the OTA feels that such control should not be effected by means of measures of a Customs nature. The authorities have at their disposal a system of permits or licences which gives them all necessary guarantee. From the Customs point of view, there is no reason why the system proposed at the present time for the guarantee of the re-exportation of private vehicles should not also be applied to vehicles which have been authorized to operate in the Customs territory of the country concerned for commercial ends.

6. If there are no reasons from a Customs point of view in favour of there being two entirely distinct Customs regimes, one applicable to private vehicles and the other applicable to commercial vehicles, there is on the other hand one very important reason of a practical nature in favour of a very great similarity, if not of identity, of Customs treatment. Subject to the remarks made in paragraph 7 below, any multiplication of the Customs regimes applicable to similar situations causes complications from an administrative point of view which should, if possible, be avoided. This is the more apparent when one considers that the same vehicle may be used at one time for a "private use" and at another for a use which is not private. Should such a vehicle have two Customs documents, one of which will be used jointly with the permit necessary to operate a commercial vehicle in the territory of the country of importation, or would the same document ensure the application of different Customs regimes depending on whether the vehicle is used for "private use" or not? The risk of error and of confusion would be great. It is important from the point of view of the efficient functioning of the system, that one and the same Customs document may be issued for a vehicle, irrespective of the use to which it is put. It is also important that the Customs regime to be applied to vehicles used for a commercial purpose should be similar to the regime applied at the present time to privately used vehicles, which is in fact the case in many countries. It should perhaps be stressed once more that the possession of a Customs document does not in itself authorize a vehicle to travel in the territory of a foreign country. Other documents are necessary, and amongst such documents could be included a special permit or licence for vehicles used for commercial purposes.

7. This being so, it is difficult to justify excluding from the discussions of the proposed World Customs Conference the Customs regime applicable to vehicles imported temporarily for commercial purposes. The necessity to prepare the text of two entirely separate Conventions would only arise in the following case: In view of the very great economic importance for all countries concerned of the development of international touring, Governments might think that the advantages of increasing the number of foreign tourists by relaxing the rules governing the conditions of entry and stay in their country, outweigh the inconvenience caused by the slightly higher risk of customs fraud. If a very free regime similar to that applied in the countries of North America, were thus applied to vehicles, Governments might consider that such a regime could only be applied to vehicles in private use. In this case, one or several entirely separate Conventions should define the customs regime applicable to commercial vehicles. But even in this case, it would appear that the ground would have been sufficiently prepared for it to be possible for regional Conventions to be drawn up there and then by a special commission of the World Conference. The case quoted above does not unfortunately correspond to the present situation. If the regimes to be applied in the two cases only differ from each other to the degree which is apparent in the provisions referring to vehicles in the two draft Conventions prepared under the auspices of the Economic Commission for Europe, it would be much more simple, and much more convenient to establish one single regime by a single Convention, applicable in principle to all vehicles.

8. It would not be difficult to draft the provisions of such a Convention on a broad basis, to permit flexibility. In fact, the difficulty which might arise, would not be so much the desire of certain governments to establish an international customs regime for the temporary importation of vehicles for commercial use radically different from the regime proposed for vehicles for private use, but more probably the refusal by some governments to adopt any international customs regime permitting the temporary importation into their territory of commercial vehicles. If we were confronted by such a regrettable eventuality, signature of the Convention by all could be made feasible by inserting a clause according to which every signatory State would be authorized to declare that it will apply

its provisions only to vehicles imported for private purposes. Finally, if it were considered essential to maintain the few differences in treatment which are provided for in the existing drafts, these modifications could be covered in a special clause, which could be drawn up without difficulty.

9. In view of the foregoing, the World Touring and Automobile Organization expresses the wish:

(a) that the proposed World Customs Conference be competent to deal with customs problems relating to the temporary importation of all means of transport, including all motor vehicles, trailers, aeroplanes and gliders, pleasure craft with or without a motor, irrespective of the way in which it may solve the problems raised;

(b) that the Conference study, in particular, the establishment of a single Customs Convention on the temporary importation of vehicles, whatever their use, private or otherwise. This Convention must be drawn up in such a manner that it can be signed by States who decline to apply its provisions to motor vehicles other than those intended for private use.

It is understood that the Conference would also be required to draw up a Customs Convention on Touring in conformity with the suggestion made by the Economic and Social Council. This question has not been dealt with in this Memorandum.

10. A Draft Customs Convention on the Temporary Importation of Vehicles and a Draft Protocol of Signature, incorporating all amendments to the Drafts Customs Conventions prepared under the auspices of the Economic Commission for Europe, considered necessary by the World Touring and Automobile Organization, are attached to the present Memorandum.

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