

CONVENTION CONCERNING CUSTOMS FACILITIES FOR TOURING

Note: The Agreement was concurred in by the Senate, S.R. No. 35, July 3, 1959. The Philippine instrument of ratification was signed by the President, January 16, 1960 and was deposited with the Secretary General of the U.N., February 9, 1960. It entered into force, September 11, 1957, and with respect to the Philippines, May 9, 1960.

Reference: This Agreement is also published in III DFA TS No. 3, p. 17 and 276 UNTS, p. 191.

The Contracting States,

Desiring to facilitate the development of international touring,

Have decided to conclude a Convention and 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 "tourist" shall mean any person without distinction as to race, sex, language or religion, who enters the territory of a Contracting State other than that in which that person normally resides and remains there for not less than twenty-four hours and not more than six months in the course of any twelve-month period, for legitimate non-immigrant purposes, such as touring, recreation, sports, health, family reasons, study, religious pilgrimages or business;

(c) The term "temporary importation permit" shall mean the Customs document testifying to the guarantee or deposit of import duties and import taxes chargeable in the event of failure to re-export the article temporarily imported.

ARTICLE 2

1. Subject to the other conditions laid down in this Convention, each of the Contracting States shall admit temporarily free of import duties and import taxes the personal effects imported by a tourist, provided they are for the personal use of the tourist, that they are carried on the person of or in the luggage accompanying the tourist, that there is no reason to fear abuse, and that these personal effects will be re-exported by the tourist on leaving the country.

2. The term "personal effects" shall mean all clothing and other articles new or used which a tourist may personally and reasonably require, taking into consideration all the circumstances of his visit, but excluding all merchandise imported for commercial purposes.

3. Personal effects shall include among other articles the following, provided that they can be considered as being in use: personal jewellery;

one camera with twelve plates or five rolls of film; one miniature cinematograph camera with two reels of film; one pair of binoculars; one portable musical instrument; one portable gramophone with ten records; one portable sound-recording apparatus; one portable wireless receiving set; one portable typewriter; one perambulator; one tent and other camping equipment; sports equipment (one fishing outfit, one sporting firearm with fifty cartridges, one non-powered bicycle, one canoe or kayak less than 5½ meters long, one pair of skis, two tennis racquets and other similar articles).

ARTICLE 3

Subject to the other conditions laid down in this Convention each of the Contracting States shall admit free of import duties and import taxes the following articles imported by a tourist for his personal use, provided that these articles are carried on the person of or in the hand luggage accompanying the tourist, and provided that there is no reason to fear abuse:

- (a) 200 cigarettes or 50 cigars or 250 grammes of tobacco, or an assortment of these products, provided that the total weight does not exceed 250 grammes;
- (b) one regular-size bottle of wine and one quarter litre of spirits;
- (c) one quarter litre of toilet water and a small quantity of perfume.

ARTICLE 4

Subject to the other conditions laid down in this Convention each of the Contracting States shall grant to the tourist, provided that there is no reason to fear abuse:

- (a) authorization to import in transit and without a temporary importation permit, travel souvenirs for a total value not exceeding 50 U.S.A. dollars, provided that such souvenirs are carried on the person of or in the luggage accompanying the tourist and that they are not intended for commercial purposes;
- (b) authorization to export, without the formalities applying to currency controls and free of export duties, travel souvenirs which the tourist has bought in the country for a total value not exceeding 100 U.S.A. dollars, provided that they are carried on the person of or in the luggage accompanying the tourist and that such souvenirs are not intended for commercial purposes.

ARTICLE 5

Each of the Contracting States may require a temporary importation permit in respect of articles of a high value covered by article 2.

ARTICLE 6

The Contracting States shall endeavour not to introduce Customs procedures which might have the effect of impeding the development of international touring.

ARTICLE 7

In order to expedite Customs procedures, contiguous Contracting States shall endeavour to place their respective Customs posts close together and to keep them open during the same hours.

ARTICLE 8

The provisions of this Convention shall not prejudice in any way the application of police or other regulations concerning the importation, possession and carrying of arms and ammunition.

ARTICLE 9

Each of the Contracting States recognizes that any prohibitions which that State imposes on the importation or exportation of articles which benefit under this Convention shall apply only in so far as they are based on considerations other than economic in character, for example, of public morality, public security, public health, hygiene, veterinary or phyto-pathological considerations.

ARTICLE 10

The exemptions and facilities provided by this Convention shall not apply to frontier traffic.

Nor shall the applications of these exemptions and facilities be considered as automatic:

- (a) when the total quantity of a commodity to be imported by a tourist exceeds substantially the limit laid down in this Convention;
- (b) in case of a tourist who enters the country of import more than once a month;
- (c) in case of a tourist under 17 years of age.

ARTICLE 11

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

ARTICLE 12

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, may render the offender liable in the country where the offense was committed to the penalties prescribed by the laws of that country.

ARTICLE 13

Nothing in this Convention shall prevent Contracting States which form a Customs or economic union from enacting special provisions applicable to residents of the States forming that union.

ARTICLE 14

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

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

ARTICLE 15

1. From 1 January 1955 this Convention shall be open for accession by any State referred to in paragraph 1 of article 14 and any other State so invited by the Economic and Social Council of the United Nations. It shall also be open for accession on behalf of any Trust Territory of which the United Nations is the Administering Authority,

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

ARTICLE 16

1. This Convention shall enter into force on the ninetieth day following the date of the deposit of the fifteenth instrument of ratification or accession either without reservation or with reservations accepted in accordance with article 20.

2. For each State ratifying or acceding to the Convention after the date of the deposit of the fifteenth instrument of ratification or accession in accordance with the preceding paragraph, the Convention shall enter into force on the ninetieth day following the date of the deposit by such State of its instrument of ratification or accession either without reservation or with reservations accepted in accordance with article 20.

ARTICLE 17

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

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

ARTICLE 18

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

ARTICLE 19

1. Any State may, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. The Convention shall extend to the territories named in the notification as from the

ninetieth day after its receipt by the Secretary-General if the notification is not accompanied by a reservation, or from the ninetieth day after the notification has taken effect in accordance with article 20, or on the date on which the Convention enters into force for the State concerned, whichever is the later.

2. Any State which has made a declaration under the preceding paragraph extending this 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 17.

ARTICLE 20

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

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

3. The text of any reservation submitted to the Secretary-General of the United Nations by a State at the time of the signature, the deposit of an instrument of ratification or accession or of any notification under article 19 shall be circulated by the Secretary-General to all States which have at that time signed, ratified or acceded to the Convention. If one-third of these States expresses an objection within ninety days from the date of circulation, the reservation shall not be accepted. The Secretary-General shall notify all States referred to in this paragraph of any objection received by him as well as of the acceptance or rejection of the reservation.

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

5. The State submitting the reservation may, within a period of twelve months from the date of the notification by the Secretary-General referred to in paragraph 3 that a reservation has been rejected in accordance with the procedure provided for in that paragraph, withdraw the reservation, in which case the instrument of ratification or accession or the notification under article 19 as the case may be shall take effect with respect to such State as from the date of withdrawal. Pending such withdrawal, the instrument or the notification as the case may be, shall not have effect, unless, by application of the provisions of paragraph 4, the reservation is subsequently accepted.

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

7. No Contracting State shall be required to extend to a State making a reservation the benefit of the provisions to which such reservation applies. Any State availing