

GENERAL AGREEMENT
ON TARIFFS AND
TRADE

ACCORD GENERAL SUR
LES TARIFS DOUANIERS
ET LE COMMERCE

LIMITED B
GATT/CP/12/Add. 2
21 April 1949
ORIGINAL: ENGLISH
& FRENCH

CONTRACTING PARTIES

Barriers to the Import and Export of Educational
Scientific and Cultural Material.

Addendum

It will be recalled that the Tariff Negotiations Committee was informed on 14th April that the "Draft Agreement on the Importation of Books, Newspapers and Periodicals", which was mentioned in the letter addressed to the Chairman of the Contracting Parties by the Director General of the U.N.E.S.C.O. (Gatt/CP/12), would be distributed in the near future for the Information of the Contracting Parties. A draft agreement has now been received and is attached hereto.

DRAFT AGREEMENT TO FACILITATE
THE INTERNATIONAL CIRCULATION OF PUBLICATIONS.

The Contracting States,

Convinced that, as declared in the Constitution of the United Nations Educational, Scientific and Cultural Organization, the free exchange of ideas and knowledge between peoples is one of the main conditions of intellectual progress and international understanding and, consequently, of the establishment of world peace;

Considering that, of all media for the interchange of ideas, the printed word in all its forms commends itself by reason of its long use and is still, as regards both duration and accuracy of expression, one of the most effective instruments of intellectual intercourse and mass education;

Considering that it is therefore a matter of primary importance to facilitate the free circulation of publications;

Agree to the following provisions:

Article I

In the following articles, the word "publications" shall denote books, pamphlets, periodical publications, newspapers, printed and manuscript musical scores, geographic or marine maps and charts posters and, in general, all printed matter intended for the transmission of ideas or knowledge or other intellectual creations or attainments, as well as photo-mechanical reproductions of the same.

Article II

The Contracting States shall not institute or maintain in their mutual relations any limitation whatsoever on the entry into their territory of the kinds of publications set out hereunder; but such provision

shall not exclude the levying of taxes, costs, charges or dues defined in the third sentence of Article IV.

- (a) Publications of an educational, scientific or cultural character, subject to the reservations contained in Article VII. Should the authorities of one of the Contracting States contest the said character of a publication coming from another Contracting State, the latter, if it is not in agreement, may submit the matter to the United Nations Educational Scientific and Cultural Organization; the States undertake to give careful and sympathetic consideration to such friendly representations as the Organization may then make to them.
- (b) Publications intended for public libraries and collections, for the libraries and collections of public educational, research or cultural institutions, as well as of private institutions, foundations or associations of the same character to which the benefit of this provision shall have been granted by the State on whose territory they are established.
- (c) Publications intended for Bureaux or Centres for the exchange and distribution of publications.
- (d) Official Government publications, that is, official parliamentary and administrative documents intended for information at their place of origin.
- (e) Printed publications of the United Nations and its Specialized Agencies.
- (f) Publications donated to the United Nations Educational, Scientific and Cultural Organization and distributed by it or under its supervision and which may not be offered for sale by the beneficiaries.

- (g) Publications intended to promote the tourist trade, on condition that they are published or sponsored by an official tourist organization and addressed by it to a similar national organization for distribution free of charge, and that they contain no private commercial advertising matter.
- (h) Publications in raised characters, for the blind.

Article III

Each of the Contracting States undertakes not to subject the publications coming from another Contracting State to a system of supervision, by means of authorization or prohibition, stricter than that provided by its legislation for publications issued in the national territory.

Such supervision may be exercised in the interests of national security; the maintenance of public and social order; the restraint of the circulation of and traffic in immoral and obscene publications; the protection of authors' and publishers' copyright in respect of forbidden translations or reproductions.

Article IV

Subject to the provisions of Article VII, each of the Contracting States undertakes to abolish all customs duties on publications coming from another Contracting State. Such abolition shall include the waiver of all costs, taxes, charges or dues which are not levied to the same extent on publications of national origin. It shall not, however, entail the abolition of taxes, costs, charges or dues relating to the importation of any articles whatsoever, including articles imported duty-free, in particular of statistics and stamp duties.

Article V

Each of the Contracting States, whose legislation does not establish an exchange control system, undertakes not to subject the importation of publications from another Contracting State to any quantitative

restriction, by the fixing of quotas, either of quantity or value. If its laws or regulations require for all imports the delivery of a document such as, for instance, an import License, that document, as far as publications are concerned, should have no other purpose than the formal administrative processing of the importation. The Contracting States undertake, however, to waive this requirement as far as possible.

If the restrictions imposed by one of the Contracting States should give rise to representations from another Contracting State, the former shall make known the reasons justifying the restrictions to the International Trade Organization (provisionally, to its Interim Commission) and to the United Nations Educational, Scientific and Cultural Organization, and shall accord sympathetic consideration to such friendly representations as the latter may then make to it.

Article VI

1st variant

If the legislation of one of the Contracting States establishes a system of exchange control, that State undertakes to grant the necessary currency for the importation of publications.

2nd variant

If the legislation of one of the Contracting States establishes a system of exchange control, that State undertakes to grant the necessary currency for the importation of publications of an educational, scientific and cultural character. Disputes as to the said character shall be decided in accordance with the provisions of Article II (a). As regards other kinds of publications, the Contracting States undertake to grant the necessary currency as far as possible.

3rd variant

If the legislation of one of the Contracting States establishes a system of exchange control, that State undertakes to grant as far as possible the necessary currency for the importation of publications.

Article VII

Exceptionally, the Contracting States shall have the right to exclude from the application of Articles IV, V and VI :

1st variant

Publications from abroad in their official language(s), which are also published domestically

2nd variant

Publications from abroad in their official language(s), which serve the same purpose as domestic publications.

3rd variant

Publications from abroad in their official language(s), which are also published domestically, or which are printed on behalf of a domestic publishing firm.

4th variant

Publications from abroad in their official language(s), which serve the same purpose as domestic publications, or which are printed on behalf of a domestic publishing firm.

5th variant

Publications from abroad in their official language(s).

The Contracting States shall have the same option as regards de luxe editions, whether bound or unbound.

Article VIII

The Contracting States undertake to continue their common efforts to promote by all means the free circulation of publications, and, in the first instance, to abolish or reduce as far as possible all such restrictions to free circulation as are not referred to in the present agreement. Moreover, each of them undertakes to adopt the appropriate administrative measures for the simplification as far as possible of formalities concerning the importation of publications.

Article IX

The English and French texts of this Agreement shall be regarded as equally authentic. The Agreement shall remain open for signature by all Member States of the United Nations Educational, Scientific and Cultural Organization, all Members of the United Nations and any non-member State to which an invitation may have been addressed by the Executive Board of the United Nations Educational, Scientific and

Cultural Organization.

The Agreement shall come into force when it has been ratified or accepted by ten such States.

Ratifications and acceptances shall become effective on the deposit with the Secretary-General of the United Nations of formal instruments pertaining thereto.

Article X

The States which are Parties to this Agreement on the date of its coming into force shall take all the necessary measures for its implementation within a period of six months.

For States which may subscribe to it at a later date, this period shall be three months from the date of the deposit of the instrument of ratification or acceptance.

Within six months of the expiration of the period mentioned in paragraphs 1 and 2 of this Article, the Contracting States shall inform the United Nations Educational, Scientific and Cultural Organization of the measures which they have taken for such implementation.

The United Nations Educational, Scientific and Cultural Organization shall transmit this information to all the signatory states.

Article XI

Any Contracting State may at the time of signature or the deposit of its formal instrument of acceptance or at any time hereafter declare by notification addressed to the Secretary-General of the United Nations that the present Agreement shall extend to all or any of the territories for the foreign relations of which it is responsible in any capacity, and this Agreement shall extend to the territory or territories named in the notification as from the thirtieth day after the date of receipt by the Secretary-General of

the United Nations of this notification.

Article XII

After the expiration of five years from the date of the coming into force of the present Agreement, any Contracting State may, on its own behalf, or on behalf of any of the territories for the foreign relations of which it is responsible in any capacity, denounce this Agreement by an instrument in writing deposited with the Secretary-General of the United Nations.

The denunciation shall take effect one year after the date of receipt of the instrument of notification.

Article XIII

The Secretary-General of the United Nations shall notify all Member States of the United Nations Educational, Scientific and Cultural Organization, all Members of the United Nations, and such non-member States as may have been invited to adhere to the present Agreement of the receipt of all the instruments of ratification, acceptance and denunciation provided for in the preceding Articles.

Article XIV

In accordance with Article 102 of the Charter of the United Nations, the present Agreement shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

In Faith Whereof the undersigned, duly authorized, have signed the present Agreement on behalf of their respective Governments.

Done at

this

day of

one thousand nine hundred and

in a single copy which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all the Member States of the United Nations Educational, Scientific and Cultural Organization, to Members of the United Nations and to the non-member States referred to in paragraph 1 of Article IX.

