

GENERAL AGREEMENT
ON TARIFFS AND
TRADE

ACCORD GENERAL SUR
LES TARIFS DOUANIERS
ET LE COMMERCE

LIMITED B
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ORIGINAL: ENGLISH-
FRENCH

CONTRACTING PARTIES

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

Revision of Draft Agreement Contained in
Document GATT/CP/12/Add.2

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 established 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;

Have, therefore, agreed 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)

Variant 1

Publications of an educational, scientific or cultural character. 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.

Variant 2

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.

- (h) 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 released to the public at their place of origin.
- (e) Printed publications of the United Nations and the 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 sold by the beneficiaries.
- (g) Publications intended to promote tourism, 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 its own territory.

Such supervision may be exercised in the interests of national security; the maintenance of public and social order; the suppression 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 restrictions, 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 licence, that document as far as publications are concerned, should have no other purpose than to ensure the formal administrative requirements with regard to 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 give sympathetic consideration to such friendly representations as either or both 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

The Contracting States shall have the right as an exception 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 in the national territory.

2nd variant

Publications from abroad in their official language(s) which serve the same purpose as publications issued in the national territory.

3rd variant

Publications from abroad in their official language(s), which are also published in the national territory, which are printed on behalf of a publishing firm established in the national territory.

4th variant

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

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 present Agreement, of which the English and French texts are equally authentic, shall bear to-day's date and 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 be ratified on behalf of the signatory States in accordance with their respective constitutional procedures.

The instruments of Ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE X

The States referred to in paragraph 1 of Article IX may accept the present Agreement from Acceptance shall become effective on the deposit of a formal instrument with the Secretary-General of the United Nations.

ARTICLE XI

The present Agreement shall come into force as from the date on which the Secretary-General of the United Nations receives instruments of ratification or acceptance from ten States.

ARTICLE XII

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

For States which may deposit their instruments of ratification or acceptance after the date of the Agreement's coming into force, 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 paragraph 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 execution.

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

ARTICLE XIII

Any Contracting State may, at the time of signature or the deposit of its formal instrument of ratification or acceptance, or at any time thereafter, 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 which it represents as regards foreign relations.

ARTICLE XIV

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 which it represents as regards foreign relations, 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 receipt of the instrument of notification.

ARTICLE XV

The Secretary-General of the United Nations shall inform the States referred to in paragraph 1 of Article IX of the deposit of all the instruments of ratification and acceptance provided for in Articles IX and X, as well as of the notifications and denunciations provided for respectively in Articles XIII and XIV.

