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Simplification of frontier formalities for private motor vehicles

Report

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Montgomery HYDE, United Kingdom



A. Explanatory Memorandum

1. Introduction

1. On the 1st April, 1953 the Sub-Committee which was appointed by the Committee on Legal and Administrative Questions¹ to consider the possibility of simplifying frontier formalities for travellers decided that the question of the simplification of frontier formalities for motor vehicles should form the subject of a separate report to the Assembly, in addition to its main report on the simplification of passport, customs and currency formalities for travellers². The Committee on Legal and Administrative Questions subsequently endorsed this decision. Accordingly, the Sub-Committee held a number of meetings in August and September, 1953 at which preliminary consideration was given to this question. The present report was adopted at a meeting of the Sub-Committee held at Lyons from 13th to 15th April, 1954. It was subsequently unanimously approved by the Committee on Legal and Administrative Questions at a meeting held in Paris on 4th and 5th May, 1954.

2. The Committee has had access to the programme of work of the United Nations in this field, and is satisfied that its activities do not represent duplication of effort. Whilst wishing to pay tribute to the progress achieved by the United Nations, the Committee inclines to the view that early, concrete and far-reaching results are more likely to be achieved through arrangements limited to the Member States of the Council of Europe than through an effort to reach agreement on a world-wide basis. At the same time, it is of the opinion that any measures adopted through the Council of Europe should be regarded as a stepping-stone towards the final target of the United Nations.

3. The Committee has also given careful consideration to the report of the Scandinavian Interparliamentary Committee on the simplification of frontier formalities for motor vehicles which was communicated to it by M. Edberg, the Chairman of the Swedish delegation to the Scandinavian Interparliamentary Committee. Close informal contacts have been maintained with M. Edberg on the work of this Committee, and it is desired to acknowledge his most valuable assistance.

4. The Committee also wishes to place on record its appreciation for the considerable help given to its Sub-Committee by the World Touring and Automobile Organization and the International Automobile Federation. The World Touring and Automobile Organization which has consultative status, Category B, with the United Nations, was invited to submit comments on the report before its adoption by the Sub-Committee. They were presented to the Sub-Committee by the Assistant Secretary-General of the World Touring and Automobile Organization in the course of the meeting held at Lyons on 13th to 15th April, 1954.

5. This report is divided into two parts. In the first, two recent international instruments which endeavour to standardise conditions in which private motor vehicles may be temporarily imported into Contracting States are analysed. In the second, the Committee proposes further simplification measures as between Member States of the Council of Europe.

2. PART ONE - Recent international instruments for the standardisation of conditions for the temporary importation of private motor vehicles

6. The conditions in which private motor vehicles may, at present, be temporarily imported into the Member States of the Council of Europe are laid down principally in two international instruments prepared and signed under the auspices of the United Nations. These are :

The Agreement of 16th June, 1949, providing for the provisional application of :

- a. *the draft International Customs Convention on touring, dealing with vehicles not used for the transport of persons for remuneration, nor for industrial or commercial transport goods with or without remuneration ;*
- b. *the draft International Customs Convention on commercial road vehicles, dealing with vehicles used for the commercial conveyance of passengers or goods ;*

1. The members of the Sub-Committee are: Mr. Montgomery Hydo, Chairman (United Kingdom), M. Lannung, Vice-Chairman (Denmark), M. Bruins Slot (Netherlands), Mr. Crosbio (Ireland), M. Pintón (France), M. Nadi (Turkey), M. Kiesinger (German Federal Republic) who was replaced at some of the meetings by M. Udert and by M. Kopf, and M. Ruini (Italy).

2. See 5th Session, 1953: [Doc. 201](#) and Recommendation 51.

- c. *the draft Customs Convention on the international transport of goods by road, dealing not with vehicles but with the goods transport thereon, and therefore outside the scope of the study undertaken by the Sub-Committee on the simplification of frontier formalities for travellers.*

The Convention on Road Traffic signed at Geneva on the 19th September, 1949.

2.1. I. THE AGREEMENT OF 16TH JUNE, 1949, PROVIDING INTER ALIA FOR THE PROVISIONAL APPLICATION OF THE DRAFT INTERNATIONAL CUSTOMS CONVENTION ON TOURING

2.1.1. Background to this Agreement

7. In 1949, a number of European States found themselves able to agree on three draft International Conventions prepared under the auspices of the Economic Commission for Europe : the draft International Customs Convention on touring, the draft International Customs Convention on commercial road vehicles and the draft Customs Convention on the transport of goods by road. Accordingly, they signed on 16th June, 1949, an agreement for the provisional application of the 'above-mentioned draft International Conventions which came into force on 1st January, 1950³. 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 provisional agreement with respect to the draft Customs Convention to which that Government becomes a party ".

8. An accompanying Protocol laid down that the provisional agreement, in the event of the conclusion of world-wide Conventions being delayed, would be open to accession by all States invited to the United Nations Conference on Road and Motor Transport which was held in Geneva from 23rd August to 19th September, 1949. However, so far no non-European Government has acceded to the provisional agreement.

9. Since then, the Transport and Communications Commission of the Economic and Social Council of the United Nations has continued to review periodically developments in international road transport. As a result of these activities, the Economic and Social Council decided to convene on 11th May, 1954, in New York, a conference of Governments for the conclusion on a world-wide basis of two Conventions relating to customs formalities, namely :

for the temporary importation of private road vehicles carrying persons and the equipment of such vehicles ;

for tourism (i.e. the personal effects of tourists travelling by any means of transport).

10. The draft International Convention referred to in paragraph 6, sub-paragraph 1 (a) is among the documents which will serve as bases for the discussions.

2.1.2. Signatories to the Agreement⁴

11. The Agreement providing for the provisional application of the draft International Customs Convention on Touring, the draft International Customs Convention on Commercial Road Vehicles and the draft Customs Convention on the International Transport of Goods by Road was signed by the following countries :

Austria

Belgium and Luxembourg (subject to ratification) ⁵

Denmark

France

3. Under the terms of this agreement, a signatory State may make a declaration to the effect that its signature does not apply to all three draft International Conventions.

4. In a communication emanating from the Secretary- General of the Allied High Commission for Germany which was transmitted to the Secretariat of the United Nations, « The German Federal Government, with the approval of the High Commission, agreed to the application within the territory of the Federal Republic of the three International Customs Conventions on touring commercial road vehicles, and on the international transport of goods by road, provided that this is on a basis of reciprocity. " This communication was received by the Secretariat of the United Nations on 5th September, 1950.

5. The instrument of ratification of Belgium and Luxembourg has not yet been deposited with the Secretary- General of the United Nations.

Italy (subject to ratification) ⁶

Norway

The Netherlands (subject to ratification) ⁷

United Kingdom of Great Britain and Northern Ireland

Switzerland and Liechtenstein

Czechoslovakia (subject to ratification) ⁸

Sweden acceded to the Agreement on 15th September, 1950.

12. Of these three draft International Conventions, that which is relevant to the work of the Committee is the Draft International Customs Convention on Touring.

2.1.3. Objects of the Draft International Convention on Touring to which this Agreement gives effect

13. The draft International Customs Convention on Touring lays down the conditions in which Contracting States undertake to grant temporary free admission, subject to re-exportation, to vehicles which are imported and utilised for their private use by persons not principally resident in their territories and who are the owners of such vehicles or who have possession or control of them as users.

14. It states that such vehicles shall be covered by temporary importation papers guaranteeing the payment of import duties and import taxes, should the contingency arise. (Article 2, paragraph 2).

15. Recognising that the most commonly used temporary importation papers are the carnet de passages en douanes and the triptyque, the draft Convention contains various proposals for the standardisation of the form and contents of these documents. The Committee notes, however, that the draft Convention, whilst essentially concerned with the standardisation of the carnet de passages en douanes and the triptyque, does provide " that contracting States shall exchange information as to the form or forms of temporary importation papers valid in its territory, other than those contained in Annexes of this Convention." The Committee will have occasion to return to this question later in this report.

16. The Carnet de Passages en Douanes can be used for entry into several countries. Printed on the front cover are (i) the name of the national automobile association which issued the document ; (ii) the list of the countries in which the document is accepted as a temporary importation paper for the motor vehicle in question and (iii) the names of the national automobile associations which in each country act as guarantors to the customs authorities. On the front cover are entered the name and address of the owner or user of the vehicle, and on the inside the particulars of the vehicle. Each page of the carnet is divided into two detachable vouchers and a counterfoil. Both vouchers contain the particulars of the owner or user and of the vehicle which are given on the front cover. Each page of the carnet can thus be used as a temporary importation paper on entering or leaving a country. On entering, the Customs officer detaches and retains one of the vouchers and stamps the counterfoil with the date of entry. The other voucher is detached when the vehicle leaves the country and the counterfoil is stamped with the date of exit.

17. The triptyque is less widely employed than the carnet de passage en douanes and can only be used in respect of a single foreign country. Apart from that it contains the same particulars as the carnet and is likewise used as a temporary importation paper. The triptyque can be used for a single, or for numerous journeys to the country for which it is valid. The period of validity of a triptyque may vary up to a maximum of one year ; carnets are always valid for one year.

18. The carnet and triptyque systems rest on the recognition, by the customs authorities of a country, of guarantors resident in the same country and responsible to them for the payment of any customs duties to which visiting motorists may become liable. In other words, when a country demands payment of import duties (for example, as a result of failure to re-export within the time limit, etc.), the customs authorities apply to the

6. Italy deposited its instrument of ratification on 26th January, 1954.

7. In a statement signed by the Minister for Foreign Affairs, the Government of the Netherlands indicated that this reservation as to ratification is to be considered as having been withdrawn. This communication was received by the Secretary-General of the United Nations on the 10th April, 1952, and the Government of the Netherlands is deemed to have become a party to the Agreement on that date.

8. The instrument of ratification of Czechoslovakia has not yet been deposited with the Secretary-General of the United Nations.

appropriate motoring organization of the country in which the motor vehicle has been imported and which has undertaken to act as guarantor. This motoring organization duly pays the duty and obtains a refund from the issuing motoring organization which is insured against such risks. This system operates on the basis of bilateral agreements between motoring organizations which act as guarantors for each other and between the customs authorities and the motoring organizations of their respective countries. For the past thirty years, the national motoring organizations have been recognised as guarantors by their own customs authorities, and have established their international guarantee network. Only the national organizations belonging to such a network can, of course, issue the above-mentioned customs documents.

19. The cost of the carnet de passages en douane and the triptyque varies according to local conditions. Some motoring organizations issue them to their members free of charge, the cost being included in the membership fee. In the United Kingdom, motoring organizations charge £3 for their foreign touring services which include the supply of a carnet de passages en douane, an international driving permit, an International Certificate for Motor Vehicles, and a " G. B. " nationality plate for the car. United Kingdom port charges and a continental breakdown service as well as the supply of such foreign touring information, itineraries etc., as may be necessary, are also included in this charge. In order to be able to obtain a carnet or a triptyque, it is, of course, necessary to be a member of one of the motoring organizations whose subscription rate is £ 2. 2. Od.

20. The remainder of the draft international Customs Convention on Touring deals with the extension of validity and renewal of temporary importation papers, visas on temporary importation papers issued by the authorised associations and the regulation of temporary importation papers issued by the authorised associations.

2.1.4. Comments of the Committee

21. The Committee observes that only seven members of the Council of Europe, namely Denmark, France, Italy, the Netherlands, Norway, the United Kingdom and Sweden are parties to the Agreement. In addition, the German Federal Republic, with the approval of the Allied High Commission for Germany, has agreed to the application of the Agreement to the territory of the Federal Republic.

22. The Committee is of the opinion that it would perhaps be advisable, as a matter of form, that all the Members of the Council of Europe should be parties to this Agreement. It is its view, however, that the Agreement is already obsolescent, providing as it does for a system of customs documents which does not meet the requirements of modern international motoring. It is very much hoped that the proposals of the Committee, as expounded later in this report, will render this agreement completely unnecessary. For the present it is, nevertheless, recommended :

- a. that Belgium and Luxembourg, should deposit their instrument of ratification ⁹ ;
- b. that Iceland, Ireland, Greece and Turkey should be invited to accede to the Agreement as soon as possible.

23. It is noted in this connection that in the Additional Protocol, mentioned in paragraph 8, the signatory States to the Agreement declare that " should the conclusion of the world-wide conventions contemplated... not be recommended by the United Nations Conference on Road and Motor Transport, or be delayed, the contracting Governments would be prepared to leave the present Agreement open to subsequent accession by Governments invited to that Conference which may wish to become parties to the present agreement ".¹⁰ Greece, Iceland, Ireland and Turkey were invited to take part in the preparation of the draft Conventions.

2.2. II. THE UNITED NATIONS CONVENTION ON ROAD TRAFFIC SIGNED AT GENEVA ON THE 19TH SEPTEMBER, 1949

2.2.1. Background to the Convention

24. The Convention on Road Traffic was opened for signature at Geneva on the 19th September, 1949. It replaces the International Convention relative to motor traffic signed at Paris on the 24th April, 1926, of which it is an improved version and which remains valid in the case of all States which have not become parties to the 1949 Convention.¹¹

9. Belgium and Luxembourg are signatories to this agreement under the name of the Belgo-Luxembourg Economic Union.

10. See United Nations, Treaty Series, Vol. 45, 1949-1950, p. 159.

2.2.2. Signatory States to this Convention

25. The following States have signed the 1949. Convention on Road Traffic : Austria, Belgium, Czechoslovakia, Denmark, the Dominican Republic, Egypt, France, India, Israel, Italy, the Lebanon, Luxembourg, the Netherlands, Norway, the Phillippine Republic, Sweden, Switzerland, the Union of South Africa, the United Kingdom, the United States of America and Yugoslavia.

26. However, instruments of ratification or of accession so far deposited with the Secretary- General of the United Nations only number sixteen. They are those of the United States of America, France, Sweden, Czechoslovakia, Monaco, Greece, the Union of South Africa, Luxembourg, the Netherlands, the Philippines, Cuba, Italy, the Vatican City, Syria, Viet-Nam and Belgium. The Economic and Social Council of the United Nations has decided in its Resolution 348 (XII) that the German Federal Republic, which has indicated its desire to accede to the Convention, is eligible to do so. The Convention came into force on the 26th March, 1952, after the deposit of the fifth instrument of ratification.

2.2.3. Objects of the Convention

27. Chapter I of this Convention contains general provisions and, in particular, one whereby " while reserving its jurisdiction over the use of its own roads, each Contracting State agrees to the use of its roads for international traffic under the conditions set out in this Convention. " (Article 1, paragraph 1). The provisions of the Convention do not apply, however, to " any motor vehicle... or to any driver having remained within the territory of a Contracting State for a continuous period exceeding one year. " (Article 1, paragraph 2.)

28. Chapter II deals with road traffic regulations, and Chapter III with road signs and signals. The most important chapter, however, so far as the Committee is concerned, is Chapter IV, which is entitled " Provisions applicable to motor vehicles and trailers in international traffic ". This Chapter includes two important contributions to the problem under review :

2.2.3.1. (a) by abolishing the International Certificate for Motor Vehicles

29. Under Article 15 all Contracting States undertake to accept the national registration certificate " containing at least the serial number known as the registration number, the name of or the trade mark of the make of the vehicle, the maker's identification or serial number, the date of first registration and the full names and permanent place of residence of the applicant for the said certificate " as prima facie evidence of the information entered thereon. It is laid down, of course, that, " in order to be entitled to the benefits of this Convention, motor vehicles shall be registered by the Contracting State... in the manner prescribed by its legislation. "

30. This provision is a considerable improvement on the 1926 Convention. The latter required the issue of a special document, the International Certificate for Motor Vehicles, which repeats in several languages the particulars given in the national registration papers. It is only valid for one year. It should be noted, however, that, since a large number of countries have not yet ratified the 1949 Convention, the International Certificate is, in many cases, still required :

(b) by allowing drivers holding national licences to drive without further examination on the territories of all Contracting States.

31. Chapter V of this Convention relates to drivers of motor vehicles in international traffic. Under Article 24 " each Contracting State shall allow any driver admitted to its territory who fulfils the conditions which are set out in Annex 8 and who holds a valid driving permit, issued to him, after he has given proof of his competence, by the appropriate authority of another Contracting State or subdivision thereof, or by an association duly empowered by such authority, to drive on its roads without further examination, motor vehicles of the category or categories defined in Annexes 9 and 10 for which the permit has been issued. "

32. This clause marks an advance on the 1926 Convention, which prescribed the use in all cases of an international driving licence. Unlike the International Certificate for Motor Vehicles, however, the international driving licence was not completely abolished by the 1949 Convention, and a Contracting State may still

11. All the Members of the Council of Europe, including the Saar, acceded to the International Convention relating to Motor Traffic signed at Paris on 24th April, 1926. Iceland acceded to this Convention on the 15th November, 1935 (with effect from 1st March, 1936) and Turkey deposited its instrument of ratification on 31st March, 1934.

require that " any driver admitted to its territory shall carry an international driving permit, especially in the case of a driver coming from a country where a domestic driving permit is not required, or where the domestic permit issued to him does not conform to the model contained in Annex 9 ".

2.2.4. Nationality Plate

33. The 1949 Convention also provides that every motor vehicle shall, in addition to the registration number, display at the back, inscribed on a plate or on the vehicle itself, the distinguishing sign of the place of the registration of the vehicle. This sign must indicate either the State or the territory which constitutes a distinct unity, at least from the point of view of registration. (Article 20.) Particulars and conditions about the plate are laid down in an Appendix.

2.2.5. Comments of the Committee

34. The Committee, recognising that the 1949 Convention is a key instrument in the field of international motor traffic, considers that the first urgent step is to ensure that all Members of the Council of Europe are bound by the above-mentioned Convention.

35. It notes, however, that of the ' fifteen Members of the Council of Europe only Belgium, Denmark, France, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom have signed the Convention. Of these, only Belgium, France, Italy, Luxembourg, the Netherlands and Sweden have so far deposited their instruments of ratification. Greece has acceded to the Convention, and the German Federal Republic has indicated its desire to do so.

36. The Committee therefore recommends :

that Denmark, Norway and the United Kingdom should deposit their instruments of ratification without further delay ;

that Iceland, Ireland, the German Federal Republic and Turkey should accede to the Convention forthwith.

37. It is noted that Turkey was represented by observers at the United Nations Conference on Road and Motor Transport held at Geneva from 23rd August to 19th September, 1949, which prepared and opened for signature the Convention on Road Traffic. Iceland and Ireland were not represented at the Conference.

38. Furthermore, the Committee considers it essential that all Member States of the Council should recognise the validity of driving permits issued in other Member States, and should not make use of the option left to them by the 1949 Convention of still requiring the International Driving Permit in certain cases, and, in particular, where the national driving permits do not conform with the standard driving permit laid down in Annex 9 of the 1949 Convention on road traffic.

39. The Committee is informed that Greece has taken advantage of the option left to her and still requires the presentation of an international driving permit by all visiting motorists, even if their national driving permit conforms to Annex 9 of the 1949 Convention, on road traffic.

40. The Netherlands Government has announced that until March 26th, 1957 (five years from the date of entry into force of the 1949 Convention on Road Traffic) it will recognise national driving permits issued in all countries which ratify the Convention, even if they do not conform to Annex 9. The object of the concession is to give contracting States time in which to prepare and issue a driving permit which conforms to Annex 9.

41. It is thought that there should be no real difficulty about such a simple step as the recognition by all Member States of driving permits issued in other Member States. Police and other officials should find an easy way of mastering any difficulties which might arise in the initial stages. It is recalled that before the war, in England, it was possible to buy a gummed label bearing either a French or a German translation of the particulars of one's driving licence.

3. PART TWO - Proposals for further simplification

42. The Committee is of the opinion, however, that the above-mentioned Convention and Agreement do little more than standardise and give official recognition to the procedure which has been followed for some time in a substantial number of European States. For example, it is well known that, in practice, Belgium, France,

Luxembourg, Italy, Norway (and Switzerland) have, for some time past, not insisted on the international driving permit or the international certificate for motor vehicles in the case of motorists in possession of a carnet de passages en douanes or a triptyque.

43. The Committee feels that further progress within the group of countries represented in the Council of Europe is not only desirable and possible but an urgent necessity.

44. There is in its view no possibility of duplication with the work now being done by the United Nations Conference which began in New York on May 11th. Indeed, the Committee has had access to the working papers of this conference and it appears clearly that no radical changes from the present system of carnet de passages en douanes and triptyque are contemplated. Rather, it appears that, if successful, the Conference may result in the extension on a world-wide basis, and possibly subject to certain changes, of the essential provisions of the draft International Convention on Touring prepared by the Economic Commission for Europe. As the members of the Council of Europe are nearly all bound by the Agreement of 16th June, 1949, which provides for the provisional application of the draft International Customs Convention on Touring, and those which are not are invited in this report to become parties to it, so far as international motoring between Member States is concerned, it is unlikely that major changes will result from this Conference.

45. The Committee has, therefore, examined the possibility of introducing various reforms which would simplify the passage of frontiers by motorists. In this connection, it wishes to call the attention of the Assembly to the following developments which have recently taken place in this sphere and which represent commendable efforts towards achieving a simpler and less troublesome system of control more in accordance with the close relations which are developing between the Member States of the Council of Europe.

3.1. Franco-Italian diptyques

46. The diptyque, a much simpler document than the triptyque or the carnet, and which is obtainable from the respective motoring organizations of these countries, has been in use for some time for traffic between France and Italy. It consists of a " volet " or voucher which is kept by the motorist, a label which is affixed to the windscreen of the car, and a " souche " or counterfoil, which is retained by the issuing organization. The label bears a serial number, the number of the engine and of the chassis of the car and the date until which the diptyque is valid. The " souche " or counterfoil indicates the name of the person to whom the document was issued, the description of the vehicle and of its accessories, the weight and the value of the vehicle and the undertaking by the motorist to comply with the rules governing the temporary importation of vehicles in the country visited and to return or hand in for cancellation the document not later than 15 days after the date of expiry. The " volet " bears the same information as the " souche ".

47. The motorist must return his " volet " within fifteen days of the expiry of that document. The " volet " is then attached to the corresponding " souche ". Every month, a list of all the documents which have expired during the previous month and which have not been discharged is forwarded by the issuing motoring organization to the customs authorities of its country. The list is then sent to the customs authorities of the country of importation. Motoring organizations are responsible for the payment of customs dues claimed by the customs authorities.

48. The great advantage of the diptyque is that a motorist in possession of this document travelling from France to Italy or vice versa is not normally required at the frontier to submit to inspection of his vehicle and its documents by the Customs officials. The label affixed to the windscreen of his motor vehicle enables him to pass on without being delayed. The cost of the diptyque is 400 French francs. It is valid for three months, and for an unlimited number of journeys.

3.2. Benelux triptyques

49. Triptyques authorising the temporary importation into the countries of the Benelux Union of a motor vehicle need not be endorsed at the frontier, except at the first point of entry into the Union and on finally leaving the Union. Visitors may pass from one Benelux country to another without further endorsements being recorded and may even enter other countries beyond the Union without the triptyque being discharged. The advantage of this concession is, of course, that it allows a considerable saving of time at the frontiers.

3.3. Laissez-passer

50. It may not be generally known that it is possible to take a motor vehicle into certain countries without the need of the well-known carnet or triptyque. On production of the car's ordinary registration papers at the frontiers of Austria, France, the German Federal Republic, Italy and Switzerland, a driver can obtain, for a

relatively small sum, a so-called "laissez-passer" entitling him to import without payment of customs duty or local car tax a vehicle for his private use for a certain period of time (five days to three months). The laissez-passers are issued at the frontier and under guarantee of the motoring organizations of the country in question. The system is entirely based on unilateral decision on the part of the countries concerned. The laissez-passers are, however, only valid for one journey. The following details about laissez-passers in Member States will be of interest to the Assembly.

Austria: The laissez-passer or "Vormerkschein" may be obtained at most Austrian frontier posts at a cost of 30 Austrian schillings for a period of ten days and 40 Austrian schillings for a period of thirty days.

German Federal Republic: Laissez-passers can be obtained at the frontiers of the Federal Republic at a cost of 2 D. marks, and are valid for thirty days.

Italy: The Italian authorities issue laissez-passers valid for one month, the validity of which can be extended.

Switzerland: Laissez-passers valid for thirty days are issued at a cost of 2 Swiss francs at all Swiss frontier posts. Their validity can be extended.

France: Laissez-passers are available at all French frontier posts. They are issued for the following periods of validity: 10 days (cost: 400 francs), 20 days (cost: 800 francs), one month (cost: 1,000 francs), or three months (cost: 2,000 francs).

51. The Committee is informed that the total number of laissez-passers issued by the French authorities in 1952 was 240,181 and that as regards the months of June, July and August, 1953, a slightly higher number was issued than in the corresponding period of the previous year. Ninety per cent of the laissez-passers issued were of the type which is valid for ten days.

52. It is understood that only 15 % of the laissez-passers in France represents revenue for the French State. The motoring organizations responsible for working the laissez-passers in France state, however, that they contribute substantial sums annually for the upkeep of tourist offices in the country and that they lend a number of staff to the state to follow up matters arising out of the use of laissez-passers.

3.4. Scandinavian temporary importation papers

53. Scandinavian motor vehicle drivers can avoid the trouble and expense of procuring a carnet or triptyque issued by one of the motoring organizations by using instead the "Scandinavian temporary importation paper"¹² valid in all four Scandinavian countries¹³.

54. With this paper, a private motor vehicle registered in a Scandinavian country may be temporarily imported into another Scandinavian country free of duty and without the need for a guarantee from a motoring organization against the non-payment of customs duties, provided that the owner or user of the vehicle makes a written declaration on entry whereby he undertakes to re-export the vehicle concerned within the scheduled time-limit or to pay the appropriate customs dues on it. The driver must also undertake not to use the vehicle for commercial purposes. In the event of any obligations to which a visiting motorist has subscribed on signing the Scandinavian temporary importation paper being broken, the police may seize the vehicle in question.

55. Scandinavian temporary importation papers are obtainable from customs offices throughout the Scandinavian countries, from motoring organizations and at frontier posts. They are a simple form consisting of only one sheet of paper issued in duplicate¹⁴. On entry into one of the Scandinavian countries, one copy is kept by the customs officials; the other is stamped by the customs authorities with the date of entry and is retained by the owner or user who is required to give it up to the customs authorities' on leaving the country. The Scandinavian countries do not use completely similar forms for the Scandinavian temporary importation paper, but the particulars required and the conditions of issue are the same. The Swedish variety is trilingual.

56. A Scandinavian temporary importation paper is normally issued for three months. Its validity can, however, be extended to one year, in which case the local customs authorities endorse the original document.

57. It should be noted that by an order of the Swedish Customs Board of the 6th November, 1953, which came into force on 1st December, 1953, the "Scandinavian temporary importation paper" can now be made valid, by means of an endorsement to this effect, for several journeys into Sweden.

12. In Swedish, "utfästelse".

13. For the purposes of this paper, the words "Scandinavian countries", are deemed to include Denmark, Finland, Norway and Sweden.

14. See Appendix.

58. In Denmark, the " Scandinavian temporary importation paper " was abolished as a result of an order of the Department of Customs and Excise of the Ministry of Finance which was issued on 25th April, 1953, and took effect on 1st May, 1953. As a result, it is now permissible for a Swedish, Finnish or Norwegian motorist visiting Denmark to enter that country without customs documents of any kind provided he has with him his national car registration certificate and his national driving licence.

59. The Scandinavian temporary importation paper is free of charge in Finland, Norway and Sweden.

60. The Scandinavian Interparliamentary Committee on the simplification of frontier formalities whose Report, dated 9th January, 1953, is available at the headquarters of the Council of Europe, in an unofficial translation into English and French, agreed that each Scandinavian State should grant temporary admission free of customs duties and taxes, for a period of up to one year, to motor vehicles which are imported for their private use by persons not normally resident in its territory. It went on to say that in general there should be no control whatever at intra-Scandinavian frontiers and no filling up of forms. But, if, for some reason, it was desired to check up on a vehicle, this should be done on the basis of the vehicle's national registration papers and the motorist's national driving permit. It is understood that, these proposals, which have already been accepted by Denmark, will probably come into force in the remaining Scandinavian countries, namely, Finland, Norway and Sweden, this summer.

3.5. Comments of the Committee

61. The Committee is agreed that the diptyque system available to motorists travelling between France and Italy and vice versa presents considerable advantages. It is also satisfied that the laissez-passer system provides, in some countries, a simple and cheap way of importing, temporarily, a private motor-vehicle. These customs documents are, however, all based on the system of financial guarantee required by the national authorities.

62. The Committee strongly feels that the time has come, as between Members of the Council of Europe, to consider whether it would not be possible for the customs authorities to renounce their present requirement for a 100 % financial guarantee of payment of import duties and taxes in the case of temporarily imported private motor vehicles.

63. It is pointed out that complete freedom from any requirement of financial guarantee exists in a number of countries in the Western Hemisphere.

64. The most noteworthy example is provided by Canada and the United States, where motorists can cross the frontier for temporary visits without customs documents of any kind, the only check carried out on this frontier being carried out on the basis of the national registration licence of the vehicle and the domestic driving permit.

65. In Mexico, under Article 368 of the local Customs Regulations, tourists may import motor vehicles into that country temporarily, for a maximum period of six months, which may be extended by the Under-Secretary of State in charge of the Taxation Department, without any financial guarantee for the payment of duties being provided. The only formality for obtaining a permit is that the person concerned should be a bona fide tourist.

66. In Cuba, no financial guarantees of any kind are required for the temporary importation by tourists of motor cars, trailers and motor cycles. All that is required is a certificate of ownership of the vehicle, or a licence from the owner duly certified by a Cuban Consulate, the certificate of registration of the vehicle in the country of origin and the driving licence issued in the country of origin. The tourist has to sign an undertaking to take the vehicle out of the country within 180 days. If he fails to do so, he has to pay the normal duties and charges levied on an imported vehicle.

67. The Committee firmly believes that it should be quite possible to have a system similar to that existing as between Canada and the United States for motorists travelling between Member States of the Council of Europe. Provided that a driver is licensed by the Government of his own country, that his car is taxed in accordance with that country's laws and that he is in possession of an international insurance card or some other form of insurance against third-party risks (when such insurance is necessary in the countries he proposes to visit), he should be able to use his car for a limited period in the countries which he visits without additional charges and without having to procure costly and complicated documents.

68. The Committee notes with particular satisfaction that such a system is already in force, in Denmark as regards private motor vehicles from other Scandinavian countries. It will no doubt be objected that the suppression of all customs documents will mean the advent of a new era of prosperity for law-breakers. BUT the present system does not prevent a motor vehicle registered in one country which has been temporarily

imported into another country from being used thereafter by a person resident in the second country, who can, moreover, go on using it indefinitely by periodically having the car exported, for the purpose of renewing the validity of its temporary importation papers.

69. The Committee is well aware that in the absence of all customs documents it will no longer be possible for the customs authorities to ensure that regulations are enforced as regards the permitted, length of stay for foreign motorists. The view, is held, however, that the inconvenience caused to travellers under the present regime and the expenses in the working of it are Out.of proportion to the results obtained. It is suggested that domestic formalities for the registration of motor vehicles in Member States might be tightened up when this is considered necessary. In particular, in the case of foreign-made motor cars, proof might be required that an import licence has been obtained and that the appropriate duties and taxes, have been paid before a registration certificate is issued. For the rest, it is clearly part of the duties of the police to prevent the illegal use of foreign motor-vehicles.

70. It is pointed out that, when this policy is accepted, it will no longer be necessary to check the national registration papers of all private motor vehicles and the domestic driving licences of all drivers on entering the Member States. A system of occasional checks similar to that recommended by the Committee in the case of customs and currency control should suffice [cf. Recommendation 51 (1953)]. Such check should only take place on entry.

71. It may be, however, that the immediate introduction of these measures would be considered so revolutionary as to be unpalatable to certain Member States. The Committee therefore suggests that there might be, for certain countries, an interim period during which a customs document similar to the Scandinavian temporary importation paper, which is described in paragraphs 53 to 59 of this report, should be used. In the view of the Committee, the fact that the Scandinavian countries have found this temporary importation paper practical, establishes a convincing argument for its general adoption, pending the ultimate abolition of all existing customs documents for the temporary importation of motor vehicles. Its advantages — simplicity, no charge — have already been stressed. Consideration might, however, be given to the desirability of the paper being valid for one year instead of for a normal period of three months renewable up to one year.

72. In the event of the general adoption of the Scandinavian temporary importation paper as a European temporary importation paper, the question arises as to what means the customs authorities, in England for example, will have to satisfy themselves that a motorist returning from a visit abroad is entitled to re-import his car free of duty. At present an English motorist leaving the United Kingdom without a carnet or a triptyque, must obtain and complete an export licence form (Form CD3) and must also at the customs office of departure fill in, in duplicate, a customs export form (Form 29B. Sale) both of which are most confusing to the uninitiated and do not contain any specific reference to motor vehicles. In France, a " passavant " must be obtained from a Customs Office.

73. In Norway, Finland and Sweden, cars registered in these countries taken abroad for a limited period are also required to have a special customs certificate giving a detailed description of the vehicle. But in Denmark, such a document is considered unnecessary and the customs control of vehicles registered in Denmark returning from abroad is carried out solely on the basis of the car's registration papers. The Scandinavian Interparliamentary Committee on the simplification of frontier formalities for motor vehicles made careful enquiries on this point. Its findings are expressed as follows :

" The Committee is informed that the control exercised Denmark on nationally-registered motor vehicles exported for temporary use abroad, which, as mentioned above, is based exclusively on the registration papers of the vehicles concerned has not led to any significant abuse. This being so ... the Committee is of the opinion that it should be possible for all Scandinavian countries to abandon special control measures over the export and reimport of motor vehicles exported for temporary use abroad... "

The Committee concurs with this opinion and recommends that any control carried out on return to the motorist's country of- principal residence should be based solely on the national registration papers of the motor vehicle.

74. It is not thought that Member States are likely to be involved in any serious losses of revenue through the adoption, of these measures. On the contrary, it is submitted- that a simplification of formalities will lead to a larger flow-of tourist traffic with consequent beneficial results for trade.

3.6. Insurance of Motorists against Third-Party risks

75. Certain Member of the Council of Europe require all drivers, including aliens, to take out a policy covering third-party risks ; these are the United Kingdom, Iceland, Ireland, Denmark, Norway and Sweden.

76. A scheme for the introduction of an international insurance certificate for the purpose of third-party risks has been worked out under the auspices of the Economic Commission for Europe. The principle underlying the International Insurance Certificate is that of the recognition internationally of national insurance policies.

77. The scheme, which was first introduced, on the 1st January, 1953, is at present operated by the following countries : Belgium, Denmark, Prance, Ireland, Italy, Luxemboixrg, the Netherlands, Norway, Sweden, the United Kingdom and the German Federal Republic (and Austria, Finland, Spain and Switzerland).

78. The Committee observas that only Iceland, Greece and Turkey have not so far joined the scheme. It is therefore recommended that Iceland, as a. country where third-party insurance is compulsory, should accept the international motor insurance card, and that Greece and Turkey should take appropriate steps to ensure that automobile insurance companies in these countries can issue international motor insurance cards to policy holders for foreign travel.

79. At the request of M. Kopf (German Federal Republic), it was agreed to include a paragraph in the recommendations whereby Member States where insurance against third-party risks is not at present compulsory are recommended to consider the possibility of making such insurance compulsory.

B. Draft Recommendation

The Assembly,

Having given further consideration to the motion tabled by the late M. Jacini concerning the simplification of frontier formalities for travellers [Doc. 98 (1951)] ;

Desiring to facilitate to the greatest extent possible the development of international touring within the Member States of the Council of Europe ;

Having taken cognizance of the Report of the Scandinavian Interparliamentary Committee on the simplification of frontier formalities for private motor vehicles and of the work carried out under the auspices of the United Nations in this field ;

Considering that, as in the case of the Scandinavian countries, it should be possible to achieve further progress towards the abolition of unnecessary formalities as between Member States, of, the Council of Europe and that such improvements should not be regarded as duplication of effort but as a step in the direction of the United Nations' target ;

Having regard to the Report of the Committee on Legal and Administrative Questions (Doc. 240) which is hereby transmitted to the Committee of Ministers, so that the present recommendation may be examined in the light of that Report,

Recommends to the Committee of Ministers that they should give early consideration to the following questions and that specific information on the action taken by them to implement this recommendation as well as a first opinion on it should be included in the next Report or supplementary Report of the Committee of Ministers to the Consultative Assembly ;

SECTION A

Considering that among the Member States of the Council of Europe only Belgium, France, Greece, Italy, Luxembourg, the Netherlands and Sweden have so far deposited their instruments of ratification of or accession to the Convention on Road Traffic signed at Geneva on 19th September, 1949 ;

Having noted, in particular, that Article 24 of this Convention " allows drivers holding national driving licences to drive without further examination in the countries of all contracting States " but that this may be subject to certain conditions,

Recommends to the Committee of Ministers :

1. that those Members of the Council of Europe which have signed but not ratified the Convention on Road Traffic signed at Geneva on 19th September, 1949, namely Denmark, Norway and the United Kingdom, should deposit their instruments of ratification without further delay, and that other Member States which are not at present bound by that Convention, namely Iceland, Ireland, the German Federal Republic and Turkey should accede to it as soon as possible ;
2. that those Member States which have not yet done so should forthwith recognise without reservation the validity of driving licences issued by other Member States to persons principally resident in the territories of these latter States ;

SECTION B

Having noted that the agreement signed at Geneva on 16th June, 1949, providing inter alia for the provisional application of the draft international customs convention on touring prepared by the Economic Commission for Europe, has only come into force as between the following Member States of the Council of Europe : Denmark, France, the German Federal Republic, Italy, the Netherlands, Norway, Sweden and the United Kingdom ;

Recording its view that this Recommendation in no way affects its main proposals for the ultimate abolition and immediate modification of customs documents as outlined in Section C of this Recommendation,

Recommends to the Committee of Ministers that those Members of the Council of Europe which have signed but not ratified the agreement of 16th June, 1949, providing, inter alia, for the provisional application of the draft International Customs Convention on Touring, namely, Belgium and Luxembourg, should deposit their instruments of ratification, and that other Member States which are not at present bound by the agreement, namely, Iceland, Ireland, Greece and Turkey should accede to it as soon as possible ;

SECTION C

Having examined various means of achieving progress towards further simplification and, in particular, certain customs documents at present in use in certain member countries, namely the Franco-Italian diptyque and the laissez-passer which is available to foreign motorists entering Austria, France, the German Federal Republic, Italy and Switzerland, both of which represent commendable attempts at making the crossing of frontiers easier ;

Noting that in their Report on the simplification of frontier formalities for motor vehicles the Scandinavian Interparliamentary Committee has recommended the complete abolition of customs documents in the case of the temporary importation of private motor vehicles as between Scandinavian countries¹⁵ and that formalities at frontiers between them should henceforth be limited to an occasional check of the motor vehicles' national registration papers and/or of the drivers' domestic driving licence, and that the first part of these proposals has already been implemented in Denmark ;

Noting that the same procedure obtains in the case of motor traffic between Canada and the United States ;

Recalling that, as between the Scandinavian countries, the present practice is that no financial guarantee is required in the case of the temporary importation of private motor vehicles and : that, except in Denmark where even this requirement has been abolished, a visiting motorist from another Scandinavian country is merely required to make a personal declaration in writing whereby he undertakes, inter alia, to re-export his vehicle from the country in question within the scheduled time-limit or to pay the import duties and taxes which have become due,

Recommends to the Committee of Ministers :

1. that Member States of the Council of Europe should dispense with their present requirement of a financial guarantee in the case of the temporary importation of private motor vehicles by tourists principally resident in other member countries ;
2. that they should adopt as the ultimate objective of the Members of the Council of Europe, to be achieved as soon as possible, the complete abolition of customs documents in the case of the temporary importation of private motor vehicles by tourists from other Member States, and that formalities at frontiers should eventually be limited to an occasional check of the motor vehicle's national registration papers and of the driver's domestic driving licence, to be carried out, so far as possible, only at the point of entry into a Member State ;
3. that, as an intermediate step towards the achievement of this purpose, Member States which feel unable at present to abolish completely the customs documents mentioned in the preceding paragraph should introduce, for the use of visiting motorists principally resident in other Member States, a European temporary importation paper similar to the Scandinavian temporary importation paper, that is to say not requiring a financial guarantee, issued free of charge through customs offices and motoring organizations and at frontier posts, valid for one or for several journeys and for at least three months, renewable up to one year (see description of the Scandinavian temporary importation paper in paragraphs 53-59 of the Report of the Committee on Legal and Administrative Questions) ;
4. that, after the introduction of the European temporary importation paper, any check carried out on return to a motorist's country of principal residence in respect of temporarily exported motor vehicle, should be based solely on the national registration papers of the motor vehicle ;

15. In this recommendation, the word " Scandinavian " is deemed to include Denmark, Finland, Norway and Sweden.

5. that a conference to discuss the above-mentioned measures be convened as soon as possible within the framework of the Council of Europe and that, in addition to the Members of the Council of Europe and a delegation from the Consultative Assembly, the following countries should be invited to participate in it, subject to their having previously indicated that they are in sympathy with these recommendations : Austria, Finland, Portugal, Spain, Switzerland and Yugoslavia ;

SECTION D

Having regard to the international scheme for the insurance of motorists against third-party risks worked out under the auspices of the Economic Commission for Europe, of which the underlying principle is the recognition, internationally, of domestic insurance policies ;

Considering that this scheme is now operating in all Member States of the Council of Europe except Iceland, Greece and Turkey ;

Considering, furthermore, that the introduction of compulsory insurance against third-party risks in those Member States of the Council of Europe where such insurance is not at present required, would be another important step towards making motoring easier between these countries,

Recommends to the Committee of Ministers :

1. that Iceland, which is one of the countries where insurance against third-party risks is compulsory, should accept the international motor insurance card (green card), and that the Governments of Greece and Turkey should take appropriate steps to ensure that motor insurance companies can issue international motor insurance cards to policy-holders for foreign travel ;
2. that Member States where insurance against third-party risks is not at present compulsory should give consideration to the possibility of making such insurance compulsory.

C. Draft Order of the Assembly

The Assembly instructs the Committee on Legal and Administrative Questions to keep ' the question of the simplification of frontier formalities for travellers, including those for the temporary importation of private motor vehicles, under review and to submit in due course any further recommendations it considers desirable.

Appendix APPENDIX

Translation of the Swedish " Utfästelse "

Parts A. and B. are given to the Customs Office at the time of entry

UNDERTAKING

concerning a motor vehicle registered in Denmark, Finland or Norway.

I, the Undersigned, owner/driver of the motor vehicle referred to below, undertake herewith, on my honour, that the vehicle will be exported from Sweden within the prescribed time-limit or otherwise be produced for Customs inspection within the same time-limit.

Information on the motor vehicle : ...

Type (passenger car, lorry, coach, etc.) : ...

Country of registration : ...

Registration number (letter and number) : ...

Make : ...

Number of chassis or equivalent : ...

Value in Swedish crowns : - ... number of spare wheels/tyres with/without outer tyres

Spare parts and accessories : - ... number of radios

The motor vehicle must not be used for internal passenger transport (if it is brought in by the tourist) or otherwise be used for professional transport, nor must it be lent or hired to another person. - ... the... / ... 19.. - (signed) - (Name in block letters) - (Postal address)

Notes of the Customs Authorities.

Last day of exit

ENTRY Date of entry... EXIT

Place of entry...

Signature of the customs official

Date of exit ...

Place of exit...

Signature of the customs official

Part B. — Part B, stamped with the date of entry, is returned to the driver and must be delivered by him to the Customs Authorities on exit.

(The rest is the same as under A above.)