

GENERAL AGREEMENT ON
TARIFFS AND TRADE

RESTRICTED
LIMITED C
GATT/CP/60/Add.1
8 August 1950
ENGLISH
ORIGINAL: FRENCH

NON-DISCRIMINATORY MEASURE NOTIFIED BY
THE GOVERNMENT OF HAITI UNDER ARTICLE XVIII:11

Supplementary statement of Considerations in support
of the maintenance of the measures

1. The statement of considerations submitted by the Government of Haiti in conformity with the provisions of Article XVIII:12 has been distributed as document GATT/CP/60.
2. There is circulated herewith a supplementary statement, dated 15 July 1950 and transmitted to the Secretariat by a letter dated 28 July 1950, giving more detailed information on the measure in question. The statement has been prepared by the Government of Haiti upon suggestion by the Executive Secretary and in accordance with the procedure approved by the Contracting Parties as set forth in paragraph 91 (a) of the working party report GATT/CP.3/60/Rev.1

SUPPLEMENTARY INFORMATION ON THE "REGIE DU
TABAC" PREPARED ON THE BASIS OF DOCUMENT
GATT/CP.3/CO/Rev.1

- (a) Precise description and the extent of the measure, the method of its operation, and the provision of the Agreement from which a release is sought.

This point seems to have been fully expounded in the "Written Statement by the Haitian Government", GATT/CP./60 pages 2, 3 & 4.

- (b) Range and type of goods to which the measure relates including tariff item numbers and description.

<u>Tariff No.</u>	<u>Description of Merchandise.</u>
13101	Tobacco in the leaf, unstemmed, with less than 20% moisture.
13102	Tobacco in the leaf, unstemmed with 20% or more moisture.
13103	Tobacco in the leaf, stemmed.
13104	Snuff
13105	Tobacco prepared as an insecticide, germicide or scale destroyer.
13106	Cigarettes
13107	Cigars weighing 14 kilogrammes or less per thousand, not including packing and containers.
13107 A	Cigars weighing more than 14 kilogrammes per thousand, not including packing and containers.
13108	Tobacco: chewing, plug or twist.
13109	Tobacco, cut or granulated, in tins of $\frac{1}{2}$ kilogramme or less, when the tobacco is for the direct use of the consumer.
13109 A	Tobacco, cut or granulated, in other containers or in tins of more than $\frac{1}{2}$ kilogrammes, or when it is not for the direct use of the consumer.
13110	Tobacco in other forms whether manufactured or not.

- (c) Copies of the relevant legislation or administrative decree or order under which the measure is administered.

Attached are copies of the following texts:-

1. Law of 16 February 1948⁽¹⁾
2. Law of 13 September 1948⁽²⁾
3. Decree of 29 May 1950⁽³⁾

- (d) Precise description of the products of the industry for the protection and development of which the measure is intended.

Generally all products of the tobacco industry.

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1. Already reproduced in GATT/CP 3/40
 2. See Annex
 3. To be distributed later as an addendum to this document.

(e) Statistics of quantities and values over a period of years, showing:

- (1)
- domestic production (in the case of a branch of agriculture also area planted), of the items described in (b) and also, unless the figures are the same, domestic production of the items described in (d):

The Fiscal Department have not been able to find statistics of the production of tobacco in Haiti before the establishment of the Régie. It is suggested that address be made to that institution for information on the local production since 16 February 1948;

- (2)
- imports of the items described in (b) by countries of origin:

1944-1945	<u>Tobacco in the leaf</u>		<u>Cigars</u>		<u>Cigarettes</u>		<u>All others</u>	
	Quantity Kilos	Value Gdes	Units	Value Gdes	Units	Value Gdes	Quantity Kilos	Value Gdes
Canada			20	6	540	30		
Cuba			34,722	24,325	200	6		
Curacao			150	59				
Dominican Rep.			22,250	6,498				
Jamaica			275	70	800	38	-	15
Puerto-Rico			25	21				
United Kingdom					840	35		
United States	70,106	473,518	5,627	2,596	37,375,454	519,548	16,892	129,467
<u>Total:</u>	70,106	473,518	63,069	33,357	37,377,834	519,657	16,892	129,482

1945-1946	<u>Tobacco in the leaf</u>		<u>Cigars</u>		<u>Cigarettes</u>		<u>All others</u>	
	Quantity Kilos	Value Gdes	Units	Value Gdes	Units	Value Gdes	Quantity Kilos	Value Gdes
Canada	-	43			662	31	1	3
Canal Zone							1	16
Colombia			100	6				
Cuba			24,021	18,523	1,028	77		
Dominican Rep.			15,320	5,933				
Jamaica			175	170				
Puerto-Rico	2	64	50	30				
United Kingdom					10,000	101		
United States	129,449	760,309	9,990	42,509	73,634,480	1,049,696	22,166	178,783
<u>Total:</u>	129,451	760,416	49,656	67,171	73,646,170	1,049,905	22,168	178,802

1946-1947	<u>Tobacco in the leaf</u>		<u>Cigars</u>		<u>Cigarettes</u>		<u>All Others</u>	
	Quantity Kilos	Value Gdes	Units	Value Gdes	Units	Value Gdes	Quantity Value	Value Gdes
Canada			2	1	920	69	-	67
Cuba			37,018	22,591	2,602	98		1
Curacao							2	32
Dominican Rep.			19,400	7,223				
France					60	4		
Jamaica			225	86				
Mexico					380	15		
Switzerland			190	42				
United Kingdom			375	68	130	37	1	20
United States	84,119	621,063	6,703	4,276	103,381,638	1,634,329	124,090	287,364
<u>Total:</u>	84,119	621,063	63,913	34,287	103,385,810	1,634,552	124,093	287,443

1947-1948	<u>Tobacco in the leaf</u>		<u>Cigars</u>		<u>Cigarettes</u>		<u>All Others</u>	
	Quantity Kilos	Value Gdes	Units	Value Gdes	Units	Value Gdes	Quantity Kilos	Value Gdes
Bahama Isles	81	2	25	15				
Canada			262	91	820	35	1	10
Costa-Rica					100	8		
Cuba			29,388	19,545	1,540	91	2	143
Curacao			56	28				
Dominican Rep.			14,625	6,002				
France					85	69		
Jamaica			175	113				
Netherlands							1	47
Peru			275	364				
Puerto-Rico	1	15	1	28				
Switzerland					100	9		
United Kingdom					3,000	133	15	172
United States	67,032	432,843	13,060	8,633	120,514,920	1,966,817	57,541	478,876
<u>Total:</u>	67,114	432,860	57,867	34,819	120,520,565	1,967,162	57,560	479,248

1948-1949	<u>Tobacco in the leaf</u>		<u>Cigars</u>		<u>Cigarettes</u>		<u>All Others</u>	
	Quantity Kilos	Value Gdes	Units	Value Gdes	Units	Value Gdes	Quantity Kilos	Value Gdes
Canada	-	10	261	101	564	44	-	20
Cuba			41,386	24,819	120	16		
Dominican Rep.	4	107	14,000	5,359				
France			11	7	350	38		
Jamaica			50	25				
Puerto-Rico	348	2,845	100	37			154	431
United Kingdom							12	143
United States	75,919	641,580	18,021	6,649	70,261,334	1,291,217	99,703	920,319
<u>Total:</u>	76,271	644,542	73,829	36,997	70,262,368	1,291,315	99,869	920,913

(3) exports for the items referred to in (1) above by countries of destination:

These data have been reproduced in the third paragraph of Section I of the "Written Statement by the Haitian Government" GATT/CP/60.

(f) Tariff and other protection enjoyed, the nature and extent of such protection, the period for which these protective measures have been in force and the effect which they have had on the establishment or development of the industry.

The customs import duty on the articles enumerated in the answer to item (b) of the present questionnaire is as follows:-

<u>Tariff No.</u>	<u>Duty</u>			
13101	Kilo gross	Gdes	6.00	
13102	" "		5.50	
13103	" "		7.00	
13104	Kilo Net		10.00	
13105	" "		0.50	
13106	per hundred		1.50	or ad val. 100%
13107	" "		10.00	" " " 30%
13107 A	" "		15.00	" " " 30%
13108	Kilo net		7.00	
13109	" "		6.00	or ad val. 60%
13109 A	" "		8.00	" " " 60%
13110	" "		7.00	" " " 60%

(h) Information and forecast about the future development of the industry, including, for example, expected levels of production and the possibility of its becoming independent of the measure:

We shall presently be equipped with a modern plant which will permit us to prepare and place on the Haitian market at least one and a half million kilogrammes of pipe tobacco to be shared among about eight hundred thousand smokers, this representing an average consumption of thirty seven and a half kilogrammes of pipe tobacco per smoker per annum. Our Section of Agronomy possesses nurseries and distributes without charge plantlets which will make possible an increase of production to the order of two million kilogrammes.

(i) Price of imported and domestic product at the principal market or markets:

If by "principal market" it should mean in Haiti, the price of imported product is:

Tobacco in the leaf, imported:	G. 13.00 per kilogramme
Cigarettes, imported	10.20 per cart. of 200

of domestic product:

Tobacco in the leaf, prepared	G. 9.00 per kilogramme
Cigarettes of quality	6.30 per cart. of 200
Popular cigarettes	4.00 " " " "

(o) Number and location of enterprises or firms.

Apart from the experimental production in our laboratory of Bolosse, there exists only one single manufacturer of cigarettes at Port-au-Prince belonging to the American Tobacco Company "Comme il faut".

The Régie of Tobacco buys the whole of the production of this company which was established in the country before the setting up of the former.

(p) Numbers employed

More than five hundred and ten persons are at present employed in the Régie as well as in the Tobacco Company "Comme il faut".

(q) Average levels of wages paid to employees.

The average wage is two hundred gourdes per month per employee.

The daily worker's wage is three gourdes fifty per day.

(s) Net profits or losses.

As regards the Régie, the gross profit realized in the course of the fiscal year 1948 is G.3,495,006.82 accruing from the difference between the purchase and selling prices of imported tobacco leaf, of cigarettes and tobacco manufactured in Haiti, of imported and local cigars.

The details are:

Profits on imported cigarettes:	G. 854,194.31	
" cigarettes		
and cigars:	<u>1,247,752.01</u>	G.2,101,946.32
Internal tax on imported		
cigarettes:	549,910.50	
Internal tax on local		
cigarettes:	<u>843,150. -</u>	<u>1,393,060.50</u>
		G.3,494,006.82
Less: Administrative costs &		
assistance to agriculture	356,243.98	
Commission accorded to NBHR	<u>123,041.93</u>	<u>479,285.91</u>
<u>Net Profit:</u>		<u>G.3,015,720.91</u>

(u) Information relating to the domestic consumption of the product:

During the fiscal year 1948-49 a total of 366,607 cartons of 200 each of imported cigarettes and 843,150 cartons of 200 each of domestic cigarettes was consumed. These figures do not cover the cigarettes which enter the country as contra-band despite the vigilance of our Service of Inspection.

Port-au-Prince, 15 July 1950

signed:

Technical Director

Director General

A N N E X

LAW

DUMARSAIS ESTIME
PRESIDENT OF THE REPUBLIC

Having regard to Article 61 of the Constitution;

Having regard to the Law of 6 June 1924 concerning
the General Administration of Taxes;

Having regard to the Laws on tobacco of 5 August
and 5 September 1934, as amended by the Law of 9 March 1937
and by the Legislative Decrees of 19 November 1936 and 9
September 1938;

Having regard to the Law of 16 February 1948 on the
Tobacco Régie;

Whereas it is expedient to facilitate the application
of the Budget of the Republic by measures enabling internal
duties on tobacco to be collected, as heretofore, by the system
of affixing stamps;

Whereas it is accordingly necessary to amend Article
13 of the Law of 16 February 1948 and to rescind Article 24 of
the said Law;

In the light of reports by the Secretaries of State
for Finance, National Economy and Trade;

And with the approval of the Council of Secretaries
of State;

HAS PROPOSED

And the Legislature has voted the following Law:

Article 1:- Article 16 of the Law of 16 February 1948 on the
Tobacco Régie is hereby amended as follows:

"Article 16:- Licences shall be delivered by the General
Administration of Taxes in accordance with the Law of
5 August 1931; but manufacturers' and importers' licences
shall only be issued with the approval of the Régie.
All internal duties on tobacco shall be collected by
the General Administration of Taxes in accordance with
the Laws on tobacco of 5 August 1931 and 5 September 1934,
as amended by the Law of 9 March 1937 and also by the
Legislative Decrees of 19 November 1936 and 9 September
1938. All the provisions of the said Laws which are not
at variance with the present Law shall continue in force
in respect of tobacco."

Article 2:- The present Law rescinds all laws or provisions thereof and all legislative decrees or provisions thereof which are at variance therewith, and the Secretaries of State for Finance and National Economy, Trade and Agriculture shall be responsible for its execution in their respective spheres.

Given at the Chamber of Deputies, Port-au-Prince, on 1 September 1948, 145th Year of Independence.

Dr. JH. LOUBEAU: President
Dr. F. MOISE, M. DENIZARD, (acting) :
Secretaries

Given at the "Maison Nationale", Port-au-Prince, on 8 September 1948, 145th Year of Independence.

OFFRANNE POUX : Acting President
ERNEST ELISEE, BEAUHARNAIS BOISROND, (acting), : Secretaries

ON BEHALF OF THE REPUBLIC

The President of the Republic orders that the above Law be sealed with the Seal of the Republic, printed, published and executed.

Given at the National Palace, Port-au-Prince, on 13 September 1948, 145th Year of Independence.

DUMARSAIS ESTIME

By the President:

E. THEZAN: Secretary of State for Finance and National Economy

CARLET AUGUSTE : Secretary of State for Trade

GEORGES HONORAT: Secretary of State for the Interior, Justice and National Defence

EDME MANIGAT: Secretary of State for Foreign Affairs, Tourist Travel and Public Worship

MAURICE LARAGUE: Secretary of State for National Education and Public Health

JEAN P. DAVID: Secretary of State for Labour and Agriculture

PAUL PEREIRA: Secretary of State for Public Works

