

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/3409/Add.1
11 August 1970

Limited Distribution

Original: Spanish

REPORT OF THE COMMITTEE ON BALANCE-OF-PAYMENTS RESTRICTIONS ON EXTENSION OF THE WAIVER ON URUGUAYAN IMPORT SURCHARGES

Addendum

During the examination of the Uruguayan request for an extension of the waiver on its import surcharges, members of the Committee asked the Uruguayan delegation to supply the text of the two recent decrees effecting the application of this measure. These decrees are mentioned in paragraph 7(c) and (d) of the report in L/3409.

Attached is the text of the two decrees which has been transmitted by the Uruguayan authorities for urgent circulation to the contracting parties, in connexion with the pending vote on the proposed decision set forth in Annex I to L/3409.

Annex I

MINISTRY OF TRANSPORT, COMMUNICATIONS AND TOURISM

12

Decree 290/970 Giving effect to the provisions of Decree 539/969 on the surcharges applicable to imported goods, depending on whether or not they are carried in ships flying the Uruguayan flag.

Ministry of Transport, Communications and Tourism.

Ministry of Economic Affairs and Finance.

Ministry of Industry and Trade.

Montevideo, 17 June 1970

Having regard to Decrees 568/969 of 13 November 1969 and 337/970 of 21 January 1970 which suspended the application of Decree 539/969 of 30 October 1969 concerning the surcharges applicable to imported goods depending on whether or not they are carried in ships flying the Uruguayan flag;

Considering: (I) That immediately after the suspension of the latter Decree, the question arose whether the previous régime provided for in Article 1 and Article 4, paragraph A, of the Decree of 13 June 1963, as amended, would apply during the period for which the above-mentioned Decree is suspended;

(II) In order to rectify this situation, which has given rise to uncertainty as explained above;

The President of the Republic hereby

DECREES as follows:

Article 1 - Article 1 and Article 4, paragraph A, of the Decree of 13 June 1963, as amended, are declared to be in force as from 13 November 1969.

Article 2 - The present Decree shall be promulgated, etc. - PACHECO ARECO. - AGUSTIN C. CAPUTTI. - JORGE ECHEVARRIA LEUNDA. - JULIO MARIA SANGUINETTI.

Annex II

MINISTRY OF TRANSPORT, COMMUNICATIONS AND TOURISM

16

Decree 811/970 Ordering that all imports made by maritime, river or lake transport shall be carried in ships flying the Uruguayan flag, and establishing exceptions.

Ministry of Transport, Communications and Tourism.

Ministry of External Relations.

Ministry of Economy and Finance.

Ministry of Industry and Trade.

Montevideo, 30 June 1970

Having regard to Article 12, paragraph 3 of Decree 100/967 of 1 March 1967, which lays down that the Ministry of Transport, Communications and Tourism is competent for all matters relating to the régime, development, co-ordination and control of all forms and modes of transport;

Considering: (I) That expansion of the national merchant fleet is one of the main concerns of the Government in regard to transport, because of the savings in foreign exchange which will result for the national economy, when the freights for transport are earned by the merchant ships forming that fleet;

(II) That it is necessary to establish for the national merchant fleet a fair and equitable system of protection which, without discrimination of any kind, will enable that fleet to grow in accordance with the legitimate right of every country to carry in its own ships the merchandise, goods and products it imports;

(III) That it is also necessary to establish exceptions for those cases of reciprocity in which ships flying the Uruguayan flag are granted a percentage of the freight for carrying exports or are granted percentages of the freight for carrying cargoes between third countries;

(IV) That it is necessary to lay down clear and precise rules to prevent the protection of the national merchant fleet from disrupting the normal development of foreign trade or injuring the interests of importers through lack of suitable transport;

The President of the Republic hereby

DECREES as follows:

Article 1 - All imports carried by maritime, river or lake transport shall be made in ships flying the Uruguayan flag, where such ships provide a regular service and have cargo space available for the traffic in question.

Article 2 - The following shall be exempted from the foregoing requirement: imports carried in ships of countries with which governmental agreements or conventions have been concluded relating to maritime, river or lake transport, subject to the conditions laid down in such agreements or conventions, and imports carried in ships flying foreign flags which are linked with Uruguayan ships by freight agreements approved by the Ministry of Transport, Communications and Tourism, which shall establish the system of co-ordination and control applicable to ships flying the Uruguayan flag on each route.

Article 3 - For the purposes of the foregoing Articles, the ships flying the Uruguayan flag and/or those flying a foreign flag referred to in Article 2 shall make, separately or together, the number of monthly sailings from the shipment area, fixed by the Ministry of Transport, Communications and Tourism in each case.

Article 4 - A regular service by Uruguayan ships means a service by such ships with an itinerary having fixed points of departure and destination and including the stops usually made on the route in question. Shippers shall be informed, at their request, not less than fifteen days in advance, of the dates set for departures from each shipment area.

Article 5 - A shipment area is defined as the area, within a radius of 500 kilometres or the equivalent in nautical miles, round the ports called at by ships flying the Uruguayan flag and within the limits of each country.

Article 6 - The National Administration of Ports and Chamber of the National Merchant Marine shall issue before shipment, in each case, the waivers authorizing shipment in foreign vessels when the conditions laid down in this Decree are satisfied. The shipper must enter the numbers of the said waivers in the corresponding consular invoice. The National Administration of Ports and Chamber of the National Merchant Marine shall submit monthly, to the Ministry of Transport, Communications and Tourism, copies of the waivers issued, for subsequent verification of the correct application of these rules.

Article 7 - When shipments are not made in ships flying the Uruguayan flag, the Bank of the Republic shall require in each case, at the time of consignment, production of the corresponding waivers, which are an indispensable requirement for making the shipment.

Article 8 - The present Decree shall enter into force thirty days after publication in the Official Gazette.

Article 9 - Decree 539/969 of 30 October 1969 is hereby repealed.

Article 10 - The present Decree shall be promulgated, published, etc. -
PACHECO ARECO. - AGUSTIN C. CAPUTTI. - AMERICO PABLO RICARDONI. - ARMANDO R.
MALET. - JULIO MARIA SANGUINETTI.