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L/4332
22 April 1976
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GENERAL AGREEMENT ON
TARIFFS AND TRADE

Original: Spanish

URUGUAY - IMPORT SURCHARGES

The following letter and accompanying documents have been received from the Permanent Delegation of Uruguay.

I have the honour to forward to you herewith a photocopy of the text of the Decree of 2 December 1975 by which the Uruguayan Government established an additional charge of 7 per cent on imports of goods of all kinds, including those by the public sector, with the sole exception of those mentioned in Article 2.

I also enclose a photocopy of the text of Circular No. 705 of the Central Bank of Uruguay concerning the implementation of the above-mentioned Decree.

Montevideo, 2 December 1975

HAVING REGARD to Article 2 of Act No. 12,670 of 17 December 1959, empowering the Executive to establish surcharges on the import of merchandise, articles, products and goods that are non-essential, of a luxury character or in competition with domestic industry;

WHEREAS I. It is clear from the context and from the parliamentary antecedents of the above-mentioned Act that the surcharges operate as functional control mechanisms, acting as a brake or counter-weight to avoid or prevent undesirable disequilibria in the trade balance;

II. That at the present time, as a result of well-known economic events at world level, our balance shows an appreciable deficit which it is appropriate to control;

III. That the concept of non-essential mentioned in the legal provision under reference is a notion of a relative character since, as the Executive has stated on numerous occasions, various factors have to be taken into account in the relevant determination, for example, consideration of the product as such, market needs, the exchange situation and the trend in the trade balance and balance of payments, inter alia;

The President of the Republic hereby decrees as follows:

ARTICLE 1 - A surcharge of 7 per cent shall be established in respect of the import of goods of all kinds, including those by the public sector, with the sole exception of those mentioned in the following Article.

ARTICLE 2 - The following shall be exempt from the surcharge established in the preceding Article:

(a) Imports exempted from surcharge by a specific legal provision;

(b) Imports of goods classified as capital goods in terms of Decree No. 410/975 of 22 May 1975;

(c) Imports of agricultural inputs included in the list annexed to the present Decree, established on the basis of the NADI classification;

(d) Imports of kits for the assembly in the country of tractors for agricultural use and Category "A" vehicles as referred to in Article 1 of Decree No. 128/970 of 13 March 1970 (lorries);

(e) Imports of partially assembled Diesel engines, kits and parts of kits for such engines, intended for assembly plants for Diesel engines of between 40 h.p. and 180 h.p. as referred to by Decree No. 406/975 of 20 May 1975;

(f) Imports effected under the régime of temporary admission, replacement declarations and without any exchange operation.

ARTICLE 3 - In cases where the goods to be imported are currently subject to surcharge, the provisions of Article 1 of the present Decree shall operate in a cumulative manner.

ARTICLE 4 - The exemption from surcharges granted by special regulations in respect of the import of certain specified goods, shall not extend to the surcharge established by Article 1 of this Decree.

ARTICLE 5 - The surcharge established by Article 1 shall be collected by the Central Bank of Uruguay on the basis of the assessment made at the time of the import declaration. The said surcharge shall not be the subject of any re-assessment and shall be refunded only in the event of complete cancellation of the declaration.

ARTICLE 6 - The Central Bank of Uruguay shall establish implementing provisions for the present Decree.

Central Bank of Uruguay
Montevideo, 2 December 1975

CIRCULAR NO. 705

75/6/64

Reference: Implementation of Decree dated 2/12/75 concerning the 7 per cent surcharge on imports

The text of the Resolution adopted by the Directorate of the Central Bank of Uruguay at its meeting today is hereby announced.

1. The following Articles shall be inserted in the Consolidated Rules regarding Foreign Trade and Exchange Matters:

ARTICLE 166 (Régime). All imports shall be subject to a surcharge of 7 per cent with the exception of those specifically exempted by Article 168.

ARTICLE 167 (Collection and assessment). The surcharge established by Article 166 shall be collected by the Central Bank of Uruguay on the basis of the assessment made at the time of the import declaration. The said surcharge shall not be the subject of any re-assessment and shall be refunded only in the event of complete cancellation of the declaration.

ARTICLE 168 (Exempt imports). The following imports shall be exempt from the surcharge established by Article 166:

(a) Those exempted from surcharges by a specific legal provision;

(b) goods classified as capital goods in terms of Decree No. 410/975 of 22/5/75;

(c) agricultural inputs included in the list set forth in Annex II of this Volume;

(d) kits for the assembly in the country of tractors for agricultural use and Category "A" vehicles as referred to in Article 1 of Decree No. 128/970 of 13/3/70 (lorries);

(e) partly assembled Diesel engines, kits and parts of kits for such engines, intended for assembly plants for Diesel engines of between 40 h.p. and 180 h.p. as referred to in Decree No. 406/975 of 20/5/75;

(f) Those affected under the régime of temporary admission, replacement declarations or without any exchange operation.

ARTICLE 169 (Occasion of payment). The surcharge established by Article 166 shall be payable on the third working day following the date of filing of the import declaration with the Bank of the Oriental Republic of Uruguay.

ARTICLE 170 (Method of collection). Payment of the surcharge established in Article 166 shall be made by the bank acting for the account and on the order of the importer. To that end he shall authorize the corresponding debit in respect of his current account by means of the form referred to in Article 720.3.

ARTICLE 720.3 (Information). Information regarding payment of the surcharge referred to in Article 166 shall be furnished by the banking institutions on the third working day following the date of filing of the import declaration.

The said information shall be given in the appropriate forms, by numerical order of declaration, including likewise those in respect of imports exempt from the surcharge. In such cases, the percentage and amount columns shall be filled in with dashes.

2. Articles 145, 153 and 156 of the Consolidated Rules regarding Foreign Trade and Exchange Matters shall be replaced by the following:

ARTICLE 145 (Rate of exchange for import declarations). For calculation of the amount in national currency of the prior deposits, charges, surcharges and commissions, the rate of exchange applied in import declarations shall be that fixed by the Central Bank of Uruguay at the close of business on the day preceding presentation of the relevant declaration.

The charges, surcharges and commissions shall be re-assessed upon presentation of the application for clearance in accordance with the provisions of Article 159, without prejudice to those of Article 167.

ARTICLE 153 (Import surcharges). The surcharges fixed by the Executive under the authority granted by Article 2(B) of Act No. 12,670 of 17 December 1959, applicable to imports of merchandise, articles, products and goods which are non-essential, of a luxury character and/or in competition with domestic industry, shall be collected by the Bank of the Oriental Republic of Uruguay, without prejudice to the provisions of Article 167.

The said surcharges shall be calculated on the c.i.f. price of the merchandise, articles, products and goods mentioned in the preceding paragraph and may not exceed 300 per cent of that value.

ARTICLE 156 (Occasion of application of the surcharges and prior deposits). The surcharges and prior deposits shall be applicable upon presentation of the relevant import declaration, without prejudice to the provisions of Article 169.

3. Transitional provision

The provisions of the present Resolution shall be applicable to import declarations presented as from 2 December 1975.

4. This Resolution shall be circulated and published etc.