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GENERAL AGREEMENT ON TARIFFS AND TRADE

Committee on Trade in Agriculture

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INFORMATION ON MEASURES AFFECTING TRADE

Submitted by:

CUBA

I. Trade measures affecting exports

1. Subsidies

Cuba does not grant export subsidies in the sense of Article XVI of the General Agreement.

2. Credit, non-commercial

No credit is granted other than the usual commercial credit.

3. Other forms of assistance

The Government of Cuba makes small donations of sugar in accordance with the terms of the International Sugar Agreement.

4. Charges, prohibitions and other restrictions

Cuba does not engage in other forms of export assistance for agricultural products or impose charges, prohibitions and other restrictions such as those mentioned in the documents of the Committee on Trade in Agriculture. As a party to the International Sugar Agreement, Cuba regulates its exports of this product in accordance with the conditions laid down in its provisions.

5. State-trading enterprises

The activities of the foreign-trade enterprises of the Republic of Cuba are governed by Law No. 1142 of 21 January 1964 concerning the Ministry of Foreign Trade and by Decree Law No. 67 of 19 April 1983 concerning the Organization of the Central Administration of the State.

Articles 9 and 10 of Law No. 1142 and Article 65(g) of Decree Law No. 67 provide that the execution of export and import operations shall be entrusted to foreign-trade enterprises, having independent legal personality and their own property, which bear no responsibility for the obligations of the State, its organs and its central and local bodies, just as the latter bear no responsibility for the obligations of the former.

The objectives of the activities of foreign trade enterprises as specified in Article 65(e) of Decree Law No. 67 exclude utilization of those enterprises for the purpose of hindering trade in general and trade in agricultural products in particular, inasmuch as those objectives seek to create conditions for the development of foreign trade with all countries that agree to maintain trade relations with Cuba on the basis of equality, respect and mutual benefit, responding exclusively to commercial considerations and the general principle of non-discrimination prescribed in the General Agreement.

6. Other

Cuba does not apply other measures.

II. Measures affecting imports

1. Tariffs, tariff bindings

Products imported into Cuba are subject only to the duties indicated in the customs tariff or in Schedule IX of tariff concessions (L/4677).

The duties applied may be ad valorem, specific or mixed.

2. Levies and other charges

There are no levies or charges other than the import duties provided for by the customs tariff or Schedule IX.

3. Licensing and import restrictions

There are no import licensing or import restrictions (COM.AG/W/72/Add.52).

4. Sanitary and phytosanitary regulations

Phytosanitary and veterinary regulations applicable to imports and exports are governed by Decree Law No. 38 of 1952 and Decree No. 582 of 1958 in respect of products of animal origin, and by Decree No. 560 of 1931 in respect of products of plant origin.

Existing legislation in this sphere is at present being revised with a view to adjusting it to the needs of the country's agricultural development.

The Directorate-General of Plant Health is the sub-division of the Ministry of Agriculture empowered to authorize and supervise the import and export of plants and parts of plants, seeds, fresh fruit and vegetables, flour, grain, wood, plant fibres, fishmeal, micro-organisms and soil.

Any entity and any natural or juridical person that intends to import or export products supervised by the Directorate-General of Plant Health must apply for a phytosanitary permit not less than sixty days before carrying out the operation in question.

The phytosanitary requirements for imports are the following:

- presentation of the phytosanitary certificate, in accordance with the relevant FAO Convention, issued by the competent authority of the exporting country;
- the pests and diseases from which the product must be free;
- the phytosanitary conditions that must be met by the packaging, packing material or container;

- in cases where fumigation at origin is required, a fumigation certificate specifying product, dose and concentration;
- any additional requirements.

Upon the arrival of the product in the country, the quarantine inspectors verify whether the imported product complies with the regulations established for that product.

The veterinary health service operated by the State is represented by the Institute of Veterinary Medicine of the Ministry of Agriculture created by Law No. 1224 of 1969. The Institute inspects imports and exports to ensure rigorous compliance with Cuban requirements and with the requirements of foreign importers concerning international trade in live animals, products of animal origin including semen and other agricultural products requiring such inspection.

In carrying out their systematic critical analyses, Cuba's phytosanitary and veterinary services comply with the provisions of Article XX of the General Agreement on Tariffs and Trade to the effect that sanitary measures are not applied in a manner constituting a means of arbitrary discrimination or a disguised restriction on international trade.

The entire system of laws, regulations and measures applied by the sanitary and phytosanitary services is dictated exclusively by the need to protect human and animal health and to combat the introduction of enzootic diseases and the dangers they entail for food for human consumption.

5. Marketing standards, packaging and labelling regulations

The marks, labels and other requirements appearing in the Bill of Lading and transport documents must correspond to those appearing in the contract.

7. State trading enterprises

The principles set forth in points 1-5 above apply also to imports.

8. Other

No measures are applied other than previously described.