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RUSSIN, VECCHI

& HEREDIA BONETTI

International Trade 2017

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1. Is your country a member of the WTO or is it currently negotiating its accession?

Cuba is currently a member of the WTO and has been since its founding. It was also a founding member of the GATT. In fact, the 1947 United Nations Conference on Trade and Employment was held in Cuba, the “Havana Chapter”, which was the first step in building the multilateral trading system that eventually evolved into the WTO we know today.

2. If your country is a member of the WTO, what are the main changes in your country’s domestic legislation that have been triggered by your country’s WTO membership? What have been the practical implications of these legislative changes for businesses from your country? Are there any aspects of your country’s domestic law that you believe should be reformed in light of your country’s WTO membership?

The WTO accession (and before that, the GATT) triggered various changes in Cuba’s domestic legislation, among which were changes to its Customs laws and a stronger defence of intellectual property rights. The practical implications of these changes have primarily affected the conduct of businesses by the Cuban state, which has had to adhere to WTO rules, and not so much private business, since under Cuba’s economic and political model, private business has traditionally had a very limited role. In conjunction to this process, the Cuban government has been taking steps to simplify its complex legal structures and permit a greater role for private business so as to bring more dynamism to its economy. The aspects of Cuba’s domestic law that still need to be reformed are not so much because of Cuba’s membership in WTO, but because of the need for economic growth, as well as external factors, such as the United States’ sanctions against Cuba and the European Union’s “common position” with regards to Cuba.

3. Is your country a participant of the WTO’s Information Technology Agreement (ITA) or seeking to adhere to it? If your country is a participant of the ITA, is your country among those members that concluded an expansion of the ITA at the December 2015 Nairobi Ministerial Conference?



Cuba is not a participant of the WTO's ITA, nor, to our knowledge, is it seeking to adhere to it.

4. Is your country a participant of the WTO's Government Procurement Agreement (GPA) or does it have the formal status of observer of the GPA, seeking to adhere to it?

Cuba is not a participant of the WTO's GPA, does not have the formal status of observer, nor, to our knowledge, is it seeking to adhere to it.

5. Has your country already ratified the Trade Facilitation Agreement? What are the benefits that you expect to flow from the entry into force of that new agreement for businesses from your country?

Yes, Cuba has already ratified Trade Facilitation Agreement, but the benefits that we expect to flow for businesses, will depend, not so much on the entry into force of such agreement, but on the changes that are introduced in its domestic legislation to foment the development of Cuba's state-owned and private business sectors.

6. Please provide a brief description of the customs duty structure maintained by your country. To what extent is it similar to, or has it been influenced by, that of your main trading partners?

In 1995, Cuba signed the International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention) and in 2009 ratified the Revised Kyoto Convention, with Cuba being the only signatory country in Latin America.

Cuban Customs has a nationwide coverage in all airports and seaports and works in cooperation with the customs departments of most of its trading partners.

Cuban Customs is currently involved in a modernisation process and has adopted a set of measures for the facilitation and speed of commercial clearance, such as electronic declarations, self-assessment by the declarant, inspections of origin and destination and provision of facilities for clearance.



7. Does your country maintain an import licensing regime?

Yes, Cuba maintains a very strict import licensing regime. Only specially authorised state entities are allowed to import goods into the country. Individuals, and even other state agencies, are prohibited from directly importing goods into the country.

8. Please explain the export control regime in place in your jurisdiction.

In like manner, Cuba has a very strict export control regime. Only specially authorised state entities can export goods out of the country. Individuals, and even other state agencies, are prohibited from directly engaging in export activities.

9. Has your country ever renegotiated its scheduled concessions under GATT article XXVIII? If so, could you please provide details?

Our understanding is that yes, as a contracting party of the Harmonized System Convention, the schedule number of the list of concessions for Cuba is IX (9) and regarding HS96 changes, the consolidated schedule is certified (WT/Let192+Corr.1).

10. Has your country been involved in any WTO disputes either as a complainant, defendant or third party? Please highlight the most prominent instances of such participation.

Yes, Cuba has been involved in one WTO dispute as a complainant (against Australia, with 33 other countries as third parties), in zero WTO disputes as a defendant and in four disputes as a third party. In the dispute where it is a complainant, Cuba objects to Australia's plain packaging requirements applicable to tobacco products. Cuba claims that Australia's measures appear to be inconsistent with Australia's obligations under articles 2.1, 3.1, 15.4, 16.1, 20, 22.2(b) and 24.3 of the TRIPS Agreement; articles 2.1 and 2.2 of the TBT Agreement; and articles III:4 and IX:4 of the GATT 1994.



11. How would you evaluate the compliance record of your country with WTO dispute settlement reports? To the extent that you identify a track record of delayed or incomplete implementation, what are the main factors explaining this feature?

It is our understanding that Cuba has been in compliance with WTO dispute settlement reports.

12. Please explain the main procedural steps, under your domestic law, on anti-dumping, countervailing and safeguard duty investigations? Which are the competent investigating authorities? Are there any appeals and review procedures in place?

Because of the centralisation of international trade in the hands of the Cuban state and the fact that individual entities cannot engage directly in import activities, there is little likelihood of anti-dumping, countervailing and safeguard duty investigations. In any event, the competent investigative authority would be the Ministry of Foreign Commerce and Investment.

13. Are you aware of any ongoing or planned revisions of the rules on anti-dumping, countervailing and safeguard duty investigations in your jurisdiction?

No.

14. What are the main agricultural subsidies maintained by your country? Are they in the process of being phased out?

There are no agricultural subsidies in Cuba for the export market. Although there are some private operators, agricultural production is mostly a state-controlled activity destined for the local market.



15. Has your country ever been involved in a WTO dispute on one or more of the three types of trade remedies? Do you anticipate any forthcoming legal action before the WTO involving your country either as a defendant or complainant?

Cuba has not been involved in a WTO dispute regarding anti-dumping, countervailing and safeguard duty issues, and we do not anticipate any forthcoming legal actions before the WTO in that regard, either as a defendant or complainant.

16. Which are the bilateral trade agreements your country is currently a party to or which it is in the process of negotiating?

Under ALADI (the Latin American Integration Association), Cuba has signed bilateral trade agreements in the region with Venezuela, Chile, Ecuador, Bolivia, Colombia, Peru, Mexico, Argentina, Uruguay, Brazil, Paraguay, Nicaragua, Panama, Guatemala, El Salvador and MERCOSUR.

Cuba has also signed bilateral trade agreements outside the Latin American region with Algeria, Egypt, Tunisia, Angola, Botswana, Burkina Faso, Cape Verde, China, Republic of Congo, Ethiopia, Gambia, Ghana, Guinea Bissau, Republic of Guinea, Mali, Mozambique, Namibia, Niger, Nigeria, Seychelles, South Africa, Tanzania, Uganda, Zambia, Zimbabwe, Saudi Arabia, Iran, Iraq, Lebanon, Qatar, Syria and Yemen.

17. Can you see any conflicting rights or obligations between the bilateral or regional trade agreements your country is a member to and its rights and obligations under WTO law? If yes, what is your assessment of how such conflicts are or should be resolved?

No.

18. Is your country party to any regional trade agreements or in the process of negotiating its accession to one?

Yes, Cuba is a party to the PETROCARIBE, ALBA, CARICOM and CSA agreements. We are not aware of any accession negotiations to other regional trade agreements.



19. In case your country is among the signatories of the Trans-Pacific Partnership (TPP), by when do you expect your country to have completed its ratification process?

Cuba is not a signatory of the TPP.

20. What are the benefits and disadvantages that you expect to flow from the future entry into force of the TPP for businesses from your country? How have your expectations been affected by the United States' decision to withdraw from the TPP?

Not applicable.

21. If your country is not a member of the TPP, do you expect any trade currently enjoyed by your industries to be negatively impacted by increased trade in those products among members of the TPP?

At this time, we do not expect any trade currently enjoyed by Cuban industries to be negatively impacted by increased trade among TPP members.

22. Does your jurisdiction benefit from the General System of Preferences maintained by the European Union and the United States? Does your jurisdiction maintain a similar system with respect to third countries?

Cuba does not benefit from the General System of Preferences maintained by the European Union and the United States. Quite the contrary, with regards to the United States, it is subject to stiff trade sanctions, and any exports to or imports from the United States require a special OFAC licence. Cuba does benefit, however, from certain trade preferences with Canada.



23. Has the bilateral trading relationship between your country and the United States been affected in any way by the change in administration in the United States? If so, which sectors have been particularly affected and why?

Yes, even though Cuba has been subject to United States' trade sanctions for many years, these have been recently stiffened by the new administration. Among the sectors bound to be affected is tourism, as the United States has reinstated certain travel criteria that had been relaxed under the prior administration.

24. What is the position of your country as well as that of businesses from your country on the long-standing debate on currency manipulation? Are you aware of any legislative proposals in your country similar to those in the US to address the issue via unilateral trade remedies? Do you believe that this is an issue the WTO should become more actively engaged in?

Not applicable to Cuba.

25. How are trademarks and geographical indications protected in your jurisdiction? What are the main steps for registration of trademarks and geographical indications? Has the protection of trademarks and geographical indications in your jurisdiction changed since the WTO came into being in 1995?

Trademarks and geographical indications are protected via registration and the enforcement of applicable laws. Registrations are made with OCPI. The protection of trademarks and geographical indications in Cuba was strengthened with the WTO coming into being in 1995.

26. How are intellectual property rights enforced in your jurisdiction?

Although intellectual property rights disputes are infrequent in Cuba, such rights are guaranteed by the civil and criminal codes and customs regulations. The enforcement of such rights is carried out by OCPI and other state agencies.



27. Has your country ever imposed restrictions on trade in services or trade in goods due to balance-of-payments and external financial difficulties? Please explain the related provisions under domestic law.

No.

28. What is your country's position on the Asian Infrastructure Investment Bank, which has been open for business since January 2016? Are there any plans, promoted by your country or by businesses from your country, to participate in a similar initiative for Latin America?

We are not aware of Cuba adopting a position with regards to the Asian Infrastructure Bank.

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