

NEWSLETTER

By Simonsen
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SHORE SCALE vs DRAFT SURVEY – New resolution regarding weight determination.

By Tomas Ignacio De Antoni.

The Federal Administration of Public Income (AFIP) has issued resolution N° 4138-E stating that importers and exporters, in the case of solid goods in bulk, may opt between shore scale or draught survey for the purpose of determining the weight and volume of the cargo.

AFIP stated that within the framework of the customs process re-engineering program carrying forward is a priority to simplify procedures for the facilitation of the foreign trade operations.

Under the analysis carried out on the current dynamics of international trade of grains and, for the purpose of optimizing the time of customs clearance, is necessary to give importers and exporters to choose the system of determination of weight and volume for the goods involved.

For this reason,

THE FEDERAL ADMINISTRATION OF PUBLIC INCOME FEDERAL ADMINISTRATOR

RESOLVES:

Section 1: In the case of operations with solid bulk goods, importers and exporters may choose between shore scale or reading drafts /Sounding tanks (Draft-Survey), for purposes of the determination of the weight and volume of the same.

Section 2: Replace annex III of resolution No. 2,220 (ANA) issued on 31 August 1990 and its amendments, by (IF-2017-22859683-APN-AFIP) which is adopted and forms part of the present resolution.

Section 3: This general resolution will take effect the day of its publication in the Official Gazette.


Section 4: Void Annex XI of resolution No. 2,220 (ANA) issued on 31 August 1990 and its amendments, the resolution N ° 2,914 (ANA) issued on October 28, 1994 and the General resolution No. 3506, as from the date of entry into force indicated in Section 3.

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OFFICE TRANSLATION OF THE RESOLUTION: IF-2017-22859683-APN-AFIP

Reference: Determination of weight for the draught survey control system and Tanks Sounding (Draft-Survey). Resolution N ° 2.220 (ANA) of August 31, 1990 and its amendments. Amending and Complementary Disposition.

Annex III

1. Determination of weight by reading drafts and sounding tanks (Draft-Survey).

1.1. Control of the weight of solid merchandises in bulk may be performed by draught readings and sounding tanks (Draft-Survey).

1.2. For goods assimilated under the concept of cargo "in bulk", weight may also be assessed by draught readings and sounding tanks (Draft-Survey)

1.3. This system of determining weight may be applied where there is more than one good and the operation of loading or discharge permits it.

1.4. Control of drafts will be held in all those vessels where it is feasible and will be subject to the conditions provided for in this annex.

2. Merchandise in bulk - concept and assimilation

2.1. Referred to merchandise in bulk to that which lacks outer packaging, marks and numbers.

2.2. it is assimilated the concept of "bulk" cargo to all merchandise that adjusting to the guidelines of uniformity and homogeneity are upgraded in uniform containers subject to the requirement that it be exclusive charge of the ship, and that the respective calculation is completed with the discount of the weight of the containers, obtained by average or in otherwise thoroughly appropriate to each case in particular.

3. Initiation and control of operation

3.1. The initiation and completion of the operation for the determination of the weight by Draft survey will be held considering:

- a) Reading of drafts.
- b) Appropriate use of the hydrostatic curves.
- c) Sounding all tanks

d) Determination of the possible variations of all weights of the ship, other than the cargo.

e) All measurements and readings will be certified according to the Argentine Metric System (SIMELA) using for that purpose forms B-1607-OM and OM-1608-B.

f) For the purposes of establishing the total amount, an initial calculation should be performed before the operation starts and another at the end of it. The result of the difference of both calculations will be confronted with the documentation.

g) Prior to the reading of drafts, it must be checked that the vessel is floating freely, considering the depth of the place and tides. In case that the conditions could not be fulfilled, draft readings should be performed in deeper waters.

3.2. Draft reading and tank sounding will be carried out by two (2) Customs officers.

3.3. For this purpose, these agents must have approved the respective course before competent training organic units, according to the Customs jurisdiction where they serve, as a prerequisite to be designated to perform this function. When the customs of the interior do not have trained staff, this task will be accomplished by enabled personnel for this purpose designated by the General Sub-directorate for Customs Operations from the Interior.

3.4. Agents operators set in records the point of initiation and completion of the operation extending the corresponding Loading Certificate.

3.5. The results of the controls carried out shall be recorded in the part "in-fine" OM-1606-b.

3.6. In compromising situations, for the purposes of better illustrating, it will accompany the form OM-1607-B u OM-1608 - B, as deemed necessary.

4. Operation News Registration in destinations


4.1. Customs, with the aim of using the system of control by draught readings and sounding of tanks (Draft-Survey) must register all transactions in the Electronic Part of Novelties

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(PEN) associated with the Customs document, where the following data is stated:

- a) Number of operation.
- b) Date start and end of the operation.
- c) Name and flag of the vessel.
- d) Agent of customs transport intervening (the load).
- e) Agents, operators of the customs service.
- f) Customs document covering the operation.
- g) Observations.

4.2. it will also establish a file containing the detail of all the operations carried out, retaining forms OM-1606-B, OM-1607-B or B-1608-OM, OM-1960 (sounding) and OM-1586 (Certificate of Loading).

5. Scope of application

5.1. The provisions of this resolution apply in the field of maritime Customs and the General Customs territory and the special, established by law No. 19.640, and those who may be created in the future.

6. Customs transport agent

6.1 It shall submit, with at least of twenty-four (24) hours in advance, before the customs service a note in duplicate communicating the entry and/or exit of the vessel, without which it may be prohibited the start of the operation or the departure. Also report accurately the option for the system of shore scale or draught readings and sounding of tanks (Draft-Survey).

6.2. For the purpose of initiating of operations, transport customs agent shall complete OM-1606-C form with affidavit character, that both draught marks as well as the "eye" of "PLIMSOL" painted on the hull of the vessel, are exact and duly accordance about the respective chisel or prints by the shipyard with the calibration of tanks, tables, maps and other documents onboard are in force, controlled and reflect the reality of the respective contents, and finally that accept jointly and severally with the importer or exporter in its case, the implementation of the present resolution in the control of the weight of the load.

6.3. You must express in the OM-1606-C any impediment that hinders compliance with the provisions of paragraph 6.2., detailing the reasons. In such a case, the customs service must verify the veracity of the grounds invoked, formulating the relevant clarifications and determining the applicable system.

6.4. When the option is exercised by the utilization of the system of control of draught readings and sounding of tanks (Draft - Survey) and operations that must begin in non-working days and hours, Customs transport agent shall manage the respective request of extraordinary services, as foreseen in the General resolution No. 665, its amendments and complementary.

6.5. Submit to the customs authority the measurement of draught readings and corresponding sounding results, using the OM-1606-C and OM-1606-B forms in duplicate, without which it may not be authorized the start of the operation or the departure of the vessel. Such presentation has the character of sworn declaration.

7. Argentine-flagged vessels

7.1. Must possess the certificates required by the Argentina Naval Prefecture, namely: calibration of tanks deadweight scale, vessel plan and hydrostatic curves for the purposes of the Customs technical controls, being responsible for the performance of such requirements the transport customs agent.

8. Foreign-flagged vessels

8.1. Must possess the elements demanded by international regulations in force, and the customs service, when deemed appropriate, may require a copy of the documentation indicating the validity of the plans calibrated tanks and deadweight scale certified by the authority of its country and authenticated by the Customs transportation agent, who shall be responsible for the veracity of the data provided.

9. Intervention of the managed

9.1. Who prove a right or an interest legitimate on the cargo (importer, exporter, agent transport, customs, etc.) may appoint an expert authorized by the Argentina Naval Prefecture - record number. 435.429/87 - who represents them in the Act of carrying out checks, who will be forced to sign forms OM-1606-C and OM-1606-B, with the results obtained and establish in them all observations deemed eligible. Otherwise, it cannot be done later, having to accept

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as valid for all legal purposes, the results obtained by the customs service.

9.2. In the cases provided for in paragraphs 1.1., 1.2., 1.3., the control system of draught readings and sounding of tanks may be used at the request of the party interested, filed before the respective Customs or to the area responsible for audit and record the entry and exit of goods in bulk and make paperwork related to its importation and exportation or when custom thinks fit to do so, as described in paragraphs 9.4 and 10.

9.3. If the system is used at the request of the party concerned, it takes in charge all costs that demands the transfer, retention of staff that performs the operation and extraordinary services which may be applicable in case, as well as the expenditure arising from the operation.

9.4. The control system of draught readings and sounding of tanks (Draft-Survey) can be applied when there are no conventional elements for determining weight or where the customs service considers an extra control's action properly at the operating place justified, being application as designated in point 9(3).

10. Selective control

10.1. Involved customs or the area responsible for audit and record the entry and exit of goods in bulk and carry out the procedures related to import and export, undertake weight controls selectively, applying to it the control system of draught readings and sounding.

For those cases in that control is performed as counter-verification, then the result must be registered through the opening of an order created for this purpose in the monitoring system of customs control (e-SEFIA).

10.2. When a weight control of bulk cargoes resulting from applying the criterion of selectivity is undertaken, the transport customs agent shall notify the date and time at which it will proceed to carry out the respective measuring system by means of Communication and Notification Electronic Customs (SICNEA), under the terms of the General Resolution No. 3.474 and its modification.

10.3. For those who claim a right or an interest legitimate on the cargo, it will be optional to appoint an expert representing them in the operations of measuring, in which case they are obliged to registering the results obtained in this Act expressly

or make observations as per their rights. Otherwise, it cannot be done later, and must accept as valid for all legal purposes the results obtained by Customs staff.

10.4. The results obtained on both controls and measurements taken at the request of the interested parties must be registered in the OM-1606-B form, in its part "in fine".

10.5. In controversial situations, and for the purposes of better illustrating, it will accompany form B-1607-OM or OM 1608-B, as appropriate.

11. Tolerance

11.1. the margin of tolerance in respect of difference of calculation is established in the required weight necessary to vary the depth in two comma fifty and four CENTIMETERS (2.54 cm) (equivalent to one inch) - (2.54 x TPC), in the condition in which is carried out the measurement of the loaded vessel, or six per thousand (6‰) of the total of the cargo, which is greater, in more or less, considering it for tax purposes correctly and actual declared amount, provided that it does not exceed this limit.

For example:

A ship loading 10,000 TM and possessing a TPC of 45 TM/cm, with the draught of loaded vessel results:

$$2.54 \times 45 \text{ TPC} = 114,30 \text{ TM} \quad (114,3 \times 100/10,000 = 1.14\%)$$

The same vessel load 30,000 TM and possess a TPC of 46.5 TM/cm, with the draught of loaded vessel results:

$$2.54 \times 46.5 \text{ TPC} = 118,11 \text{ TM} \quad (118,11 \times 100/30,000 = 0,393\%)$$

In this last case, it is accepted the six per thousand (6‰) of the total load is 180 TM.

TM: metric ton.

TPC: Ton per immersion centimeter

11.2. In those operations with solid goods in bulk and for the purpose provided for in subparagraph (c) of the article 959 of the code customs, a margin of tolerance of the four percent (4%) on the unit of measurement for the same shall be accepted.

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11.3. In the case of operations in which there are differences exceeding the margins of tolerance indicated in point 11.1 and that do not exceed the tolerance permitted by the customs code, prior compliance and payment of the charge to the

person concerned, the quantities declared for the purposes of the compliment will be accepted. When excesses to the permissible tolerance are determined, it will be consider as definitive the figures obtained with measuring by draught, without deducting any amount in respect of tolerance set forth in point 11.1. ". "

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