



Treaty Series No. 2 (1940)

EXCHANGE OF NOTES

between the Government of the United Kingdom and
the Government of Cuba

MODIFYING THE ANGLO-CUBAN
COMMERCIAL AGREEMENT
OF FEBRUARY 19, 1937

Havana, October 7/17, 1939

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

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EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM AND THE GOVERNMENT OF CUBA
MODIFYING THE ANGLO-CUBAN COMMERCIAL AGREEMENT
OF FEBRUARY 19, 1937.⁽¹⁾

Havana, October 7/17, 1939.

No. 1.

Señor Doctor Miguel Angel Campa to Mr. Grant Watson.

Señor Ministro : *La Habana, 7 de Octubre de 1939.*

TENGO la honra de referirme al atento "memorandum" de esa Legación de fecha 4 de febrero del año en curso, por el cual se hace mención de la redacción del "anexo A" del vigente Tratado de Comercio anglo-cubano, para reclamar en favor de los tejidos ingleses de lino y mezclas de lino, blanqueados y semi-blanqueados, la exención en el pago de los recargos que establece el Arancel cubano, por entender que constituyen un gravamen sobre los derechos especificados en dicho Arancel, del que aparecen expresamente liberados los tejidos ingleses en virtud de la estipulación contenida en el mencionado "anexo A."

De acuerdo con el "memorandum" de esa Legación el Gobierno de vuestra Excelencia se limita a solicitar la exención en el pago de los recargos establecidos en la Partida 132 del Arancel de Aduanas cubano destinados a gravar los tejidos aforados por dicha Partida, cuando los mismos han sido blanqueados, medio blanqueados, estampados y teñidos a un solo color o formando listas, cuadras u otros dibujos.

El hecho de tratarse de un asunto de tanta importancia como es la recta interpretación de tratado internacional, una de cuyas cláusulas no aparece lo suficientemente clara como para proceder a su inmediata aplicación en el sentido solicitado, me ha movido a dirigirme personalmente a vuestra Excelencia a fin de procurar un acuerdo entre los dos Gobiernos que aclare la cláusula que hoy ofrece serias dudas a la Administración cubana.

Inmediatamente de entrar en vigor el tratado que nos ocupa, las autoridades de Aduana cubanas, de conformidad con lo dispuesto en el "anexo A." eximieron a los tejidos ingleses clasificados por la Partida 132 del Arancel del recargo arancelario adicional del 30 por ciento sobre los derechos liquidados, establecidos por la Ley de 9 de agosto de 1932, no procediendo en igual forma con los otros recargos mencionados por vuestra Excelencia en el relacionado "memorandum" de esa Legación, por entender que de acuerdo con la actual

⁽¹⁾ "Treaty Series No. 67 (1938)," Cmd. 5867

redacción del "anexo A" no es posible hacerlo extensivo a dichos recargos.

No obstante, mi Gobierno, deseando propiciar el intercambio comercial anglo-cubano, estará, en principio, de acuerdo con favorecer la importación de tejidos de lino y mezclas de lino fabricados en la Gran Bretaña, eximiendo a los mismos de los recargos por blanqueo, semi-blanqueo, teñido y estampado, recargos que siempre han existido en el Arancel de Aduanas cubano, y que por lo tanto forman parte integrante del mismo, siempre que la redacción del "anexo A" permita a las autoridades de Aduana cubanas eximir a dichos tejidos ingleses de los mencionados recargos.

Con tal fin, me permito sugerir a vuestra Excelencia consulte a su Gobierno si estaría conforme en sustituir la actual redacción del párrafo (1) del "anexo A" del vigente Tratado de Comercio anglo-cubano, por la siguiente:—

" ANEXO ' A. '

" 1. Los tejidos de lino y mezclas de lino fabricados en el Reino Unido, clasificados bajo la Partida 132 del Arancel de Aduanas cubano, estarán exentos del pago de los recargos del 30 por ciento sobre los derechos liquidados, establecido por la Ley de 9 de agosto de 1932; del 15 por ciento por blanqueo o medio blanqueo, establecido en el propio arancel; y del 25 por ciento por estampado, teñidos a un solo color, o formando listas, cuadros u otros dibujos, también establecido en el Arancel de Aduanas cubano, y no estarán sujetos, durante la vigencia de este Tratado, a otros o mayores derechos, cargas o recargos que los actualmente en vigor.

" 2. A los géneros de lana y mezcla de lana , &c."

" SCHEDULE ' A. '

" 1. Linens and linen mixtures of United Kingdom manufacture, classified under Item 132 of the Cuban Customs Tariff, will be exempted from payment of the 30 per cent. surcharge, over the customs duties imposed, established under Act of the 9th August, 1932; from the 15 per cent. for bleaching or semi-bleaching established by said Tariff, and from the 25 per cent. for printing, dyeing in one colour only, or forming stripes, squares or other designs, likewise established by the Cuban Customs Tariff, and they will not, during the life of this Agreement, be subject to other or higher duties, charges or surcharges than those now in force."

Con este cambio en la redacción del "anexo A," que pudiera ser virtualizado al comunicarme vuestra Excelencia la conformidad de su Gobierno, las autoridades de Aduanas cubanas quedarían en condiciones de eximir a los tejidos de lino y mezclas de lino fabricados

en la Gran Bretaña, de los recargos a que se refiere vuestra Excelencia en el "memorandum" de esa Legación de fecha 4 de febrero del año en curso.

Aprovecho, &c.

MIGUEL ANGEL CAMPA.

(Translation.)

Mr. Minister,

Havana, October 7, 1939.

I have the honour to refer to the memorandum of the 4th February, 1939, from the Legation in which mention was made of the phrasing of "Schedule A" of the present Anglo-Cuban Commercial Treaty, for the purpose of claiming for English tissues of linen and linen mixtures, bleached or semi-bleached, exemption from payment of the surcharges established by the Cuban tariff, on the understanding that they represent a charge on the duties specified in said tariff from which English tissues appear as expressly exempt by virtue of the stipulation contained in the aforesaid "Schedule A."

In accordance with the Legation "memorandum," your Excellency's Government solely request exemption from payment of the surcharges established in Group 132 of the Cuban Customs Tariff, applicable to the tissues classified under that Group, when the latter are bleached, semi-bleached, printed and dyed, either in one colour or with stripes, checks and other designs.

The fact of dealing with a matter of such importance as the proper interpretation of an international treaty, one of the clauses of which does not appear to be sufficiently clear to permit of its immediate application in the manner requested, has led me to address your Excellency personally in order to reach an agreement between the two Governments which may clarify the clauses that now present grave doubts to the Cuban Administration.

Immediately the treaty in question came into force the Cuban Customs authorities, in conformity with the conditions under "Schedule A," exempted English tissues, classified under Group 132 of the Tariff, from the additional tariff surcharge of 30 per cent. on the net duties established by the law of the 9th August, 1932, but not proceeding in like manner in respect of the other surcharges mentioned by your Excellency in the Legation memorandum in question, on the understanding that, according to the present text of "Schedule A," it is not possible to extend the exemption to these surcharges.

Nevertheless, my Government, desirous of favouring Anglo-Cuban commercial interchange, would, in principle, be disposed to favour the importation of tissues of linen and linen mixtures manufactured in Great Britain, exempting them from the surcharges for bleaching, semi-bleaching, dyeing and printing, surcharges which have always existed in the Cuban Customs Tariff, and which, therefore, form an integral part of it, provided that the phrasing of

“ Schedule A ” permits the Cuban Customs authorities to grant exemption to the English tissues referred to from the above-mentioned surcharges.

To this end I beg to suggest that your Excellency consult your Government as to whether they would agree to substitute the present text of paragraph 1 of “ Schedule A ” of the present Anglo-Cuban Commercial Treaty as follows :—

“ SCHEDULE ‘ A. ’

“ 1. Linens and linen mixtures of United Kingdom manufacture, classified under Item 132 of the Cuban Customs Tariff, will be exempted from payment of the 30 per cent. surcharge, over the customs duties imposed, established under Act of the 9th August, 1932; from the 15 per cent. for bleaching or semi-bleaching established by said Tariff, and from the 25 per cent. for printing, dyeing in one colour only, or forming stripes, squares or other designs, likewise established by the Cuban Customs Tariff, and they will not, during the life of this Agreement, be subject to other or higher duties, charges or surcharges than those now in force.”

With this change in the text of “ Schedule A,” which could be made effective upon your Excellency’s informing me of your Government’s approval, the Cuban Customs authorities would be in a position to exempt tissues of linen and linen mixtures manufactured in Great Britain from the surcharges to which your Excellency refers in the Legation memorandum of the 4th February, 1939.

I avail, &c.

MIGUEL ANGEL CAMPA.

No. 2.

Mr. Grant Watson to Señor Doctor Miguel Angel Campa.

Your Excellency,

Havana, October 17, 1939.

I HAVE the honour to acknowledge the receipt of your Excellency’s note of the 7th instant dealing with the interpretation to be given to paragraph 1 of “ Schedule A ” of the Anglo-Cuban Commercial Agreement of the 19th February, 1937.

I take note of the proposal of your Excellency that a new text in Spanish and in English of paragraph 1 of “ Schedule A ” be substituted for the present text of that paragraph. The new text reads as follows :—

“ SCHEDULE ‘ A. ’

“ 1. Linens and linen mixtures of United Kingdom manufacture, classified under Item 132 of the Cuban Customs Tariff,

will be exempted from payment of the 30 per cent. surcharge, over the customs duties imposed, established under Act of the 9th August, 1932; from the 15 per cent. for bleaching or semi-bleaching established by said Tariff, and from the 25 per cent. for printing, dyeing in one colour only, or forming stripes, squares or other designs, likewise established by the Cuban Customs Tariff, and they will not, during the life of this Agreement, be subject to other or higher duties, charges or surcharges than those now in force.”

“ ANEXO ‘ A.’

“ 1. Los tejidos de lino y mezclas de lino fabricados en el Reino Unido, clasificados bajo la Partida 132 del Arancel de Aduanas cubano, estarán exentos del pago de los recargos del 30 por ciento sobre los derechos liquidados, establecido por la Ley de 9 de agosto de 1932; del 15 por ciento por blanqueo o medio blanqueo, establecido en el propio arancel; y del 25 por ciento por estampado, teñidos a un solo color, o formando listas, cuadros u otros dibujos, también establecido en el Arancel de Aduanas cubano, y no estarán sujetos, durante la vigencia de este Tratado, a otros o mayores derechos, cargas o recargos que los actualmente en vigor.

“ 2. A los géneros de lana y mezcla de lana , &c.”

Under instructions from His Majesty’s Secretary of State for Foreign Affairs, I have the honour to inform your Excellency that His Majesty’s Government agree to the modification of the Convention in these terms.

I avail, &c.

H. A. GRANT WATSON.