

Please be informed that Argentine Customs Authorities have issued a new resolution known as "Resolution General 3506" which is already in force.

Until the time this new resolution was published, the importers/exporters as per customs regulation No. 2914/94 had the benefit of deciding what method was to be employed as to establish the weight of dry cargoes in bulk.

This method created a number of inconveniences in relation to export and import cargoes in view that disputes arose when discrepancies between ship and shore's figures were ascertained upon completion of loading of bulk cargoes either dry or liquid based on the shippers argument that shore scales are more accurate than the draft survey method plus the fact that the weighting method was supervised by customs officers.

A similar problem also occurred at the time of off-loading fertilizers in bulk where the weight was also ascertained by shore scales not always close to the vessel and beyond the control of the sea carrier.

Now with this new resolution, copy of which is attached hereto including a free translation into English language for your easy reference, the method to determine the weight or volume of bulk cargoes will be decided by the Customs Authorities. Although we believe that this new resolution has been adopted more to control the grain traders exporters than anything else, we are of the view that it could reduce the present difficulties that the ship-owners are facing at the time of loading dry/liquid cargoes in bulk or when off-loading fertilizers in bulk if and when Customs carry out their controls onboard the ship.

In relation to this our recommendations would be as follows:

a) For loading dry or liquid cargoes in bulk.

If the Customs decide to check weights through the draft survey method in relation to dry cargoes or measurement of ship's tanks for liquid cargoes then, the Master, has always to ensure that a proper document stating the quantities as per the survey carried out by Customs onboard is jointly signed between the Customs and the ship and a proper copy kept onboard. In principle we feel that this should help in case of disputes between shore and ship's figures as for loading documents to be remarked accordingly protecting the carrier's position.

b) For off-loading of fertilizers.

In previous circulars we have suggested that draft survey, if possible, should be carried out jointly with the Customs at load ports and properly reflected in the ship's documents including the sealing of hatches. With this new resolution we are of the view that before arrival both Customs and shippers should be invited to attend onboard upon arrival for the breaking of seals -where applicable- and for a joint draft survey for the weights to be established as per ship's figures instead of shore ones. Surely this would assist to reduce present cases of shortages and Customs fines in relation to shortages of cargo as well as the number of letters of undertaking which are nowadays issued in favor of port agents in relation to Customs infringements.

We feel that it is important to mention that in accordance to point 9.4 of Customs old resolution N° 2220/90 modified by resolution 2914/94 the vessel can appoint a surveyor registered with the Coast Guard Authorities to be present during the draft survey or measurements of tanks who then would be obliged to sign the Customs forms and with right to insert remarks, otherwise he would not be able to do it at a later stage accepting as valid for all legal effects, the measurements taken by the Customs. Therefore our suggestion is to ensure that a surveyor is always appointed on ship's behalf when the quantities are going to be established by the Customs through draft survey or measurement of ship's tanks which we assume could be find out by agents beforehand.