

Required Report - public distribution

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Cuba

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

The United States allows for the export of agricultural products to Cuba under the Trade Sanctions Reform and Export Enhancement Act of 2000. This report provides information on Cuba's regulatory environment as it relates to U.S. agricultural exports. Cuba is fairly receptive to U.S. agricultural products, and Cuban requirements related to product labeling, sanitary product registration, and export documentation are all quite standard. All U.S. agricultural exports must be channeled thru one Cuban government agency, ALIMPORT. U.S. exporters must also be willing to navigate a complex set of U.S. regulatory export controls prior to shipping products to Cuba.

Section I. Food Laws:

This report was prepared by the Caribbean Basin Agricultural Trade Office of the USDA/Foreign Agricultural Service in Miami, Florida for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

The United States has become Cuba's largest supplier of agricultural goods in a matter of only a few years, with U.S. agricultural fish and forestry exports totaling nearly \$700 million in 2008. This trade underscores Cuba's dependence on imports of agricultural products to satisfy its domestic food needs, as well as supply its tourism sector, the country's largest industry. Imports account for an estimated 84 percent of Cuba's food supplies according to Cuban government reports.

The government-operated Empresa Cubana Importadora de Alimentos (ALIMPORT) is the sole buying agency for U.S. agricultural products. ALIMPORT negotiates for client Cuban entities and handles all purchasing, documentation and logistics. Other Cuban agencies may import from non-U.S. sources, but in the case of the United States, ALIMPORT is the exclusive negotiating and procurement party. The Ministry of Agriculture is responsible for regulating imports of animals and animal products, as well as imports of plants and plant products. Live animals and animal product imports are subject to regulations of Decree 137 of 1993. Imports of live plants and plant products are subject to regulations set forth in Resolution 366 of 1990 and Resolution 435 of 1994. Similarly, the Cuban Ministry of Health is responsible for regulating imports of consumer-ready foods. Enforcement is carried out mostly at the port of entry where scrutiny can be intense and at the importer warehouse level. Since practically all retail establishments are state controlled enterprises, enforcement at the retail level is minimal at best. Overall enforcement in Cuba is not unlike that of in many Latin American countries, where lack of resources and other factors can undermine government efforts.

USDA export certificates are required for bulk grain and meat products, particularly for fresh, frozen, and canned meats. U.S. exporters should keep in mind that as of the date of this report, the diplomatic status between the United States and Cuba did not allow USDA officials to contact Cuban government officials. Therefore, we encourage U.S. exporters to work closely with the importer and/or the Cuban government to fully verify import requirements for agricultural goods.

Section II. Labeling Requirements:

All food products are required to be labeled in Spanish. Multilingual labels are acceptable as long as Spanish is one of the languages used on the label.

Following is the information required by Cuban law on all prepackaged food product labels:

1. Name of the food product
2. Country of origin
3. Commercial brand name
4. Name and address of the manufacturer
5. Ingredients and additives
6. Net content and drained weight
7. Instructions for use
8. Storage instructions
9. Date of manufacture or lot number/code and expiration date

In addition to the above mandatory labeling requirements, Cuban authorities may also refer to internationally accepted Codex Alimentarius (Codex) standards if discrepancies with foreign labels exist. Codex, also known as the "food code," is a set of scientifically-based and globally-recognized standards, codes of practice, guidelines and recommendations for food products.

Standard U.S. product labels are generally acceptable. However, stick-on labels may be required to comply with the Spanish language requirement or any of the 9 labeling requirements listed above and which are not specified on the U.S. product label. It is recommended that any stick-on labels be affixed on the product prior to arrival in Cuba, so that the product is fully compliant at the port of entry, and the customs clearance process is not delayed. As mentioned earlier, the port of entry is the main point of enforcement. In addition, while stick-on labels will fulfill import requirements in the short term, U.S. companies seeking to export food products to Cuba over the long run should label their products according to Cuban requirements without the use of stick-on labels (to avoid any possible complications at the port of entry).

Cuban regulations do not specifically address labeling requirements for samples or institutional-packed products for the food service industry. However, in the case of institutional packed products, health authorities normally do not expect to see all the information required on labels of retail products. The boxes or cases in which institutional products are shipped must be labeled with the name or description of the product and with the product size. The products themselves should be individually labeled with the same information as well. However, given that the end use of institutional packed products cannot always be guaranteed, it is recommended that they be labeled the same as retail products when possible.

Cuba has no specific standards regarding irradiated food products. U.S. standards on this subject are acceptable.

Section III. Packaging and Container Regulations:

Cuba has no special Municipal Waste Disposal Laws or product recycling regulations. The manufacturer has the flexibility to use any packaging material as long as it is acceptable for use with food products. PVC and similar materials are fully acceptable in Cuba.

Section IV. Food Additives Regulations:

Cuban law does not cite any major restrictions on additives. Thus, if the additive is recognized as being suitable for human consumption, particularly by Codex standards, it is considered acceptable by the Cuban Ministry of Health.

U.S. exporters can obtain a complete list of additives that are acceptable by the Cuban Ministry of Health directly from the Ministry's Institute of Nutrition and Food Safety listed in Appendix I. U.S. exporters wishing to introduce a food product into Cuba containing a new additive, should contact the above specified agency and be prepared to submit the proper documentation/samples for scientific analysis prior to approval.

Section V. Pesticides and Other Contaminants:

The Ministry of Health is the agency charged with regulating pesticide/contaminant residues in foodstuffs. The Ministry uses its own list of approved products and acceptable tolerance levels for each. U.S. exporters may obtain a copy of such list by contacting the Ministry's Institute of Nutrition and Food Safety. As a general rule of thumb, Codex maximum residue limits are acceptable for most foodstuffs. The Ministry of Health will remove a pesticide/contaminant suspected of affecting the food supply or producing illness to conduct the proper analysis and determine its impact on the consumer.

Section VI. Other Regulations and Requirements:

U.S. exporters should ascertain whether their products will require a zoosanitary import permit (for animal products) or a phytosanitary import permit (for plant products) prior to exporting any agricultural product to Cuba. These permits, issued by the Cuban Ministry of Agriculture, are normally obtained by the importer. The Cuban government requires the appropriate zoo/phyto-sanitary import permit from the importing party before any trade contract is executed. In order to obtain such permits, the following is usually required:

1. Commercial name of the product;
2. Scientific name of the product (if applicable);
3. Use of the product;
4. Method of transportation into Cuba;
5. Country of origin; and
6. Country from which the product is being delivered to Cuba.

In the case of meat products, a visit by a Cuban Ministry official to the farm and/or processing facility from which the products originate may be required prior to granting a zoosanitary import permit. Any plant product posing a risk to plant health will require a phytosanitary import permit. Such is the case for live plants or parts of plants, seeds, animal feeds, forestry products, products for industrial use such as cotton, tobacco, and medicinal plants and herbs. For the most part, processed consumer-ready food products are not subject to such requirements by the Ministry of Agriculture. However, U.S. exporters are urged to verify the need for any sanitary permits from the Ministry of Agriculture.

Also, all U.S. exporting companies must be registered with the government of Cuba prior to shipping any products to Cuba. Procedures have been streamlined and consist of sending the following documentation to ALIMPORT (see Appendix I for contact information):

1. Company name, address, short history, officers, and any other information demonstrating bona fides of the exporting company.

2. Technical specifications of the product(s).
3. Certificate of free sale
4. Phytosanitary or health certificate

Prior to shipping of any U.S. agricultural products to Cuba, U.S. exporters must also register their products with the Institute of Nutrition and Food Safety, a dependency of the Cuban Ministry of Public Health. Because ALIMPORT is the sole buying agency for U.S. products, they usually facilitate the product registration procedure with the Institute of Nutrition and Food Safety. The following is required for purposes of sanitary product registration:

1. Three (3) samples of the product
2. Certificate of origin
3. Phytosanitary or health certificate
4. Certificate of free sale
5. Packing list
6. Non-commercial invoice indicating either “no commercial value” or a negligible value of less than \$20.

There are no requirements for samples sizes/quantities for testing. However, U.S. exporters should use common sense in providing samples which are ample enough for laboratory analysis. Registration usually takes about 15 days from the time that all the documents and samples have been received.

The U.S. Department of Commerce’s Bureau of Industry and Security (BIS) regulates exports to Cuba. Any person seeking to ship any goods, including samples, from the United States to Cuba directly or indirectly, must first obtain authorization from BIS. Contact information for BIS can be found in Appendix II.A.

Traveling to Cuba to transport product samples is possible, but it can also prove cumbersome. The U.S. Treasury Department’s Office of Foreign Assets Control (OFAC) administers the Cuban Assets Control Regulations that regulate travel to Cuba and use of dollars by travelers in Cuba. Contact information for OFAC can also be found in Appendix II.A.

Travelers carrying food samples into Cuba are required to declare the products to Cuban Customs. For products subject to special import requirements (i.e. meat products), Customs may request additional authorization/documentation by the appropriate regulatory agency. As a general rule of thumb, the declared value of the merchandise should read "No Commercial Value" in the case of samples. Customs rulings involving decisions taken against travelers or their luggage may be appealed. Initial claims should be made to the Chief of the Customs unit where the ruling was originally made. Claims can be escalated to the next highest level if need be.

Although compliance with health standards is verified mostly at the port of entry and at the importer warehouse level, the Cuban government does exercise some control, albeit on a very limited basis, at the retail level. When random inspections by health officials uncover irregularities such as spoiled product or product past its expiration, the product is usually confiscated. Store managers may be

penalized depending on the severity of the violation. The same applies at the wholesale level, except in this case the scrutiny is more intense. At the wholesale level the penalties for violations are also higher. In addition to product confiscation and fines, penalties may also include total removal of the product from the island and temporary suspension of import privileges for the particular item in question.

Section VII. Other Specific Standards:

For information related to Cuba's requirements for meat products exported from the United States, see USDA's Food Safety and Inspection Service's Export Library ([www.fsis.usda.gov/Regulations & Policies/Cuba Requirements/index.asp](http://www.fsis.usda.gov/Regulations%20&%20Policies/Cuba_Requirements/index.asp)).

For information on Cuba's requirements for live animals exported from the United States, see USDA's Animal and Plant Health Inspection Service website (www.aphis.usda.gov/regulations/vs/iregs/animals/animal_cuba.shtml).

Information on exporting animal products to Cuba such dairy products and pet foods can be found at http://www.aphis.usda.gov/regulations/vs/iregs/products/product_cuba.shtml.

Vitamins and nutritional products are considered pharmaceutical in nature, and they are not sold in supermarkets or retail food stores. These types of products are sold in pharmacies only.

Section VIII. Copyright and/or Trademark Laws:

All trademarks and brand names registered in Cuba are protected under Cuba law. Trademark registration with the Cuban Office of Intellectual Property is voluntary. U.S. exporters shipping their products to Cuba are advised to make every effort to register their trademarks and brand names in Cuba in order to obtain protection against infringement. A trademark registration is valid for 10 years and may be renewed indefinitely for successive ten year periods. U.S. exporters should be aware that although they may own the trademark for their product, this does not necessarily prevent someone else from registering it in Cuba. Legally established firms in Cuba, domestic and foreign, can register a trademark thru their legal representative, a designated representative, or an official agent (see Appendix II.B for a list of such agents). Foreign firms not legally established in Cuba must conduct all business with the Cuban Office of Intellectual Property thru an official agent. For further information on the trademark registration process, U.S. exporters should consult with an official agent.

Applicable laws governing trademark registration include:

1. Decree No. 68: Inventions, Scientific Discoveries, Industrial Models, Trademarks and Denominations of Origin (May 14, 1983);
2. Decree No. 160: Patent Applications concerning the Pharmaceutical and Agricultural Chemical Products (June 9, 1995);
3. Decree No. 203: Trademarks and Other Distinctive Signs (December 24, 1999);
4. Decree No. 228: Designation of Origin and Geographical Indications (February 22, 2002).

According to statistics from the Cuban Office of Intellectual Property, from 200 to 2008, over 24,000 trademark applications were received. Eighty five percent of these trademark applications were foreign. A large number of U.S. companies have already registered their trademarks and brand names for many of the well established and recognizable U.S. food products.

Section IX. Import Procedures:

An importer begins the customs clearance process by submitting a customs merchandise declaration. This declaration must be accompanied by the following documents:

1. Shipping documents (i.e. original bill of lading, export certifications were applicable, etc.)
2. Commercial invoice (original)
3. Packing list (original)
4. Certificate of Origin
5. Phytosanitary and fumigation certificates in the case of wood

All documents must be translated into Spanish. Cuban Customs offers some leeway in terms of documentation. For instance, Proforma invoices are temporarily accepted. Importers are also allowed to submit Customs declarations in advance of shipment arrivals, and make temporary or incomplete declarations when all the information necessary for clearance is not readily available. However, a commitment to submit a complete declaration and all the remaining documentation is required.

Shipments are inspected and cleared at three different levels. At the first level, merchandise goes through any one of three channels: green, orange or red. In the green channel, neither the documents nor the merchandise are inspected. In the orange channel, the documents are reviewed to determine if a physical inspection of the merchandise is required. In the red channel, clearance is granted only after the merchandise has been physically inspected. According to Cuban Customs, 90 percent of all shipments move through the green channel in the first stage. In the second clearance level, the documentation is reviewed again to determine if any errors in classification, valuation, or duty assessment may exist.

Customs may apply administrative sanctions to any importer or customs agents found to be negligent or to exercise malicious intent. The third and final level of clearance involves post clearance inspections, which may take place up to five years after the merchandise is imported into the country.

We recommend that U.S. exporters hire a licensed Customs Agent in order for the customs clearance process to flow smoothly (see Appendix II.B for a list of accredited Cuban Customs Agents). Customs clearance time may vary depending on the volume of cargo entering Cuba at any given time, and the number of documents required for specific merchandise. The entire process may take one to three weeks depending on the effectiveness of the Customs Broker. Scrutiny of the import process can be quite intense and time consuming. Information contained in the Bill of Lading and pertaining to the consignee must also be complete and accurate. Discrepancies in this regard will most likely delay the clearance process.

Decisions by Customs officials to reject merchandise may be appealed. Depending on the grounds

for rejection, the head of the Customs Department or the Minister of Health will have the final say on whether or not merchandise can be imported into the country.

Applicable laws governing Customs procedures include:

1. Decree No. 124: Customs Duties of the Republic of Cuba (October 1990);
2. Decree No. 162: Customs Law of the Republic of Cuba (May 1996)
3. Decree No. 207: Customs Administrative Infractions (May 1996)

Cuba uses the nomenclature of the harmonized system up to 8 digits. Duties for most favored nations (WTO members and those with bilateral agreements with Cuba) average 10.7 percent and for all others, including the United States, duties do not exceed 17 percent in most cases. Raw materials carry a duty of 5 to 15 percent. Over 90 percent of subheadings have a duty of less than 15 percent and only 8 percent of subheadings have a duty above 20 percent.

Appendix I. Government Regulatory Agency Contacts:

For general purchasing, documentation and logistics issues related to the importation of U.S. agricultural products:

ALIMPORT – MID (Cuban Agency for the Importation of Food)
Calle 8 No. 508
e/5 y 5B
Miramar, Playa
La Habana, Cuba
Tel: 011 (537) 204-1274, 204-1395
Fax: 011 (537) 204-1274

For sanitary registration of food products and other food safety issues:

Instituto de Nutrición e Higiene de los Alimentos (Institute of Nutrition and Food Safety)
Ministerio de Salud Pública (Ministry of Public Health)
Infanta No. 1158 entre Llinás y Clavel
Centro de la Habana
Ciudad de la Habana, Cuba CP 10300
Tel: 011 (537) 878-1429, 878-5919, 870-0183
Fax: 011 (537) 873-8313
E-mail: inha@infomed.sld.cu

For labeling and other standards:

Oficina Nacional de Normalización (National Standards Office)

Calle E No. 261 entre 11 y 13
Vedado - La Habana 10400
Tel: 011 (537) 830-0022
Fax: 011 (537) 836-8048
E-mail: nc@ncnorma.cu

For live animals and animal product import requirements:

Instituto de Medicina Veterinaria (Institute of Veterinary Medicine)
Calle 12 #355 E/ 15 y 17, Plaza de la Revolución
Ciudad de la Habana, Cuba CP 10400
Tel: 011 (537) 833-7077
Fax: n/a
E-mail: rbescofet@infomed.sld.cu, pssantos@infomed.sld.cu, egmerlo@infomed.sld.cu

For plant and plant product import requirements:

Centro Nacional de Sanidad Vegetal (National Plant Health Center)
Ministerio de Agricultura (Ministry of Agriculture)
Ayuntamiento No. 231
e/ Lombillo y San Pedro, Plaza de la Revolución
Ciudad de la Habana, Cuba
Tel: 011 (537) 879-1339, 870-0925, 881-5089
Fax: 011 (537) 870-3277
E-mail: cnsv@ceniai.inf.cu, director@sanidadvegetal.cu

Other:

Oficina Cubana de la Propiedad Intelectual (Cuban Office of Intellectual Property)
Ministerio de Ciencia, Tecnología y Medio Ambiente (Ministry of Science, Technology & the Environment)
Calle Picota No. 15, Entre Luz y Acosta
Habana Vieja C.P. 10100
Ciudad de la Habana, Cuba
Tel: 011 (537) 862-4379 / 861-3602 / 862-9771 / 866-0557 to 59
Fax: 011 (537) 866-5610
E-mail: ocpi@ocpi.cu

Aduana General de la República de Cuba (Cuban Customs Administration)
Calle 6, Esquina a 39, Plaza Revolución
Ciudad de la Habana, Cuba CP 10600
Tel: 011 (573) 883-8282, 883-7575, 881-9732
E-mail: publico@agr.aduana.cu

Appendix II. Other Import Specialist Contacts:

A. U.S. Government Contacts

Caribbean Basin Agricultural Trade Office
Foreign Agricultural Service
U.S. Department of Agriculture
909 SE 1st. Ave Suite 720
Miami, FL 33131
Tel: (305) 536-5300
Fax: (305) 536-7577
E-mail: atocaribbeanbasin@fas.usda.gov
Website: www.cbato.fas.usda.gov

Sarah Hanson, Director
E-mail: sarah.hanson@fas.usda.gov

Omar González, Mktg. Specialist
E-mail: omar.gonzalez@fas.usda.gov

Graciela Juelle, Marketing Assistant
E-mail: grace.juelle@fas.usda.gov

Office of Exporter Services
Bureau of Industry and Security
U.S. Department of Commerce
Washington, D.C.
Tel: (202) 482-4811
Fax: (202) 482-2927
Website: www.bis.doc.gov

Office of Foreign Assets Control
U.S. Department of the Treasury
Treasury Annex
1500 Pennsylvania Avenue, NW
Washington, DC 20220
Tel: (800) 540-6322
Fax on Demand Service: (202) 622-0077
Website: www.treas.gov/offices/enforcement/ofac/index.shtml

B. Non-U.S. Government Contacts

Official agents specializing in trademark and/or sanitary registration:

BUFETE INTERNACIONAL, CONSULTORES DE MARCAS Y PATENTES
Casa Matriz
5ta. Avenida No. 4002
Esquina 40, Playa
Ciudad de la Habana
Tel: 011 (537) 204-5126, 204-5127, 204-5736, 204-5737
Fax: 011 (537) 204-5125
E-mail: marcas@bufeteinternacional.cu

CLAIM, S.A.
Lamparilla # 2. Lonja del Comercio. Oficina 6

Habana Vieja. Ciudad de La Habana. CP 10100
Tel: 011 (537) 33-0743, 33-0755, 866-0743, 866-0755
Fax: 011 (537) 33-0746
E-mail: dirmapat@claim.com.cu & claim@claim.com.cu

CONSULTORIA JURIDICA INTERNACIONAL
Calle 16 No. 314, entre 3ra y 5ta. Avenida, Miramar
Playa, Ciudad de La Habana
Teléfonos: (537) 204-2490, 204-2469
Fax: (537) 204-2303
E-mail: cji@cji.co.cu

LEX, S.A. SERVICIOS JURIDICOS DE MARCAS Y PATENTES
Calle 1ra No. 1001, Esquina 10, Miramar
Playa, Ciudad de la Habana
Tel: 011 (537) 204-9093
Fax: 011 (537) 204-9533
E-mail: lexsa@lex-sa.cu

BUFETE ESPECIALIZADO
Calle 23 No. 501, Esquina a J. Vedado, Plaza de la Revolucion
Ciudad de la Habana
Tel: 011 (537) 832-6813, 832-6024, 833-2159
E-mail: ania.bes@onbc.cu & besnet@cenial.inf.cu

Accredited Cuban customs agents:

ADESA, S.A.
Avenida del Puerto E/ LFCC y Calle Hacendados
Habana Vieja, C. Habana
Tel: 011 (537) 860-8581
Fax: 011 (537) 860-8044

AEROVARADERO, S.A.
Carretera Wajay Km 1/2. Aijm.
Boyeros, C. Habana
Tel: 011 (537) 642-6009, 266-4120, 266, 4118
Fax: 011 (537) 642-6009

ALMACENES UNIVERSALES, S.A.
Fabrica No. 54 E/ Aspuru y LFFC
Habana Vieja, C. Habana
Tel: 011 (537) 690-2359, 690-2367, 690-2370

ARANDIA, S.A.

1ra #2416, Esq. 26, Miramar

Playa, C. Habana

Tel: 011 (537) 204-9420, 204-8781, 204-8702

CONSIGNATARIA MARITIMA CARIBEÑA

5ta Avenida, No. 4001 E/40 y 42

Miramar, C. Habana

Tel: 011 (537) 204-1226

Fax: 011 (537) 204-1227

CUBACONTROL, S.A.

Calle Conill, Esq. 26 Plaza

C. Habana

Tel: 011 (537) 855-5720/24

Fax: 011 (537) 855-5730, 855-5738

CUBANACAN EXPRESS, S.A.

5ta A, No. 6223 E/64 y 66

Playa, C. Habana

Tel: 011 (537) 204-9058, 204-2499

Fax: 011 (537) 204-9058, 204-2499

CUBAPACK INTERNATIONAL, S.A.

22 # 4115 E/ 41 y 47

Playa, C. Habana

Tel: 011 (537) 204-1774

Fax: 011 (537) 204-2226

EMPRESA CONSIGNATARIA MAMBISA

San Jose # 65 E/Prado y Zulueta

Habana Vieja, C. Habana

Tel: 011 (537) 862-2061 to 65 ext. 144, 862-7138

Fax: 011 (537) 866-8111

EMPRESA NACIONAL DE TRANSPORTE DEL COMERCIO

Avenida Camilo Cienfuegos, #1965, E/23 y 24, Vista Alegre, 10 de Octubre

C. Habana

Tel: 011 (537) 878-1103

EMPRESA CORREOS DE CUBA

Desamparados No. 166 E/ Habana y Compostela

Habana Vieja, C. Habana

Tel: 011 (537) 861-2667, 862-9560
Fax: 011 (537) 861-2667

EMPRESA DE SERVICIOS LOGISTICOS (LOGIDEX)
Loma No. 674 E/ Lombillo y Colon, Plaza Revolucion
C. Habana
Tel: 011 (537) 855-5439

MUSEO NACIONAL DE BELLAS ARTES
Trocadero, S/N E/Zulueta y Monserrate
Habana Vieja, C. Habana
Tel: 011 (537) 861-3857, 863-9484 ext. 115 or 350
Fax: 011 (537) 862-9626

OTM CENTRAL CARGO
Infanta # 1115 E/ Benjumeda y Santo Tomás
Centro Habana, C. habana
Tel: 011 (537) 877-5644 to 46, 879-5331
Fax: 011 (537) 879-5331

PALACIO DE CONVENCIONES
148 Esq. 11, Siboney
Playa, C. Habana
Tel: 011 (537) 208-6111, 208-5312

SERVITALLY
Desamparados S/N Esq. Compostela
Habana Vieja, C. Habana
Tel: 011 (537) 862-1780, 862-1400
Fax: 011 (537) 66-9138

TECNOTEX
Avenida del Puerto, Edificio "La Marina" E/Justiz y Obrapia
Habana Vieja, C. Habana
Tel: 011 (537) 861-5526, 869-5763, 869-5763
Fax: 011 (537) 861-5526, 861-4658

TRANSCARGO, S.A.
San Pedro # 1
Habana Vieja, C. Habana
Tel: 011 (537) 860-8771, 862-7133
Fax: 011 (537) 860-8626`

Author Defined:

APPENDIX III. USEFUL WEBSITES/LINKS

A. U.S. Government websites/links.

1. <http://www.fas.usda.gov/itp/cuba/cuba.asp>

USDA's Foreign Agricultural Service website. This site contains the following information related to Cuba:

- A. Link to the FAS report on Cuba's Food and Agricultural Situation (March 2008)
- B. Answers to frequently asked questions;
- C. General agricultural background;
- D. Commodity fact sheets and trade updates;
- E. U.S. foreign policy, travel guidance, and general background information;
- F. Export & trade guidance (including a list of agricultural commodities eligible for shipment to Cuba);
- G. Trade data; and
- H. U.S. Legislation (Trade Sanctions Reform & Export Enhancement Act of 2000)

2. <http://www.bis.doc.gov/licensing/index.htm>

U.S. Department of Commerce, Bureau of Industry and Security website. In the "Frequently Asked Questions" section, click on "Trade Sanction Reform Act (TSRA)" for information on the licensing process and other useful information.

3. <http://www.treas.gov/offices/enforcement/ofac/programs/cuba/cuba.shtml>

U.S. Department of the Treasury, Office of Foreign Assets Control website. This site offers an overview of Cuban assets control regulations and guidelines and information on the Cuba sanctions program, including information on rules related to use of dollars by travelers and permitted travel. A list of OFAC-Authorized Travel Service Providers can be found at:

http://www.treas.gov/offices/enforcement/ofac/programs/cuba/cuba_tsp.pdf

4. <http://www.state.gov/r/pa/ei/bgn/2886.htm>

U.S. Department of State website. This site offers general background information on Cuba.

5. <http://havana.usinterestsection.gov>

U.S. Interests Section in Havana website. This site offers information on U.S. citizen services as well as USG and non-USG resources.

6. <https://www.cia.gov/library/publications/the-world-factbook/geos/cu.html>

Central Intelligence Agency's World Factbook website. The World Factbook provides general information on Cuba and other countries around the world.

B. Non-U.S. Government websites/links.

The websites listed below are provided for the reader's convenience; USDA does NOT in any way

endorse, guarantee the accuracy of, or necessarily concur with the information contained in these websites.

1. <http://lanic.utexas.edu/la/cb/cuba/>

University of Texas comprehensive listing of websites related to Cuba. *English.*

2. www.nconline.cubaindustria.cu/entrada_english.asp

Cuban Standards On-line. This site provides a catalog of Cuban standards which can be searched for free. Downloading is available to subscribers for a fee. *Spanish & English.*

3. www.aduana.co.cu

Cuban Customs Administration website. This site offers detailed information on Customs clearance legislation, requirements, procedures, and other useful information. *Spanish & English Section.*

4. www.ocpi.cu

Cuban Office of Intellectual Property website. This site offers information on trademark/brand name registration including a list of official agents specializing in trademark registration services. *Spanish only.*

5. www.camaracuba.cu

Cuban Chamber of Commerce website. This site offers information on their trade services, directories, and numerous links to other useful Cuban websites. *Spanish only.*

APPENDIX IV. U.S. EXPORT REGULATIONS

The following is intended as a brief summary of major U.S. regulations pertaining to agricultural products being exported to Cuba under the Trade Sanctions Reform and Export Enhancements Act of 2000 (TSRA). It is based on information contained on the U.S. Department of Commerce's Bureau of Industry and Security (BIS) website and is not to be construed as a complete or definitive listing of U.S. export regulations pertaining to Cuba. For definitive information on the subject, U.S. exporters are advised to contact BIS (see Appendix II.A for contact information).

1. License Exception Agricultural Commodities (AGR):

The Bureau has created a new License Exception Agricultural Commodities (AGR) in section 740.18 of the Export Administration Regulations (EAR). License Exception AGR authorizes exports and certain reexports of eligible agricultural commodities that are classified as EAR99 (i.e., not listed on the Commerce Control List) to Cuba, subject to certain criteria and restrictions. Exporters must notify BIS and obtain confirmation from BIS that no agency of the U.S. Government that reviews these notifications objects to use of License Exception AGR prior to any export or reexport under authority of License Exception AGR. The proposed export must meet all of the criteria and restrictions listed below.

Exports and reexports must be made pursuant to a written contract and must take place within 12 months of the signing of the contract, unless the shipment is a commercial sample or a donation, in which case the contract requirement does not apply. No exports may be made to a terrorist entity, including a Specially Designated Terrorist (SDT) or Foreign Terrorist Organization (FTO), a person denied export privileges by the Department of Commerce if the export would violate the terms of the denial order, or for use in weapons of mass destruction (WMD) programs (i.e., biological, chemical, nuclear warfare or missile proliferations activities). The Treasury Department's Office of Foreign Assets Control lists of SDTs and FTOs as part of the list of Specially Designated Nationals and Blocked Persons. No U.S. owned or controlled foreign firm may export or reexport from a third country to Cuba a foreign produced agricultural commodity.

2. TSRA Eligible Agricultural Commodities

Agricultural commodities are defined in Section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 02). For purposes of License Exception AGR, agricultural commodities include, but are not limited to, food, feed, fish, shellfish and fish products; beer, wine and spirits; soft drinks; livestock; fiber, including cotton, wool and other fibers; tobacco and tobacco products; wood and wood products, including lumber and utility poles; seeds; and reproductive materials such as fertilized eggs, embryos, and semen. A list of eligible agricultural commodities is available for review at the U.S. Department of Agriculture Web site (see Appendix III). Vitamins, minerals, food additives and dietary supplements, and bottled water are also considered to be agricultural commodities for the purposes of License Exception AGR. Some organic and inorganic fertilizers are eligible and some are not. The distinction is as follows: Dry fertilizers containing 15% or less ammonium nitrate are eligible for License Exception AGR. Dry fertilizers containing more than 15% ammonium nitrate are classified as Export Commodity Classification Number (ECCN) 1C997 and are not eligible for License Exception AGR. Liquid fertilizers are eligible for License Exception AGR regardless of the concentration of ammonium nitrate they contain. Some agricultural commodities are not eligible, such as: items on the Commerce Control List (CCL), including western red cedar and live horses; items on the U.S. Munitions List; items for use in weapons of mass destruction (WMD). Agricultural commodities do not include furniture even if made from wood; clothing; agricultural equipment (whether hand tools or motorized equipment); pesticides, insecticides, or herbicides; or cosmetics (unless derived entirely from plant materials).

3. BIS' Prior Notification Procedures under License Exception AGR

Before making any shipment under License Exception AGR, exporters must submit a notification to BIS and obtain confirmation that no agency has raised an objection to the use of License Exception AGR for the transaction described in the notification. BIS informs exporters within 12 business days from the date the notice is registered in BIS's electronic database whether such objections have been raised. BIS's confirmation that no objections have been raised does not relieve parties to the transaction from the obligation to assure that they meet all of the requirements of License Exception AGR, other requirements of the Export Administration Regulations (EAR), and any other applicable law. The procedures for using this license exception are:

- a. Exporters must notify BIS prior to any export or reexport.
- b. Exporters provide this prior notification by submitting a completed BIS Multi-purpose

Application Form (BIS-748P) or electronically through BIS's Simplified Network Application Process Redesign (SNAP-R).

Within two business days of the notification's registration in BIS's electronic database system, BIS will refer the notification electronically to the Departments of State, Defense, and other agencies, as appropriate, for review. Any reviewing agency that objects to the use of License Exception AGR must provide notice of such objection to BIS within nine business days of the referral. An agency may object for one or more of the following reasons:

- a. the commodity is not an agricultural commodity;
- b. the items are not EAR99;
- c. the export would violate the terms of a denial order;
- d. the recipient may promote international terrorism; or
- e. the transaction raises nonproliferation concerns.

If any agency objects, BIS will convert the notification into a license application and process it under standard export license application procedures. An exporter may ship the goods after 12 days if no agency has raised an objection. Applicants may check the status of their notification or application via BIS' System for Tracking Export License Applications (STELA) at 202-482-2752 using the "Z" number on the 748-P form or provided by SNAP. Applicants may not make the export without confirming via STELA that no agency has raised an objection.

BIS also will notify the applicant in writing of the outcome of the interagency review.

4. Commodity Classification Requirements

Exporters must be sure that they are not attempting to use AGR as authority to export any item that is on the Commerce Control List (CCL). Only items classified as EAR99 are eligible for BIS' License Exception AGR or OFAC's expedited review procedures. EAR99 items are items that are subject to the Export Administration Regulations, but they are not specifically listed on the CCL. Exporters may need to include, with their notification or application, an official BIS commodity classification to confirm the classification of an item as EAR99, as specified in greater detail below.

BIS is responsible for providing commodity classifications. Exporters may obtain a commodity classification by submitting a completed BIS' Multipurpose Application Form (BIS-748P) or electronically through BIS' Simplified Network Application Process Redesign (SNAP-R) indicating that they wish a commodity classification. See Section 748.3 of the Export Administration Regulations for more information. BIS has already determined that most items that meet the definition of agricultural commodity are classified as EAR99. This includes most of the items on the USDA's Eligible Commodities List available from its Economic and Trade Sanctions Web page (see Appendix III). This means that items on this list do not require a commodity classification with three exceptions: live horses; western red cedar; and fertilizers. For these three types of agricultural commodities, BIS and OFAC require a BIS commodity classification for fertilizers, live horses or western red cedar prior to submission of a notification to BIS or a license application to OFAC, as

these agricultural commodities may be on the Commerce Control List.

Further information, including answers to frequently asked questions on the TSRA, can be found on the BIS website at <http://www.bis.doc.gov/licensing/index.htm>.