

WORLD TRADE ORGANIZATION

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Negotiating Group on Maritime Transport Services

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COMMUNICATION FROM BRAZIL

Conditional Offer on Maritime Transport Services

The following communication is circulated at the request of the delegation of Brazil to members of the Negotiating Group on Maritime Transport Services.

This offer is conditional upon a successful conclusion of the maritime transport services negotiations, with the participation of all major trading partners in the WTO making high level of commitments on a broad MFN Basis.

Brazil reserves the right to modify, extend or reduce this conditional offer during the course of the NGMTS negotiations.

BRAZIL - SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or sub-sector	Limitations on market access		Limitations on national treatment		Additional commitments
TRANSPORT SERVICES MARITIME TRANSPORT SERVICES International Transport (freight and passengers) CPC 7211 and 7212 less cabotage transport	1)(a) General Cargo: none, except: - Government cargoes are reserved to Brazilian flag vessels; - requirements of filing of tariffs, surcharges, service contracts and agreements must be authorized; - at least 40% of cargo carried by Shipping Conferences must be reserved for national ships.		1) Lighthouse fees apply only to foreign flag vessels, including the ones freighted by Brazilian companies.*		The following services at the port are made available to international maritime transport suppliers on reasonable and no discriminatory terms and conditions: 1. Pilotage 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port Captain's services 6. Navigation aids

* This situation may change to a position of no limitation on national treatment.

BRAZIL (continued)

Modes of supply:				
1)	2)	3)	4)	Presence of natural persons
Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments	
MARITIME TRANSPORT SERVICES International Transport (freight and passengers) CPC 7211 and 7212 less cabotage transport (cont.)	(b) Bulk and other international shipping: none, except: - Government cargoes are reserved to Brazilian flag vessels; - the transportation of crude oil and of basic oil by-products produced in the country is monopoly of the State, according to the Federal Constitution.		7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services	
	(c) Passenger: none.			
	2) None	2) None		
	3)(a) The establishment of a registered company in order to operate a fleet under Brazilian flag: None, except - nationality, residency and ownership requirements as defined by the Law (60% of the capital must be Brazilian, companies must be established and managed in Brazil).	3) Unbound		

BRAZIL (continued)

Modes of supply:							
1)		Cross-border supply		2)		Consumption abroad	
3)		Commercial presence		4)		Presence of natural persons	
Sector or sub-sector		Limitations on market access		Limitations on national treatment		Additional commitments	
MARITIME TRANSPORT SERVICES International Transport (freight and passengers) CPC 7211 and 7212 less cabotage transport (cont.)		(b) Other forms of commercial presence for the supply of international maritime transport services (as in item 1 - Definitions): unbound					
		4)(a) Ship' crews: unbound, except as indicated on the Horizontal Section		4) Unbound, except as indicated on the Horizontal Section			
		(b) Key personnel: unbound, except as indicated on the Horizontal Section					

BRAZIL (continued)

Modes of supply:				
1)	2)	3)	4)	
Cross-border supply	Consumption abroad	Commercial presence	Presence of natural persons	
Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments	
Maritime Cargo Handling Services (as in item 2 - Definitions)	1) Unbound* 2) None 3) None ** 4) Unbound, except as indicated on the Horizontal Section	1) Unbound* 2) None 3) None 4) Unbound, except as indicated on the Horizontal Section		
Storage and warehousing Services CPC 742	1) Unbound* 2) None 3) None ** 4) Unbound, except as indicated on the Horizontal Section	1) Unbound* 2) None 3) None 4) Unbound, except as indicated on the Horizontal Section		
Customs Clearance Services (as in item 3 - Definitions)	1) Unbound* 2) None 3) Unbound 4) Unbound, except as indicated on the Horizontal Section	1) Unbound* 2) None 3) Unbound 4) Unbound, except as indicated on the Horizontal Section		

* A commitment on this mode of delivery is not feasible.

** Public utility concession on licensing procedures may apply in case of occupation on the public domain.

BRAZIL (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons	
Sector or sub-sector		Limitations on market access			Limitations on national treatment	Additional commitments
Container Station and Depot Services (as in item 4 - Definitions)	1)	Unbound *		Unbound *		
	2)	None		None		
	3)	None **		None		
	4)	Unbound, except as indicated on the Horizontal Section		Unbound, except as indicated on the Horizontal Section		
Maritime Agency Services (as in item 5 - Definitions)	1)	None		None		
	2)	None		None		
	3)	None		None		
	4)	Unbound, except as indicated on the Horizontal Section		Unbound, except as indicated on the Horizontal Section		
Freight Forwarding Services (as in item 6 - Definitions)	1)	None		None		
	2)	None		None		
	3)	Unbound		Unbound		
	4)	Unbound, except as indicated on the Horizontal Section		Unbound, except as indicated on the Horizontal Section		

* A commitment on this mode of delivery is not feasible.

** Public utility concession on licensing procedures may apply in case of occupation on the public domain.

DEFINITIONS

1. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Members to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element.

These activities include, :

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with the service sells has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated service;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerized information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any local established Shipping agency;
- (f) acting on behalf of the companies, organizing the call of the ship or taking over cargoes when required;

BRAZIL (continued)

2. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organized independently of the stevedoring of terminal operator companies. The activities covered include the organization and supervision of:
 - the loading/discharging of cargo to/from a ship;
 - the lashing/unlashing of cargo;
 - the reception/delivery and safekeeping of cargoes before shipment or after discharge.
3. "Customs" clearance service" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
4. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
5. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interest of one or more shipping lines or shipping companies, for the following purposes:
 - marketing and sales of maritime transport and related services, from quotation to invoicing and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
 - acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
6. "Freight forwarding services" means the activity consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.