



**Argentine Republic – National Executive Power**  
2017 – Year of Renewable Energies

**Appendix**

**Number:** IF-2017-22859683-APN-AFIP

CITY OF BUENOS AIRES  
Tuesday, October 3<sup>rd</sup>, 2017

**Reference:** Determination of weight by Draft-Survey. Resolution No 2220 (ANA) on August 31<sup>st</sup>, 1990 and its modifications. Amending and supplementary rule. Appendix

---

Appendix

‘Appendix III

1. Determination of weight by Draft-Survey.

1.1. The weight control of operations with bulk cargo shall be performed by Draft-Survey.

1.2. In the case of goods assimilated to the concept of ‘bulk’ cargoes, weight shall also be determined by the Draft-Survey system.

1.3. This system of weight determination shall also be applied when there shall be more than one type of goods and the effectiveness of the loading or unloading shall allow it.

1.4. Draft-Survey control shall be carried out on all those vessels where it shall be feasible and it shall be subject to the conditions determined in this appendix.

2. Bulk cargo – concept and assimilation

2.1. It is called bulk cargo the one without outer packaging, marks nor numbers.

2.2. The 'bulk' cargo concept is assimilated to all the goods that conform to the uniformity and homogeneity guidelines, in uniform packaging subject to the requirement that it shall be the vessel's exclusive cargo, and that the respective calculation shall be completed with the discount of the packaging weight, obtained by average or in another way, reliably appropriate to each particular case.

### 3. Initiation and control of the operation

3.1. The initiation and completion of the operation to determine the weight by the Draft-Survey system shall be performed considering:

a) Draft reading.

b) Appropriate use of hydrostatics curves or curves of the bottom attribute.

c) Draft-Survey.

d) Determination of possible variations of all vessel's weights, other than the cargo.

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

f) In order to determine the operated amount, it shall be performed a control at the beginning of the operation and another one at its end. The result of the difference between both controls shall be compared with the documentation.

g) Before the draft reading, it shall be checked that the vessel is floating freely, considering the depth and tide table. If this condition is not met, draft readings shall be performed in deeper waters.

3.2. Draft-Survey control shall be jointly carried out by TWO (2) agents performing the customs service.

3.3. Therefore, these agents must have passed the corresponding course before all organic units of competent training, according to the Customs jurisdiction where they shall lend their service as previous requirement in order to be appointed for developing such role. When interior Customs shall not have trained staff, such role shall be

performed by the authorized staff the General Deputy Directorate of Customs Inland Transactions shall appoint.

3.4. Agents shall make a record of the point of initiation and finalization of the operation issuing the corresponding Cargo Certificate.

3.5. The results obtained in the controls carried out shall be entered in the 'in-fine' part of the OM-1606-B.

3.6. In the case of compromised situations, in order to better illustrate, forms OM-1607-B or OM-1608-B shall be accompanied, as appropriate.

#### 4. Register of news of the operations in destinations

4.1. Customs, in order to apply the control system of Draft-Survey, shall register all the operations in the News Electronic Report (PEN) associated to the Customs document, where the following information shall be included:

- a) Number of operation performed.
- b) Initial and final date of the operation.
- c) Vessel's name and flag.
- d) Customs Agent involved (as regards the cargo).
- e) Agents performing the Customs service.
- f) Customs document protecting the operation.
- g) Notes.

4.2. Additionally, a file with the details of all the operations performed shall be carried out, keeping forms OM-1606-B, OM-1607-B or OM-1608-B, OM-1960 (sounding) and OM-1586 (Cargo Certificate).

#### 5. Scope

5.1. The dispositions of this resolution govern in both maritime and fluvial customs within the General and Special Customs Territory, determined in Law No 19640, and those that shall be created in the future.

#### 6. Customs agent

6.1. At least TWENTY-FOUR (24) hours in advance, he shall submit before the customs service, a note in duplicate informing the entrance and/or clearance of the vessel,

without which the start of the operation or the departure shall not be authorized. He shall also clearly inform the option of scales or Draft-Survey system.

6.2. In order to start the operations, the customs agent shall enter on form OM-1606-C as an affidavit, that the marks of drafts as well as the "eye" of "PLIMSOL" painted on the hull of the vessel, are accurately and properly marked on the respective engraving stamped by the shipyard, which in the gauges of the tanks, tables, plans and other documents on board are controlled, in force and reflect the reality of the respective contents and, finally, that he accepts jointly and severally with the importer and/or exporter, respectively, the application of this resolution in the control of the cargo weight.

6.3. He shall mention on form OM-1606-C any impediment that shall obstruct the fulfillment of the provisions in paragraph 6.2., explaining the reasons. In that case, the customs service shall confirm the veracity of the grounds invoked, making the relevant clarifications and determining the applicable system.

6.4. In all those operations chosen for using the control system of Draft-Survey that shall be started in non-working days and hours, the Customs Agent shall require the respective extraordinary services, according to General Resolution No 665 and its modifications.

6.5. He shall submit to the Customs Authority the results of the corresponding Draft-Survey measurement; using forms OM-1606-C and OM-1606-B, in duplicate, without which the start of the operation and departure of the vessel shall not be authorized. Such submission shall be considered as affidavit.

## 7. Argentinian flag vessels

7.1. They shall have the certificates required by the Argentine Coast Guard, namely: calibration of cargo tanks, shipping tables, vessels' plans and hydrostatics curves for the purpose of customs technical controls, being the Customs Agent responsible for the fulfillment of such requirements.

## 8. Foreign flag vessels

8.1. They must possess the elements required by the current international regulations. The customs service may, when it deems appropriate, demand a copy of the documentation that guarantees the validity of the

calibration of cargo tanks plans and shipping table certified by the authority of their country and authenticated by the customs agent, who shall be responsible for the veracity of the data provided.

## 9. Intervention of the administered parties

9.1. Those who shall prove their own right or a legitimate interest in the cargo (importer, exporter, customs agent, and so on) they shall appoint an expert authorized by the Argentine Coast Guard –File No 435.429/87- to represent them when making the controls and who shall be obliged to sign forms OM-1606-C and OM -1606-B, with the results obtained and to establish in them all the observations that shall be considered appropriate. Otherwise, they shall not be able to do it later and they shall accept and consider valid for all legal effects the results obtained by the customs service.

9.2. In the cases mentioned in points 1.1., 1.2., 1.3., the Draft-Survey system shall be used at the request of the interested party, filed before the respective customs and/or before the area in charge of controlling and registering the entry and exit of bulk cargo and to perform the proceedings related to import and export or when Customs shall consider it appropriate, according to points 9.4. and 10..

9.3. If the system is used at the request of the interested party, it shall take care of all the expenses involved in the transfer, stay of the personnel who carry out the operation and all the extraordinary services that shall correspond as well as the expenses that shall arise from the effectiveness.

9.4. Draft-Survey system shall be applied when there shall be no conventional elements of weight determination at the operational site or when the customs service shall consider a duly justified supplementary control action, applying point 9.3.

## 10. Selective control

10.1. The intervening customs or the area in charge of controlling and registering the entry and exit of bulk cargo and to carry out the proceedings related to its import and export, shall selectively carry out the weight controls, applying the Draft-Survey system.

For those cases in which the control is carried out as a crosscheck, then the result shall be established through the opening of an order created for this purpose in the Customs Control Monitoring System (e-SEFIA).

10.2. When it shall be decided to control the weight of bulk cargoes as a result of applying the selectivity criterion, the customs agent shall be notified on the date and time when the respective measurement shall be performed by means of the Customs Electronic Communication and Notification System (SICNEA), under the terms of General Resolution No 3474 and its modification.

10.3. It shall be optional for those who shall claim their own right or a legitimate interest in the cargo, to appoint an expert who shall represent them when performing the measurements. In such situation, he shall be obliged to expressly conform the results that shall be obtained in this act or to make the observations he shall be entitled to. Otherwise, he shall not be able to do it later and he shall accept and consider valid for all legal effects the results obtained by the customs service.

10.4. The results obtained both in the controls and measurements carried out at the request of the interested parties shall be established in the 'in-fine' part of the OM-1606-B form.

10.5. In case of compromised situations, in order to better illustrate, forms OM-1607-B or OM 1608-B shall be accompanied, as appropriate.

## 11. Tolerance

11.1. The margin of tolerance for the difference in calculation shall be set at the weight necessary to vary the draft in TWO COMMA FIFTY FOUR CENTIMETERS (2.54 cm) (equivalent to one inch) - (2.54 x TPC), in the condition in which the loaded vessel is measured, or in the SIX PER THOUSAND (6‰) of the total cargo, whichever shall be greater, in more or less, considering, the correct and real declared quantity for fiscal purposes, provided that it shall not exceed this limit.

For example:

A vessel loads 10,000 TM and it has a TPC of 45TM/cm, with the loaded vessel's draft, it results:

$$2.54 \times 45 \text{ TPC} = 114.30 \text{ TM} \quad (114.3 \times 100/10,000 = 1.14 \%)$$

The same vessel loads 30,000 TM and it has a TPC of 46.5 TM/cm, with the loaded vessel's draft, it results:

$$2.54 \times 46.5 \text{ TPC} = 118.11 \text{ TM} \quad (118.11 \times 100/30,000 = 0.393 \%)$$

In the latter case, the SIX PER THOUSAND (6‰) of the total cargo shall be accepted, that is 180 TM.

TM: Metric Ton.

TPC: Ton by Immersion Centimeter.

11.2. A tolerance margin of FOUR PERCENT (4%) on the corresponding unit of measurement shall be admitted in those operations with bulk cargoes and for the purposes set forth in subsection c), Article 959 of the Customs Code.

11.3. In cases of operations in which differences that exceed the tolerance margins indicated in item 11.1. shall be verified and that shall not exceed the tolerance allowed by the Customs Code, prior agreement and payment of the charge made to the interested party, the amounts declared for the purposes of the compliment shall be accepted. When there shall be an excess in the tolerance allowed, the figures obtained in the draft measurement shall be final, without deducting any amount for the tolerance set out in point 11.1.'.

Digitally signed by GESTION DOCUMENTAL ELECTRONICA - GDE

DN: cn= GESTION DOCUMENTAL ELECTRONICA - GDE, c=AR, o= MODERNIZATION MINISTRY, ou= ADMINISTRATIVE MODERNIZATION SECRETARIAT, serial/Number=Tax Identification Number (CUIT) 30715117564

Date: 2017.10.03 12:45:11 -03'00'

Romina Luciano

Administrative assistant

Federal Administration of Public Revenue

Digitally signed by GESTION DOCUMENTAL ELECTRONICA – GDE

DN: cn=GESTION DOCUMENTAL ELECTRONICA– GDE, c=AR, o= MODERNIZATION MINISTRY, ou= ADMINISTRATIVE MODERNIZATION SECRETARIAT, serial/Number=Tax Identification Number (CUIT) 30715117564

Date: 2017.10.03 12:45:12 -03'00'