La siguiente revisión del documento MTN.SB/SN/17 se distribuye a petición del Brasil.

1. El 22 de julio de 1988 el Gobierno de los Estados Unidos anunció su intención de imponer medidas de restricción del comercio contra determinadas mercancías brasileñas, lo que equivalía prácticamente a excluir del mercado de los Estados Unidos a los proveedores brasileños de esas mercancías.

2. El mero anuncio de esa intención desorganizó las exportaciones de los productos brasileños en cuestión, por lo que vulneraba las disposiciones del GATT. Ello incitó al Gobierno brasileño a pedir, el 22 de agosto de 1988, la celebración de consultas con el Gobierno de los Estados Unidos de conformidad con el párrafo 1 del artículo XXIII del Acuerdo General.

3. El 9 de septiembre de 1988 el Gobierno de los Estados Unidos contestó que las consultas serían prematuras, por el motivo, discutible, de que la mera intención de aplicar medidas restrictivas no afectaría al comercio. El asunto se señaló a la atención del Órgano de Vigilancia el 22 de agosto de 1988.

4. El 20 de octubre de 1988 el Gobierno de los Estados Unidos decidió en efecto imponer las anunciadas restricciones unilaterales a las importaciones de 22 productos de origen brasileño. Se adjunta la lista de esos productos, cuyas importaciones al mercado de los Estados Unidos ascendieron en los últimos tres años a 39 millones de dólares EE.UU. como promedio.

5. La medida de los Estados Unidos se adopta solamente sobre la base de su legislación nacional, sin tener en cuenta las normas del GATT, y constituye una violación patente de los compromisos de statu quo asumidos por los Ministros en Punta del Este, a saber:

.//.
i) no adoptar medidas de restricción o de distorsión del comercio que sean incompatibles con las disposiciones del Acuerdo General o de los instrumentos negociados en el marco del GATT o bajo sus auspicios;

ii) no adoptar medidas comerciales de manera tal que mejore su posición negociadora.

6. La decisión de los Estados Unidos, que supone la aplicación de "aranceles prohibitivos", impide unilateralmente el acceso al mercado de los Estados Unidos de los productos enumerados en el anexo, lo que afecta claramente a los intereses comerciales y a los derechos del Brasil en el marco del Acuerdo General.

7. Además, el objetivo declarado de la medida restrictiva es forzar al Brasil a que modifique su legislación sobre derechos de propiedad intelectual. Constituye por ello un intento de mejorar la posición negociadora de los Estados Unidos en la Ronda Uruguay, en concreto en lo tocante a las negociaciones sobre los aspectos de los derechos de propiedad intelectual relacionados con el comercio.

8. El Gobierno del Brasil, tras haber recibido una comunicación de las autoridades de los Estados Unidos en la que indican que están dispuestas a celebrar consultas sobre la cuestión, propondrá en breve fechas apropiadas para su celebración.
INCREASE IN THE RATES OF DUTY
FOR CERTAIN ARTICLES FROM BRAZIL

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. On July 21, 1988, prior to the date of enactment of section 1301 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418), I determined pursuant to section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411), that the Government of Brazil has failed to provide process and product patent protection for pharmaceutical products and fine chemicals, and that this failure is unreasonable and constitutes a burden or restriction on U.S. commerce (53 Fed. Reg. 28177). This failure permits the unauthorized copying of pharmaceutical products and processes that were invented by U.S. firms. I directed the United States Trade Representative to hold public hearings on products of Brazil that were appropriate candidates for increased duties or other import restrictions, and those hearings were held September 8 and 9, 1988. I have further determined, pursuant to section 301 of the Trade Act of 1974, as amended by the Omnibus Trade and Competitiveness Act of 1988, that appropriate and feasible action in response to Brazil's unreasonable policies and practices is to impose increased duties of 100 percent ad valorem on certain imported articles that are the products of Brazil.

2. Section 301 of the Act as amended authorizes appropriate and feasible action within the power of the President to obtain the elimination of an act, policy, or practice of a foreign government that is inconsistent with the provisions of, or otherwise denies benefits to the United States under, a trade agreement; or is unjustifiable, unreasonable, or discriminatory and burdens or restricts U.S. commerce. Section 301 authorizes the suspension, withdrawal, or prevention of the application of benefits of trade agreement concessions with respect to, and the imposition of duties or other import restrictions on the products of, such foreign country for such time as is appropriate. Pursuant to section 301, such actions may be taken on a nondiscriminatory basis or solely against the products of the foreign country involved.

3. I have decided, pursuant to section 301, to increase U.S. import duties on the articles provided for in the annexes to this Proclamation that are the products of Brazil.

4. Section 604 of the Trade Act of 1974 (19 U.S.C. 2483) authorizes the President to embody in the Tariff Schedules of the United States (TSUS) the substance of the provisions of that Act, of other Acts
affecting import treatment, and of actions taken thereunder. Section 1204(b) of the Omnibus Trade and Competitiveness Act of 1988 requires that I proclaim such modifications to the Harmonized Tariff Schedule of the United States (HTS), as enacted in section 1204 of that Act, as are necessary or appropriate to implement the applicable provisions of statutes enacted, executive actions taken, and final judicial decisions rendered, after January 1, 1988, and before the effective date of the HTS.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and statutes of the United States, including but not limited to sections 301 and 604 of the Trade Act of 1974, as amended, and section 1204 of the Omnibus Trade and Competitiveness Act of 1988, do proclaim that:

(1) Subpart B of part 2 of the Appendix to the TSUS is modified as provided in Annex I to this Proclamation.

(2) Chapter 99 of the HTS is modified as provided in Annex II to this Proclamation.

(3) The United States Trade Representative is authorized to suspend, modify, or terminate the increased duties imposed by this Proclamation upon publication in the Federal Register of his determination that such action is in the interest of the United States.

(4) (a) The modifications to the TSUS made by Annex I to this Proclamation are effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 10th day after the date of signature of this Proclamation.

(b) The modifications to the HTS made by Annex II to this Proclamation are effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1989.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and thirteenth.

RONALD REAGAN
Subpart B of part 2 of the Appendix to the Tariff Schedules of the United States is modified by inserting in numerical sequence the following new items and superior heading, set forth herein in columnar form, in the columns designated "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively.

"Articles the product of Brazil:

946.60 Writing paper weighing over 18 pounds per ream (provided for in item 252.75, part 4B of schedule 2)........................ 100% ad val. No change

946.61 Other papers not specially provided for, not impregnated, not coated, not surface-colored, not embossed, not ruled, not lined, not printed, and not decorated, weighing not over 18 pounds per ream (provided for in items 252.77 and 252.79, part 4B of schedule 2)........................ 100% ad val. No change

946.62 Writing paper weighing over 18 pounds per ream, not lithographically printed (provided for in item 254.56, part 4B of schedule 2)........................ 100% ad val. No change

946.63 Other paper and paperboard (except basic paper to be sensitized for use in photography and except filtering paper), cut to size or shape (provided for in items 256.20, 256.25, and 256.30, part 4C of schedule 2)........................ 100% ad val. No change

946.64 Blank books, bound (provided for in items 256.56 and 256.58, part 4C of schedule 2)........................ 100% ad val. No change

946.65 Synthetic alkaloids and their compounds (provided for in item 437.20, part 3B of schedule 4)........................ 100% ad val. No change

946.66 Antibiotics, except natural and not artificially mixed (provided for in item 437.32, part 3B of schedule 4)... 100% ad val. No change

946.67 Menthol (provided for in item 437.64, part 3B of schedule 4)........................ 100% ad val. No change

946.68 Microwave ovens (provided for in item 684.25, part 5 of schedule 6)............. 100% ad val. No change

946.70 Television cameras, and parts thereof (provided for in item 684.90, part 5 of schedule 6)........................ 100% ad val. No change
946.71 Complete television receivers
(provided for in item 684.92, part 5 of schedule 6)...................... 100% ad val. No change

946.72 Television receiver assemblies having a picture tube (including kits containing all parts necessary for assembly into complete monochrome or color receivers) (provided for in items 684.94 and 684.96, part 5 of schedule 6)...................... 100% ad val. No change

946.73 Record players, phonographs, record changers, turntables, and parts of the foregoing (except tone arms and parts thereof) (provided for in item 685.38, part 5 of schedule 6)...................... 100% ad val. No change

946.74 Telephone answering machines, and parts thereof (provided for in item 685.39, part 5 of schedule 6)...................... 100% ad val. No change

946.75 Tape recorders and dictation recording and transcribing machines (other than telephone answering machines), and parts thereof (provided for in item 685.40, part 5 of schedule 6)...................... 100% ad val. No change

946.76 Radio-television-phonograph combinations (provided for in item 685.42, part 5 of schedule 6)...................... 100% ad val. No change

946.77 Other radiotelegraphic and radiotelephonic transmission and reception apparatus, and parts thereof, not specially provided for (provided for in item 685.49, part 5 of schedule 6)...................... 100% ad val. No change
ANNEX III

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HIS) (section 1204 of Pub. L. 100-418) is modified by inserting the following new subheadings and superior description, with the material inserted in the columns entitled "Heading/Subheading", "Article Description", "Rates of Duty 1 General", and "Rates of Duty 2", respectively.

"Articles the product of Brazil:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Rates of Duty</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>9903.42.01</td>
<td>Menthol (provided for in subheading 2906.11.00); medicaments containing menthol, put up in measured doses or in forms or packings for retail sale (provided for in subheading 3004.90.60)</td>
<td>100% ad val.</td>
<td>No change</td>
</tr>
<tr>
<td>9903.42.05</td>
<td>Theophylline and aminophylline (Theophylline-ethylenediamine) and their derivatives, ephedrines (except pseudoephedrine), alkaloids of rye ergot and their derivatives, and salts of any of the foregoing (provided for in subheadings 2939.40.50, 2939.50.00 and 2939.60.00); vegetable alkaloids reproduced by synthesis and their salts, ethers, esters and other derivatives, the foregoing not specially provided for (provided for in subheading 2939.90.50); and medicaments containing any of the foregoing alkaloids or derivatives but not containing hormones or other products of heading 2937 or antibiotics, whether or not put up in measured doses or in forms or packings for retail sale (provided for in subheadings 3003.40.00 and 3004.40.00)</td>
<td>100% ad val.</td>
<td>No change</td>
</tr>
<tr>
<td>9903.42.10</td>
<td>Streptomycins, tetracyclines and erythromycin and their derivatives; salts of any of the foregoing (provided for in subheadings 2941.20.00, 2941.30.00 and 2941.50.00); other antibiotics not specially provided for, except natural and except aromatic or modified aromatic (provided for in subheading 2941.90.50); medicaments containing antibiotics other than penicillins or derivatives thereof, with a penicillanic acid structure, or streptomycins or their derivatives, the foregoing not put up in measured doses or in forms or packings for retail sale (provided for in subheading 3003.20.00); medicaments containing penicillins or derivatives thereof (except penicillin G salts), streptomycins or their derivatives or other antibiotics (provided for in subheadings 3004.10.50 and 3004.20.00)</td>
<td>100% ad val.</td>
<td>No change</td>
</tr>
</tbody>
</table>
9903.42.15 Writing paper (provided for in subheadings 4802.51.10, 4802.52.10, and 4802.53.10); other writing paper and cover paper, of which more than 10 per cent by weight of the total fiber content consists of fibers obtained by a mechanical process (provided for in subheading 4802.60.10) ............... 100% ad val. No change

9903.42.20 Other uncoated paper and paperboard not specially provided for, in rolls or sheets, weighing not over 30 g/m² (provided for in subheadings 4805.60.50 and 4805.60.70) .................. 100% ad val. No change

9903.42.25 Self-copy writing paper whether or not printed, in rolls of a width exceeding 36 cm or in rectangular (including square) sheets with at least one side exceeding 36 cm in unfolded state (provided for in subheading 4809.20.20) .................. 100% ad val. No change

9903.42.28 Other paper and paperboard (other than light-weight coated paper) of a kind used for writing, printing or other graphic purposes, coated on one or both sides with kaolin or other inorganic substances, with or without a binder, and with no other coating, whether or not surface-colored, surface-decorated or printed, in rolls or sheets (provided for in subheading 4810.29.00) ............... 100% ad val. No change

9903.42.30 Carbon or similar copying papers and self-copy paper (provided for in subheadings 4816.10.00 and 4816.20.00) .................. 100% ad val. No change

9903.42.33 Letter cards, plain postcards and correspondence cards (provided for in subheading 4817.20.40) ........... 100% ad val. No change

9903.42.35 Toilet paper, handkerchiefs, cleansing or facial tissues and towels, and tablecloths and table napkins (provided for in subheadings 4818.10.00, 4818.20.00 and 4818.30.00) ............... 100% ad val. No change

9903.42.38 Sanitary food and beverage containers (provided for in subheading 4819.50.20); trays, dishes, plates, cups and the like, of paper or paperboard (provided for in subheading 4823.60.00) ............... 100% ad val. No change

9903.42.40 Registers, account books, notebooks, order books, receipt books, letter pads, memorandum pads, diaries and similar articles (provided for in subheadings 4820.10.20 and 4820.10.40) ........... 100% ad val. No change
ANNEX III (cont'd)

9903.42.45 Paper and paperboard labels of all kinds, not printed, not pressure-sensitive (provided for in subheading 4821.90.40); gummed or adhesive paper, in strips or rolls, not pressure-sensitive (provided for in subheading 4823.19.00); cards, not punched, for punchcard machines, whether or not in strips (provided for in subheading 4823.30.00)...... 100% ad val. No change

9903.42.50 Other paper and paperboard (except basic paper to be sensitized for use in photography), of a kind used for writing, printing or other graphic purposes (provided for in subheadings 4823.51.00 and 4823.59.40); other coated paper or paperboard or articles thereof (provided for in subheading 4823.90.65); other goods of paper pulp, paper, paperboard, cellulose wadding or webs of cellulose fibers (provided for in subheading 4823.90.85)..... 100% ad val. No change

9903.42.55 Microwave ovens (provided for in subheadings 8419.81.10 and 8516.50.00).......................... 100% ad val. No change

9903.42.60 Turntables, record players, and other sound recording apparatus (except cassette type of subheading 8519.91.00), not incorporating a sound recording device (provided for in heading 8519); parts of the foregoing (provided for in subheading 8521.90.90)............. 100% ad val. No change

9903.42.65 Magnetic tape recorders and other sound recording apparatus, whether or not incorporating a sound reproducing device (provided for in heading 8520); parts of the foregoing (provided for in subheadings 8522.90.60 and 8522.90.90).................................. 100% ad val. No change

9903.42.70 Magnetic tape-type video recording or reproducing apparatus (provided for in subheading 8521.10.00)..... 100% ad val. No change

9903.42.75 Parts and accessories of apparatus of headings 8519 to 8521 (provided for in subheadings 8522.90.60 and 8522.90.90).......................... 100% ad val. No change

9903.42.80 Television cameras (provided for in subheading 8525.30.00)........... 100% ad val. No change