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Committee on Import Licensing

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REPLIES TO THE QUESTIONNAIRE ON IMPORT LICENSING PROCEDURESNOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT
ON IMPORT LICENSING PROCEDURES
NOTIFICATION FOR 2020

ARGENTINA

The following communication, a first draft of which was received on 17 November 2020, is being circulated at the request of the delegation of the Argentine Republic for Members' information.

Outline of systems

1. Argentina currently has two types of import licensing regime, one automatic and the other non-automatic, both of which are established under Resolution No. 523/2017 of the former Secretariat for Trade of the former Ministry of Production, and the amendments thereto, former Secretariat for Trade Resolutions No. 898/2017, No. 5-E/2018, No. 170/2018, No. 507/2018 and No. 526/2018, Secretariat for Industry, the Knowledge Economy and Foreign Trade Management Resolutions No. 1/2020 and No. 133/2020, and Undersecretariat for Trade Policy and Management Provisions No. 3/2020, No. 5/2020, No. 9/2020, No. 10/2020, No. 29/2020 and No. 30/2020.

Purposes and coverage of licensing

2. Goods classified under all MERCOSUR Common Nomenclature (NCM) tariff headings and intended for definitive entry for consumption are subject to automatic import licensing, with the exception of those listed in Annexes II to XIV to Resolution No. 523/2017 of the former Secretariat for Trade of the former Ministry of Production, as clarified and amended by former Secretariat for Trade Resolutions No. 898/2017, No. 5-E/2018, No. 170/2018, No. 507/2018 and No. 526/2018, Secretariat for Industry, the Knowledge Economy and Foreign Trade Management Resolutions No. 1/2020 and No. 133/2020, and Undersecretariat for Trade Policy and Management Provisions No. 3/2020, No. 5/2020, No. 9/2020, No. 10/2020, No. 29/2020 and No. 30/2020, which are subject to non-automatic import licensing.

3. Both types of licence apply to goods of all origins, without distinction.

4. Import licensing is not intended to restrict either the quantity or the value of imports. The purpose of the automatic licensing regime is to obtain an advance supply of descriptive statistical information for the historical records. The purpose of the non-automatic licensing regime is to establish an appropriate prior verification system for ensuring compliance with the conditions governing the importation of goods, in accordance with the provisions of Annexes II to XIV to Resolution No. 523/2017 of the former Secretariat for Trade of the former Ministry of Production and the supplementary and amending regulations thereto.

5. Argentina's import licensing regime is based on the following legislation:

- Former Secretariat for Trade Resolution No. 523/2017 (Official Journal 7/7/2017).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/275000-279999/276625/texact.htm>
- Former Secretariat for Trade Resolution No. 898/2017 (Official Journal 30/11/2017).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/290000-294999/293790/norma.htm>
- Former Secretariat for Trade Resolution No. 5-E/2018 (Official Journal 11/1/2018).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/305000-309999/305752/norma.htm>
- Former Secretariat for Trade Resolution No. 507/2018 (Official Journal 31/8/2018).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/310000-314999/313979/texact.htm>
- Former Secretariat for Trade Resolution No. 526/2018 (Official Journal 7/9/2018).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/310000-314999/314238/norma.htm>
- Secretariat for Industry, the Knowledge Economy and Foreign Trade Management Resolution No. 1/2020 (Official Journal 9/1/2020).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/330000-334999/333822/norma.htm>
- Secretariat for Industry, the Knowledge Economy and Foreign Trade Management Resolution No. 133/2020 (Official Journal 5/8/2020).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/340000-344999/340705/norma.htm>
- Undersecretariat for Trade Policy and Management Provision No. 3/2020 (Official Journal 12/3/2020).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/335000-339999/335387/norma.htm>
- Undersecretariat for Trade Policy and Management Provision No. 5/2020 (Official Journal 18/3/2020).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/335000-339999/335690/norma.htm>
- Undersecretariat for Trade Policy and Management Provision No. 9/2020 (Official Journal 20/5/2020).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/335000-339999/337775/norma.htm>
- Undersecretariat for Trade Policy and Management Provision No. 10/2020 (Official Journal 22/5/2020).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/335000-339999/337892/norma.htm>
- Undersecretariat for Trade Policy and Management Provision No. 29/2020 (Official Journal 21/10/2020).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/340000-344999/343411/norma.htm>
- Undersecretariat for Trade Policy and Management Provision No. 30/2020 (Official Journal 29/10/2020).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/340000-344999/343670/norma.htm>

The executive branch does not need legislative approval to abolish the licensing regime.

Procedures

6. I-XI. Not applicable. The import licensing regime established pursuant to the above-mentioned resolutions is not subject to quotas.

7.(a) Licences must be presented before the goods are cleared.

(b) The time limits for obtaining licences meet the requirements laid down in the regulations in force and fall within the maximum periods stipulated in Article 2.2(a)(iii), for automatic licensing, and Article 3.5(f), for non-automatic licensing, of the Agreement on Import Licensing Procedures.

(c) There are no limitations as to the period of the year during which a licence application and/or importation may be made.

(d) Pursuant to former Secretariat for Trade Resolution No. 523/2017, and the amendments thereto, the administrative body for the submission of import licence applications and the implementing authority for the regime is the Undersecretariat for Trade Policy and Management, attached to the Secretariat for Industry, the Knowledge Economy and Foreign Trade Management, under the Ministry of Production Development, and may, at any time during the procedure, request the involvement of the competent technical bodies, in accordance with Article 5 of the said Resolution.

8. The only reason for refusal is failure by applicants to meet the requirements set forth in the relevant regulations. Applicants are duly informed of the reasons for any refusal. All applicants have the right to plead an excuse before the assessment body.

Eligibility of importers to apply for licence

9. All persons, firms and institutions engaged in import activities and entered as such in the AFIP Register of Importers are eligible to apply for import licences. To obtain a non-automatic licence, registration in the Single Register of the Ministry of Production (RUMP), established pursuant to former Ministry of Production Resolution No. 442/2016 (Official Journal 8/9/2016) is also required.

Documentational and other requirements for application for licence

10. Importers submitting applications for automatic import licences are required to use the Comprehensive Import Monitoring System (SIMI), as approved by Joint General Resolution No. 4.185-E/2018 of the Federal Public Revenue Administration and the former Secretariat for Trade, published in the Official Journal on 8 January 2018, and to provide the information specified in Annex I to former Secretariat for Trade Resolution No. 523/2017 and the supplementing and amending regulations thereto.

In addition to meeting the indicated requirement for automatic licences, interested parties submitting applications for non-automatic import licences must be enrolled on the register created under former Ministry of Production Resolution No. 42/2016 (Official Journal of 9 September 2016) and enter into the system, for the tariff headings of the goods to be imported, the information indicated in Annexes II to XIV to former Ministry of Production Resolution No. 523/2017 and the supplementing and amending regulations thereto.

This information, as well as the tariff headings subject to the non-automatic licensing system, can be found in the updated text of Resolution No. 523/2017 available at:

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/275000-279999/276625/texact.htm>

In the event that the established requirements are not duly met, the interested party must submit the requested information within ten (10) working days of "Requerimiento Art. 4" ("Article 4 request") being displayed in the system. If the deadline passes and a response has not been received, the procedure will automatically be cancelled and its status reflected in the system as "Baja Art. 4" ("Article 4 cancellation").

For goods subject to non-automatic import licensing, the implementing authority may require the importer to provide any information and/or additional documents listed in Annex XV to Resolution No. 523/2017 and the amendments thereto. It may also request the intervention of the competent technical bodies or use background information from its own sources or those of third parties, and require, should it be deemed necessary, clarifications. This information must be submitted within the time limits and conditions laid down in Article 6 of Resolution No. 523/2017 and its amending and supplementing regulations.

11. All the information that importers are required to provide for import licence applications is set out in former Secretariat for Trade Resolution No. 523/2017 and the amendments thereto. The required forms and documents can be found at <http://www.afip.gob.ar/simi>.

12. Import licences are processed free of charge.

13. There is no deposit or advance payment requirement associated with the issue of import licences.

Conditions of licensing

14. Import licences are valid for ninety (90) calendar days from the date of their approval in the SIMI. This period may be extended by the implementing authority, at the request of the interested party, with at least fifteen (15) days prior to expiry, and for good reason.

15. There are no penalties for the non-utilization of a licence or portion of a licence.

16. Import licences are non-transferable.

17.(a) Not applicable.

(b) No, only the requirements set forth in the above-mentioned regulations.

Other procedural requirements

18. Certificates of compliance or exemption certificates, as appropriate, must be obtained in advance via the Integrated Foreign Trade System (SISCO) for goods covered by the provisions of former Secretariat for Industry, Trade and Small and Medium-Sized Enterprises of the former Ministry of the Economy and Production Resolutions No. 220/2003 and No. 153/2005 and the amendments and regulations thereto.

19. There is no relation between the import licensing regime and the foreign currency exchange system.
