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Committee on Import Licensing

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES NOTIFICATION FOR 2022

ARGENTINA

The following notification, dated 14 September 2022, is being circulated at the request of the delegation of Argentina.

Outline of systems

1. Argentina currently has two types of import licensing system, one automatic and the other non-automatic, both of which are established under Resolution No. 523/2017 of the former Secretariat for Trade and the supplementary and amending regulations 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, No. 133/2020 and No. 102/2021, and Under-Secretariat for Trade Policy and Management Provisions No. 3/2020, No. 5/2020, No. 9/2020, No. 10/2020, No. 29/2020, No. 30/2020, No. 5/2021, No. 7/2021, No. 21/2021, No. 35/2021, No. 36/2021, No. 38/2021, No. 8/2022 and No. 9/2022, and Secretariat for Trade Resolution No. 1/2022.

Purposes and coverage of licences

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 Annex II to former Secretariat for Trade Resolution No. 523/2017, 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, former Secretariat for Industry, the Knowledge Economy and Foreign Trade Management Resolutions No. 1/2020, No. 133/2020 and No. 102/2021, and Under-Secretariat for Trade Policy and Management Provisions No. 3/2020, No. 5/2020, No. 9/2020, No. 10/2020, No. 29/2020, No. 30/2020, No. 5/2021, No. 7/2021, No. 21/2021, No. 35/2021, No. 36/2021, No. 38/2021, No. 8/2022 and No. 9/2022, and Secretariat for Trade Resolution No. 1/2022, 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 Annex II to former Secretariat for Trade Resolution No. 523/2017 and the supplementary and amending regulations thereto.

5. The legal basis of the Argentine import licensing system consists of former Secretariat for Trade Resolution No. 523/2017 (Official Journal of 7 July 2017), 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, former Secretariat for Industry, the Knowledge Economy and Foreign Trade Management Resolutions No. 1/2020, No. 133/2020 and No. 102/2021, and Under-Secretariat for Trade Policy and Management Provisions No. 3/2020, No. 5/2020, No. 9/2020, No. 10/2020, No. 29/2020, No. 30/2020, No. 5/2021, No. 7/2021, No. 21/2021, No. 35/2021, No. 36/2021, No. 38/2021, No. 8/2022 and No. 9/2022, and Secretariat for Trade Resolution No. 1/2022.

The updated text of Resolution No. 523/2017 may be viewed at:

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

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 tariff headings listed in Annex II to former Secretariat for Trade Resolution No. 523/2017 and the supplementary and amending regulations thereto, which are subject to non-automatic import licensing. The executive branch does not need legislative approval to abolish the licensing regime. The Under-Secretariat for Trade Policy and Management of the Secretariat for Trade, under the Ministry of the Economy, is the implementing authority and is empowered to issue the supplementary regulations necessary for implementation, and to make changes to the universe of goods subject to automatic and non-automatic import licensing.

Procedures

6. I-XI. Not applicable. The import licensing regime established pursuant to the above-mentioned regulations 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 supplementary and amending regulations thereto, the administrative body for the submission of import licence applications and the implementing authority for the system is the Under-Secretariat for Trade Policy and Management, attached to the Secretariat for Trade, under the Ministry of Economy, and may, at any time during the procedure, request the involvement of the competent technical bodies, in accordance with Article 5 of the aforementioned 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 Federal Public Revenue Administration (AFIP) Register of Importers are eligible to apply for import licences. To obtain a non-automatic licence, registration in the Production Matrix Single Register (RUMP), established pursuant to former Ministry of Production Resolution No. 442/2016 (Official Journal of 9 September 2016) and the supplementary and amending regulations thereto 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 Resolution No. 4.185-E/2018 (Official Journal of 8 January 2018), and the supplementing and amending regulations thereto, of the AFIP and the former Secretariat for Trade, 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 Production Matrix Single Register (RUMP), established pursuant to former Ministry of Production Resolution No. 442/2016 (Official Journal of 9 September 2016), and the supplementary and amending regulations thereto, and must enter into the system, for the tariff headings of the goods to be imported, the information specified in Annex II(2) to former Ministry of Trade Resolution No. 523/2017 and the supplementing and amending regulations thereto.

Required 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 requirements described above are not duly met within 10 working days of registering the import licence application, 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 III to Resolution No. 523/2017 and the supplementary and amending regulations thereto. It may also request the intervention of competent technical bodies, 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 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 supplementary and amending regulations thereto. The required forms and documents can be found at <http://www.afip.gob.ar/simi/>. In addition, two explanatory manuals with detailed and updated information on licensing procedures can be found at: <https://www.argentina.gob.ar/comprobar-licencias-automaticas-para-importaciones>.

12. Import licences are processed free of charge.

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

Licensing conditions

14. Import licences are valid for 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, at least 15 days prior to expiry, and for good reason. Any extension granted for non-automatic import licences will, by extension, be granted to the period of validity of any automatic licences that are included in the same declaration registered in the SIMI. In this case, if the period of validity of the automatic licence has expired, the granting of the extension shall mean that this period will be renewed until the date that this extension expires.

15. There are no penalties for the non-utilization or utilization of a 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 Resolution No. 220/2003 and the amendments and regulations thereto.

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