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Committee on Import Licensing

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IMPORT LICENSING SYSTEM OF ARGENTINA

QUESTIONS FROM THE EUROPEAN UNION TO ARGENTINA REGARDING ITS ANNUAL NOTIFICATION (G/LIC/N/3/ARG/11)

The following communication, dated 26 November 2013, is being circulated at the request of the delegation of the European Union.

Reference is made to Argentina's Import Licensing notification (G/LIC/N/3/ARG/11) of 24 September 2013.

Before entering into detailed questions, the EU would like to make some general observations.

The DJCP (the sworn declaration of product composition) has been in place in Argentina for a long time. Argentina first describes the DJCP as an automatic import licensing system in its notification submitted in February 2002 and circulated to Members as document G/LIC/N/3/ARG/2/Add.1 of 6 March 2002. Later, according to the notification submitted in 2006, Argentina stated that the *"DJCP is an import certificate that is approved in all cases on a first come first served basis and that the delays are minimum 2 days max 10 days"*. These aspects have also been confirmed in the notifications submitted for the years 2008 to 2010.

The situation started changing as from the notification G/LIC/N/3/ARG/10, circulated on 29 January 2013, covering the 2012 year. Then, it changed even more on the basis of the notification at stake (G/LIC/N/3/ARG/11) circulated on 24 September 2013.

According to its last notification (G/LIC/N/3/ARG/11), Argentina continues to qualify the DJCP as an automatic licensing system despite of the fact that the system has considerably changed in the course of the years.

According to notification G/LIC/N/3/ARG/11, Argentina has adopted Resolution No 248/13, which sets new rules in the use of the DJCP for the importation of goods. However, in its notification, Argentina does not mention any regulatory measure that was adopted to implement that Resolution, namely Resolution No 99/2013 adopted in June 2013.

According to the information published on the web page of the Ministry of the Economy (http://www.oficinascomerciales.es/icex/cda/controller/pageOfecomes/0,5310,5280449_5282957_5284971_4698070_AR,00.html), Resolution No 99/2013 establishes a new DJCP administrative control procedure in the area of importation of garments, apparel and footwear. Before the entry into force of the Resolution No 99/2013, the importers were required to present a DJCP directly to the Customs Authorities together with the rest of the documentation. Under the new measures, importers must file the DJCP in electronic form through an integrated Foreign Trade System (SISCO). The declaration will then be registered and subject to the review by several governmental entities associated to the system. Such entities can introduce "observations" in the system with respect to the declaration, establishing the status of the declaration as "observed". Until such time those observations are removed, the importation cannot take place.

In view of the above, and referring to Argentine notification "G/LIC/N/3/ARG/11", we would like Argentina to reply to the following questions:

1. Why does Argentina, in its notification, only refer to Resolution No 243/2013 and omit to mention Resolution No 99/2013 that seems to be an accompanying implementing measure?
 2. What is the administrative purpose of the DJCP in its current form? According to the notification (p. 4): "the system does not restrict either the quantity or the value of imports. The purpose of the licensing is explained in the relevant regulations". Could Argentina submit all the relevant regulations that set out all of the obligations to be complied with by importers in order for the latter to meet the requirements of the DJCP import licensing system?
 3. Could Argentina explain why the DJCP is considered as an automatic import licensing system if currently the importation of goods is subject to an approval, as stated in point 7.a) of the notification?
 4. According to the notification (p. 2), the DJCP covers the products listed in Resolution No 850/1996. According to Art. 5.2.a) of the Import Licensing Procedures Agreement, the notification shall include a list of products subject to licensing procedures. Could Argentina submit a detailed and the most updated list of products subject to import licensing?
 5. Could Argentina clarify how much in advance of physical importation must an application for a licence be made? Can licenses be obtained within a shorter time-limit? Could Argentina explicitly reply whether a licence can be granted immediately upon request? (Reference is made to questions under points 7.a and 7.b of the questionnaire - document G/LIC/3)
 6. Could Argentina clarify whether nowadays the procedure for the DJCP could take longer than 10 days and on what legal basis? If so, what is the relevant legal provision? Can Argentina demonstrate that the DJCP procedure meets the time limits set out in the Agreement on Import Licensing Procedures (maximum of 10 working days for the automatic import licensing)?
 7. According to the notification, DJCPs are valid for 360 calendar days from the date of issue and they may not be extended. Could Argentina clarify under which circumstances they may not be extended? Could Argentina clarify under which provisions of the rules Import Licensing Procedures Agreement would such refusal be justified?
 8. Could Argentina clarify which provisions in its legislation dispense with the obligation to repeat the declaration procedure before each and every importation over the duration of such a "licence" (it is indeed valid for 360 days)?
 9. The resolution does not specify which are the circumstances leading to the status of "received" or "observed" nor does it set out any definite timelines for such a decision by competent authorities. Could Argentina submit a detailed description of the different status of "received" or "observed", i.e. the consequences of granting of either status for importers and the exhaustive list of criteria that need to be met by an importer to get a "received" status?
 10. Following the entry into force of Resolutions No 243/2013 and No 99/2013, while the DCJP for imported goods must be submitted through the customs electronic system SISCO, the locally produced goods are not obliged to do an electronic application before products can be put on the market. Could Argentina demonstrate the neutrality of the application of the import licensing system in accordance with Art. 1.3 of the Import Licensing Procedures Agreement?
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