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Page: 1/3

Committee on Import Licensing

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IMPORT LICENSING SYSTEM OF ARGENTINA

QUESTIONS FROM THE UNITED STATES TO ARGENTINA

The following communication, dated 6 April 2021, is being circulated at the request of the delegation of the United States.

The United States thanks Argentina for the replies to previous questions and for notifying a number of laws and changes to procedure to the Committee on Import Licensing (CIL). The United States encourages continued transparency through further notifications.

We continue to hear from importers about non-transparent and changing approval processes and requirements, as well as delays in processing times related to the import licensing system.

In the interest of continuing our open exchange under this Committee, we seek additional clarification and updated information from Argentina. We again urge Argentina to implement its system in a transparent, fair, and equitable manner, and to avoid practices that could have avoidable trade-restrictive or distortive effects that may discourage investment or other economic activity important for Argentina's long-term objectives.

1. Is the below list the complete list of measures relevant to the import licensing system? If not, what additional measures are relevant? Have there been changes or new measures after Undersecretariat for Trade Policy and Management Provision No. 30/2020 was published on 29 October 2020?
 - 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>;

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- 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>; and
 - 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>.
2. With respect to the goods covered by non-automatic import licensing, what is the current number of tariff lines subject to non-automatic licensing? Do the tariff lines subject to non-automatic licensing relate to particular sectors or industries?
 3. As a follow up to the response to Question 5 in November 2020, please provide:
 - (a) Data by volume and value for the percentage of imports to Argentina covered by automatic import licensing and by non-automatic licensing for the full calendar year 2020 and year to date 2021; and
 - (b) Data by volume and value on the distribution of non-automatic licenses by HS code for 2019 and 2020.
 4. With respect to the application process, the United States requests additional clarification on information that may be requested from applicants.
 - (a) Are requests for information from importers limited to the information listed in Annex XV of Resolution No. 523/2017?
 - (b) In 2020 or 2021 did Argentina not grant an application for non-automatic import licensing for an applicant that provided all information necessary according to published application instructions?
 - (c) In the response to Question 3(c) in November 2020, Argentina indicated ability to request additional information "...is important for the purpose of obtaining additional information that allows for the improved surveillance of import operations and the more efficient monitoring of the applicant's compliance with the requirements established in the relevant regulations." How does Argentina limit such requests? Are such information requests used only to evaluate completeness of applications in accordance with published requirements? Do such requests pertain to information outside the original application, for example, information pertaining to the wider business operations of an applicant? Is there a scope to these additional information requests?
 5. With respect to the time for an applicant to provide information, the response to Question 3(e) in November 2020 states that applicants have 10 working days to provide the information requested information to the implementing authority, and a further 5 days to modify, correct, or complete the request if the information provided is deemed incomplete or fails to meet the requirements.
 - (a) Within how many days after the applicant submits the information would the implementing authority provide a response?
 - (b) Can the implementing authority make additional requests for information after that 5-day period expires?
 - (c) If the applicant responds during the 5-day period, but implementing authority seeks additional information or deems the application incomplete, what is the process for the applicant to continue the process and have the application approved?
 - (d) If an application is cancelled but the applicant still seeks a non-automatic import license, does the applicant need to resubmit all information if it reapplies, or can the applicant rely on information already possessed by the implementing authority?

6. In response to 4 (a) and 4(b) in November 2020, Argentina notes that license applicants have rights to administrative appeal and appeal before the ordinary courts.
- (a) What is the procedure for administrative appeal? How long is the process, and are expedited procedures available? What legal criteria and factual record are used to evaluate the decision of the implementing authority?
 - (b) What is the procedure for appeal to ordinary courts? Are expedited procedures available? What legal criteria and factual record are used in an administrative appeal to evaluate the decision of the implementing authority?
7. The response to Question 6 in November 2020 covered non-automatic importation licenses (NAL) requests accepted and rejected for 2019 and 2020. The response indicated that in 2020 84.1% of NAL requests were approved and .2% of NAL requests were rejected. What was the outcome of the remaining 15.7% of NAL applications?
8. As an update for the information provided in November 2020, please provide statistical information, for both automatic and non-automatic licenses, on:
- (a) Number of applications;
 - (b) Percentage accepted;
 - (c) Percentage rejected; and
 - (d) Processing time (averages, minimum, and maximum) for applications.
- Please provide this information on an annual basis for 2020 and 2021 year to date.
9. With respect to any further changes to the import licensing system:
- (a) Is Argentina considering further changes to its import licensing system since its last set of responses? What changes, if any, are under consideration?
 - (b) Will Argentina consider reducing the scope of imports affected by non-automatic import licensing requirements?
 - (c) Will Argentina consult with stakeholders in advance of implementation of any changes? What process will Argentina use to request and review comments from stakeholders on possible changes?
