

III. TRADE POLICIES BY MEASURE

(1) OVERVIEW

1. There have been a few changes in Argentina's import procedures since its last review in 2007, such as the introduction from 1 February 2012 of the sworn advance import declaration (DJAI) for all imports for home use and the elimination of the prior automatic import licence (LAPI) as from 5 September 2012. For some products to be imported the product and/or the importer must be listed in a specific register.

2. To safeguard its fiscal interests, Argentina uses "criterion values" of a precautionary nature established by the Federal Public Revenue Administration (AFIP) for any of the goods included in the MERCOSUR Common Nomenclature (NCM). During the review period, the lists of products and groups of countries subject to criterion values were changed several times. Moreover, to prevent tax evasion and combat the undervaluation of imported goods, in March 2012 the AFIP set up multidisciplinary verification, valuation and inspection teams (EMVIC) for the purpose of carrying out customs clearance controls.

3. Tariff protection has increased since 2006, with the simple average MFN tariff rising from 10.4% in 2006 to 11.4% in 2012. Since the last Review, there has been a major change in the structure of the Argentine tariff, since Argentina now applies only *ad valorem* tariffs. Previously, 8% of total tariff lines were subject to minimum specific import duties (DIEM), which were abolished in 2010. However, under the legislation they can be re-established in certain circumstances. Argentina continues to burden imports with a statistical fee amounting to 0.5% of the customs value with a maximum of US\$500 or with a verification tax with a maximum rate of 2% of the customs value for verifying that the conditions applicable to the import operation have been met.

4. Imports require an automatic or a non-automatic licence (import certificate), as the case may be. The number of products subject to import licensing, both automatic and non-automatic, has increased since the last Review. However, in September 2012, Argentina abolished the prior automatic import licence (LAPI), which resulted in a substantial reduction in the number of tariff lines subject to automatic licensing. The use of non-automatic licences increased during the review period, especially for textiles and textile articles and for machinery and equipment.

5. Argentina ranks fourth among WTO Members in terms of frequency of recourse to anti-dumping measures. During the review period new legislation was introduced to regulate investigations and reviews of existing measures.

6. In Argentina, technical regulations are drawn up on a participatory basis so that the various stakeholders can express their opinion on the draft texts. The authority responsible for overseeing the drafting procedure is the institution in charge of the sector for which the standard is intended. In general, technical regulations are based on MERCOSUR standards and those of various international organizations.

7. In addition to general registration, some exports have to be listed in a specific register. This is the case with exports of certain agricultural products, such as cereals, meat and dairy products. Some agricultural products are also subject to official export prices. Official prices are established for the purpose of assessing export duties, taxes and other levies or for calculating refunds and reimbursements intended to encourage exports.

8. Argentina continues to apply export duties. These are used as price policy tools to moderate the impact of exchange rate fluctuations on domestic prices, especially with regard to essentials that form part of the family basket, and as a fiscal measure that responds to the situation of the public finances. With a few exceptions, all exports are subject to export duties. These duties increased during the review period and currently range from 5 to 100%.

9. According to the Law on the Defence of Competition, any act or conduct relating to the production and trading of goods or services is prohibited if it has the aim or effect of limiting, restricting, undermining or distorting competition or market access; or if it constitutes an abuse of a dominant market position that could harm the general economic interest. The practices themselves are not prohibited, only their effects. The Law is applicable to all natural or legal persons, public or private, that undertake economic activities in all or part of Argentine territory; and it also covers persons who undertake economic activities outside the country, insofar as their acts, activities or agreements have potential effects on the Argentine market.

10. Argentina continues to implement a price control policy to stimulate consumption, strengthen domestic production and promote better income distribution. The Executive is authorized to issue marketing, intermediation, distribution and/or production regulations even if no supply emergency has been declared. To this end, the Government has made use of a mechanism based on domestic market supply and pricing agreements with producers in various branches of activity and with marketers. Another tool used to maintain domestic prices is the agricultural compensation scheme.

11. Argentina has several tariff concession programmes for promoting exports. These include: the various investment promotion programmes, the temporary admission procedure (*destinación suspensiva de importación temporaria*), the in-factory customs regime (RAF), the free zone regime and special customs areas. Argentina also continues to maintain a series of investment and production incentive programmes applied horizontally at national and regional level, as well as others at sectoral level. Some of these regimes, such as subsidies for mining and forestry, the free zone regime and the capital goods, information technology and telecommunications regime, have been notified to the WTO Committee on Subsidies.

12. Argentina is an observer in the Plurilateral Agreement on Government Procurement. Through programmes such as "Buy Argentine Labour", "Buy Provincial" and "Buy Municipal", preferences of between 5 and 7% are granted to national and local producers, depending on the circumstances. Since 2012 a preference margin of 7% has also been granted on the bids of suppliers that export, and contracts for certain services must be placed with Argentine providers.

13. In 2007, the Law on Intellectual Property was amended to bring the protection of the rights of performers whose performance is fixed in phonograms and those of phonogram producers within its scope.

(2) MEASURES DIRECTLY AFFECTING IMPORTS

(i) Procedures, documentation and registration

14. The Customs Code (Law No. 22.415 of 1981, as amended) and Regulatory Decree No. 1.001 of 1982 (as amended) govern, among other things, Argentina's import procedures. The customs

procedures apply to imports of any origin, including those originating in MERCOSUR. There are several special import regimes (Section VI of the Customs Code).¹

15. Importers (and exporters) must enrol in the Register of Importers and Exporters of the Directorate-General of Customs (DGA).² The registration requirements differ according to whether the importer (exporter) is a natural or a legal person.³ Importers (and exporters) must also set up special domicile in the country (with the customs office in the area of the port that they use). In the event of a refusal, the interested party may lodge an administrative or judicial appeal. In 2007 it was decided that the Register of Importers and Exporters should be periodically updated and a procedure was established for the verification of the solvency requirement and for the lodging and refunding of security.⁴

16. Since 1 February 2012 Argentina has required a sworn advance import declaration (DJAI) for all imports for home use. The MARÍA (SIM) computer system is used to carry out the consistency checks agreed with the competent bodies and to verify whether the DJAI has been validated by all concerned.⁵ The information recorded in the DJAI is made available to the competent bodies in accordance with the nature of the goods to be imported and other conditions laid down by those bodies or by the Federal Public Revenue Administration (AFIP). The government agencies that participate in the DJAI regime must make any necessary comments by electronic means within 72 hours of the registration of the declaration, with the possibility of having this period extended to a maximum of 10 calendar days in those cases in which the specific responsibilities of the agency concerned so require.⁶ Once the specified period has expired, if there have been no comments, the processing of the import operation will continue. For these purposes, it has been decided that the DJAI will function as an "Electronic Single Window" to facilitate the uninterrupted transfer of commercial information relating to import transactions between all the government agencies which, within their sphere of competence, are entitled to intervene in foreign trade operations.⁷

17. For some imports, the product and/or the importer must be listed in a specific register. This is the case with food imports, which have to be listed in the National Food Products Register (RNPA); in addition, the marketer must be listed in the National Register of Establishments (RNE) (see Box III.1). Once the product has been registered, the importer must obtain a free circulation certificate which, as distinct from registration, is required for each shipment. In 2007 the Import Operations Register (ROI) was created, under the National Office for the Control of Agricultural

¹ Such as: the means of transport regime; the regime for customs operations conducted using military, security or police means of transport; the container regime; the luggage regime; the means of transport stores, on-board provisions and supplies regime; the private cargo regime (i.e. the new or used effects of a member of the crew of a means of transport); the diplomatic allowances regime; the postal items regime; the re-importation of goods exported for consumption regime; the import/export shortfall regime; the frontier traffic regime; and the relief and emergency aid shipments regime (Customs Code, Section VI, Special Regimes).

² Article 92 of Law No. 22.415 (Customs Code) of 2 March 1981 and amendments thereto.

³ The registration requirements are laid down in Articles 94 and 95 of the Customs Code and amendments thereto.

⁴ AFIP General Resolution No. 2.220/2007.

⁵ AFIP General Resolution No. 3.252/2012, Article 5.

⁶ AFIP General Resolution No. 3.255/2012, Article 2.

⁷ AFIP General Resolutions Nos. 3.255/2012 and 3.256/2012.

Trade (ONCCA), for recording imports of certain goods such as, for example, pig products.⁸ Moreover, other foods, such as potatoes and wine, also have a specific register.⁹ Wine importers must register with the National Grape-Growing and Wine Production Institute (INV) and produce a document known as a *Guía de importación*, which serves as a sworn declaration. By means of this document the importer notifies the INV of pending imports of wine or grape must and requests the analysis and control of the shipment by the INV. If the results of the analysis are satisfactory, the INV issues a free-circulation certificate.¹⁰ There is also a Register of Medical Technology Producers and Products for imports of reagents and equipment for medical use.¹¹

Box III.1: Requirements for importing food into Argentina

The Argentine Food Code (CAA) and its regulations establish the health, food science and commercial identification requirements for the preparation, import and export of food products, as well as for the establishments in which they are produced. There are also specific regulations governing the preparation, import and export of particular products.

The CAA stipulates that, before they can commence their activities, establishments that prepare or market food products must be enrolled with and authorized by the competent jurisdictional health authority; they must also register the food products before they begin to market them. Once enrolled and authorized, the establishments can obtain from the National Food Institute (INAL) a listing in the RNE as an importer. A listing in the RNE is necessary for any product that it is intended to introduce and market in the territory of the Argentine Republic, unless the product in question comes from a MERCOSUR member country, or from a country outside MERCOSUR and there is an existing mutual recognition agreement, in conformity with Resolution No. 876/97 and Order No. 5434/98.

A listing in the RNE is a condition for subsequent product registration in the RNPA and the issuance of a certificate granted by the jurisdictional health authorities for each product to the producers, processors, packagers, importers or exporters of food products or dietary supplements.

The RNE and RNPA certificates must accompany the other documents required to obtain entry for the product (Decree No. 2.092/1991). Authorization to enter the country is granted batch by batch and in accordance with the results of the examination of the documentation of origin. Sampling and a subsequent analysis are carried out on the basis of a monitoring programme focused on certain chemical and microbiological contaminants and food composition, quality and labelling factors. The object is to protect consumers from the risk of consuming contaminated food and from dishonest commercial practices.

Another prerequisite for the release of food products is the stability certificate. Moreover, the customs service requires the pre-release intervention of INAL or the National Drugs, Food and Medical Technology Administration (ANMAT). In this case, to obtain the release of the goods, it is also necessary to produce a free-circulation certificate issued by INAL.

Source: Online information from ANMAT. Viewed at: <http://www.anmat.gov.ar/alimentos/acerca.asp>. Online information of the Official Portal of the Government of the Argentine Republic. Viewed at: <http://www.argentina.gob.ar/tramites/239-solicitud-de-autorizaci%C3%B3n-para-la-libre-circulaci%C3%B3n-de-productos-alimenticios.php>, and Decree No. 1.812/92.

⁸ Resolution No. 119 of 9 March 2007 of the former Ministry of the Economy and Production created the ROI as a tool for monitoring the market for pig meat, its byproducts and derivatives, in order properly to identify the goods entering the country and the domestic pig sector's total supply.

⁹ Resolution No. 152/2007, creating the Potato Importers Register.

¹⁰ Since 2011 imports of small-volume consignments of wine (up to 100 litres) (as the case may be) have been exempt from sampling for control purposes (Resolution No. C.34/2011 of 16 August 2011).

¹¹ Decree No. 2.505/85 and amendments thereto; Resolutions Nos. 2.015/93 and 446/96.

18. In the case of imports subject to specific technical regulations, a sworn declaration (conformity certificate) is required.¹² Imported products are inspected by customs to ensure compliance with the legislation in force. If the products do not conform to the technical regulations (this can be rectified by the producer), the goods will not be released onto the market until the necessary adjustments have been made. If they cannot be brought into conformity, then they will be destroyed.

19. Some products, such as arms and nuclear elements and materials, require prior import authorization for security purposes (Table III.1).

Table III.1
Products subject to prior import authorization

Type	Issuing authority	Product	Legal framework
Prior authorization and registration	Ministry of Defence, subject to the intervention of the National Firearms Registry (RENAR)	Firearms, ammunition and other classified materials for military or civilian use	Law No. 20.429/73 (as amended), Decree No. 302/83 (as amended) and Resolution No. 3.115/94 (as amended) of the National Customs Administration
	Ministry of Health, via ANMAT	Medical products	Order No. 724/07
Prior authorization	Nuclear Regulatory Authority	Nuclear elements and materials	General Resolution No. 996/01 (as amended) of the Federal Public Revenue Administration
	Military Geographical Institute	Publications in which the continental, island and Antarctic territory is totally or partially described or represented	Law No. 22.963/83 (as amended) and Resolution No. 2.514/93 of the National Customs Administration
	National Directorate of Livestock Inspection and Marketing	Dairy cattle breeding stock and seminal material	Resolution No. 79/88 of the Secretariat for Agriculture, Livestock and Fisheries

Source: Online information from LAIA, *Servicios de Apoyo al Empresario: Guía de importación: Argentina*. Viewed at: <http://www.aladi.org/nsfaladi/guiasimportacion.nsf/vpais/Argentina>.

20. Imports for final consumption may need an automatic or a non-automatic licence, as the case may be (see section (vi)(b)). The other documents required by customs for imports are: the original transport documents (bill of lading, waybill, air waybill); original commercial invoice; packing list; and customs value declaration (where appropriate).¹³ For imports on preferential terms, a certificate of origin is required. A certificate of origin is also required for imports receiving non-preferential tariff treatment in the case of products subject to the application of trade remedies or for statistical purposes.

21. Certain articles "for consumption" must be imported through authorized customs offices known as specialized customs offices, within the specified opening hours.¹⁴ The range of goods subject to this requirement, like the list of specialized customs offices through which they can enter the country, is regularly updated.¹⁵ Regulations have also been issued restricting the release process for some goods to certain customs offices. These goods include some narcotic drugs and psychotropic substances, which can only be imported (exported) through the customs offices of Buenos Aires and Ezeiza.¹⁶ Moreover, ammonium nitrate in any form, such as gunpowder, explosives and the like, can be imported (exported) only through the customs offices of San Antonio Oeste,

¹² Decree No. 829/94 and Order No. 86/2007 of the National Directorate of Domestic Trade.

¹³ The import documents required vary with the means of transport used (Customs Code, Articles 135-167).

¹⁴ General Resolution No. 1.924/2005 (as amended).

¹⁵ Annex I to Resolution No. 3/2010 of the Directorate-General of Customs lists the products subject to this requirement, as well as the ports of entry for each product.

¹⁶ Resolution No. 2.017/93.

Gualeguaychú and Tucumán.¹⁷ In exceptional cases and with the express prior authorization of the National Firearms Registry (RENAR), these products can be imported (exported) through the Port of Olivos and the border crossing of Concordia.¹⁸ Furthermore, Law No. 20.429 of 5 July 1973 stipulates that arms, gunpowder, explosives and the like can be imported (exported) only through the ports and customs offices designated by the Executive.

22. In accordance with the Customs Code, immediately after the arrival of the goods in Argentine territory, the importer must present the documentation required and such documentation as the National Customs Administration may determine. The Customs Code also stipulates that the unloading of the goods may not begin until the necessary documentation has been presented. If it is not possible to produce the original cargo manifest at the time of arrival of the goods, a detailed declaration of all the cargo may be presented.

23. The Argentine customs regulations require the intended use of the imports to be identified so as to permit the determination of any tax obligations. For these purposes, the importer must provide the DGA with an import destination indicating what the company wants to do with the goods in order to dispose of them. Goods that are to be sold in Argentina enter the customs territory as goods "intended for final consumption" and must pay the corresponding taxes. The importer may opt for the "temporary admission procedure" if, among other things, the imports are in transit, are to be used in a trade fair and then re-exported, or are entering country for processing and subsequent exportation.

24. Once the intended use of the imported goods has been recorded and the import duties and other relevant taxes paid, the declarant is informed of the choice of channel through which the goods must pass for control purposes. There are three such channels: red (physical and documentary inspection and, in some cases, value control)¹⁹, amber (documentary control), and green (without inspection). The criterion used to decide through which channel the goods are to pass is risk. Goods subject to specific import controls (import registration, prior authorization, import licensing, origin requirements and/or which must comply with sanitary requirements or technical regulations) are directed through the amber or the red channel.

25. Imports eligible for a tax concession on grounds of use, application or disposal are subject to the verification of destination regime. In these circumstances, the DGA is authorized to carry out an on-the-spot check on compliance with the relevant requirements, in which case a verification of destination tax with a maximum rate of 2% of the customs value of the goods will be payable (section (v)(a)).²⁰

26. To prevent tax evasion and the undervaluation of imports, in March 2012 the AFIP set up multidisciplinary verification, valuation and inspection teams (EMVIC), for the purpose of carrying out controls during clearance.²¹ The imports subject to these controls are selected before release by teams of specialists who, even though they operate in the primary customs zone, belong to the central

¹⁷ Order No. 382/10.

¹⁸ National Firearms Registry Order No. 382/10. Viewed at: http://www.renar.gov.ar/index.php?section=legislacion_visualizar&m=3&Law=225&disp=si.

¹⁹ Resolution No. 1.907/05.

²⁰ Law No. 22.415/81 (Customs Code), Articles 772-776, AFIP General Resolution No. 2.193/07.

²¹ AFIP General Resolution No. 3.304/2012 (Multidisciplinary Verification, Valuation and Inspection Teams). Viewed at: http://www.cda.org.ar/index.php?option=com_content&view=Article&id=11203:resolution-general-nd-33042012-aduanas&catid=40&Itemid=1.

risk management offices. The Customs Administration avails itself of the DJAI and interdisciplinary teams for carrying out these controls.²²

27. During the preliminary physical and value control examination applicable to goods transported in containers, measures to secure the evidence necessary for the correct determination of the customs value of the goods and their classification, where appropriate, may be adopted. Cases and goods are selected by the centralized customs inspectorate with account, *inter alia*, for the following parameters: a complete analysis of the DJAI; an analysis of the migration of tariff headings in customs declarations; objective records of the historical prices of identical or like goods; the risk profiles generated by the Subdirector General of Customs Control; and the additional data needed for the value analysis. Before the goods are released, samples are taken (in accordance with AFIP General Resolution No. 1.582/2003) for analysis in the Technical Institute for the Examination of Goods (ITEM) and/or the establishment designated for the purpose and/or for the analyses necessary for the correct classification and valuation of the goods, and during this period clearance is suspended. Moreover, ten or more photographs are taken of the goods for incorporation in the customs declaration.²³ In accordance with AFIP General Resolution No. 3.304/2012, this measure is intended to make the trade regime more secure and transparent with the aim of protecting the domestic industry and promoting the model of productive development with social inclusion and the maintenance of productive employment.

28. The Customs Code establishes the procedures for challenging decisions taken by customs.²⁴

(ii) Customs valuation

29. In Argentina, valuation is governed by the Customs Code (Law No.22.415 of 23 March 1981), Law No. 24.425 of 5 January 1995 (incorporating the Marrakesh Agreement into the national legislation), Law No. 23.311 of 15 July 1986 (approving the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade and the Protocol to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade), implemented by Decree No.1.026/1987, and other AFIP decrees and resolutions.

30. Argentina has not entered any reservations with the WTO concerning the fixing of minimum prices, but it has done so with respect to the reversal of the order of the deductive and computed value methods (paragraph 3 of Annex III) and with respect to the application of the deductive method (paragraph 4 of Annex III).²⁵ For other valuation methods the order indicated in the WTO Customs Valuation Agreement is used. The authorities have pointed out that, in general, Argentina bases valuation on the transaction value.

31. The AFIP, through the DGA, continues to establish criterion values of a precautionary nature to protect the fiscal interest, for any of the goods included in the MERCOSUR Common Nomenclature (NCM). These values are published in the Argentine Official Journal (*Boletín Oficial*) and in the journal of the DGA. Criterion values cannot be applied by analogy or on the basis of

²² Information provided by the authorities.

²³ AFIP General Resolution No. 3.304/2012.

²⁴ Section XIV of Law No. 22.415 (Customs Code).

²⁵ WTO documents G/VAL/W/76 of 10 October 2006, G/VAL/W/76/Add.11 of 10 April 2006 and G/VAL/2/Rev.24 of 27 April 2007.

similarity to other goods.²⁶ During the review period, the lists of products and the groups of countries subject to criterion values were amended several times.²⁷

32. In determining criterion values the DGA takes into account, *inter alia*, the official value declared at the point of importation of the goods for consumption and the information in the databases available in the public or private sector.²⁸ If the declared value is less than the provisional value, the imports must, in all cases, be routed through the red value channel, with the prior lodgement of security. The red value channel is also the required route for imports selected by the computer system, with the prior lodgement of security for the difference in tax between the amount paid and the amount resulting from consideration of the value established by the AFIP.²⁹

(iii) Rules of origin

33. The Customs Code lays down the procedure for determining the origin of imported goods.³⁰ The rules of origin are based on the general principles of the transformation and processing that the goods may have undergone. Argentina continues to apply preferential, as well as non-preferential, rules of origin.³¹ The non-preferential rules of origin have been notified to the WTO.³² The production of a non-preferential certificate of origin is mandatory for importing goods subject to contingency measures and for importing fabrics, garments, made-up goods and footwear for domestic consumption; in this case the certificate of origin is required for statistical purposes (Table III.2). The certificate of origin must be issued in the country of origin by the competent government authority or by the entity to which this function has been delegated.³³ Certificates of origin must be legalized by the Argentine consulate in the country of origin and are valid for six months.³⁴

Table III.2
Some provisions concerning non-preferential rules of origin

Description	Resolution No.
Goods originating in countries without the right to receive MFN treatment which receive it by virtue of a unilateral decision by Argentina	763/96
Goods subject to anti-dumping or countervailing duties or safeguard measures	763/96
Goods for which a certificate of origin is required for statistical purposes; fabrics, garments, made-up goods and footwear (all the tariff headings of NCM Chapters 51 to 64, with some exceptions) imported for consumption, irrespective of the exporting country of provenance	763/96, 381/96 and 39/96

Source: Online information provided by the Undersecretariat for Trade Policy and Management, Origin of Goods Office: Non-preferential Origin: investigations: List of goods subject to non-preferential origin control under Article 2 of MEOSP Resolution No. 763/96. Viewed at: <http://www.comercio.gob.ar/web/index.php?page=125&btn=163> and MEOSP Resolution No. 39/96. Viewed at: <http://www.infoleg.gov.ar/infolegInternet/anexos/30000-34999/32052/texact.htm>.

²⁶ General Resolution No. 2.730 of 17 December 2009.

²⁷ For further details concerning the products and countries subject to criterion prices see the online information provided by InfoLEG. Viewed at: <http://www.infoleg.gov.ar/>, search by type of legislative act (resolution) and agency (Federal Public Revenue Administration).

²⁸ Resolution No. 1.907/05.

²⁹ General Resolution No. 2.730/2009.

³⁰ Article 14 of the Customs Code (Law No. 22.415).

³¹ The use of non-preferential certificates of origin is governed by Resolutions Nos. 39/96, 763/96 and 381/96 of the Ministry of the Economy, Public Works and Services (MEOSP) and by Resolution No. 437/07 of the former Ministry of the Economy and Production.

³² WTO documents G/RO/N/2 of 22 June 1995, G/RO/N/10 of 16 August 1996 and G/RO/N/16 of 5 March 1997.

³³ MEOSP Resolution No. 763/96.

³⁴ *Idem*.

34. Imports originating in countries with which Argentina has signed preferential agreements are subject to preferential rules of origin (Table III.3). The origin of a product is determined in accordance with general or specific criteria. The main general criterion employed in these preferential agreements for conferring origin is a change in tariff classification. If there is no change in classification, the origin is determined according to the value of the inputs used in third countries as a percentage of the price of the final product. The MERCOSUR and LAIA origin regimes have been notified to the WTO.³⁵

Table III.3

Preferential origin criteria

(per cent of f.o.b. value, unless otherwise indicated)

Agreement	General criterion				Specific origin criterion	Cumulation of origin
	Third country inputs in the production process		Maximum value of third country inputs in assembly processes (%)	Maximum value of third country inputs in sets or assortments of goods (%)		
	Change in tariff classification	Maximum value (%)				
LAIA	X	50	50-60 ^a		X	
Regional Partial Scope Economic Complementarity Agreement (AAP.CE)						
MERCOSUR (AAP.CE No. 18)	X	40	40		X	X
MERCOSUR-Andean Community ^b (AAP.CE No. 59)	X	40	40	6	X	X ^c
MERCOSUR-Plurinational State of Bolivia (AAP.CE No. 36)	X	40	40		X	X
MERCOSUR-Chile (AAP.CE No. 35)	X	40	40		X	X
MERCOSUR-Cuba (AAP.CE No. 62)	X	50	50	10		X
MERCOSUR-Mexico (AAP.CE No. 55)	X	40-50		7		X
MERCOSUR-Peru (AAP.CE No. 58)	X	40 ^d	40 ^d		X	X
Bilateral AAP.CE						
Brazil (AAP.CE No. 14)	X	50	50		X	
Mexico (AAP.CE No. 6)	X	40-50		10	X	X
Paraguay (AAP.CE No. 13)	X	50	50-60 ^a		X	
Uruguay (AAP.CE No. 57)	X	40				
Agricultural Partial Scope Agreement						
Uruguay (AAP.A12TM No. 1)	^e	^e			X	
MERCOSUR ^f -Cuba (AAP.A12TM No. 2)	X	50	50-60 ^a		X	
Regional Agreement on Regional Tariff Preference (AR.PAR)						
MERCOSUR ^f -Cuba-Mexico (AR.PAR No. 4)	X	50	50-60 ^a		X	
Preferential Trade Agreement						
MERCOSUR-India	X	40		15		X
MERCOSUR-Southern Africa Customs Union (SACU) ^g	X	40		15	X	X

³⁵ WTO document G/RO/N/12 of 1 October 1996.

Agreement	General criterion				Specific origin criterion	Cumulation of origin
	Third country inputs in the production process		Maximum value of third country inputs in assembly processes (%)	Maximum value of third country inputs in sets or assortments of goods (%)		
	Change in tariff classification	Maximum value (%)				
Free Trade Agreement						
MERCOSUR-Egypt (% factory price) ^g	X	45		15	X	X
MERCOSUR-Israel (% factory price)	X	50		15		X
MERCOSUR-State of Palestine ^g	X	50		15		X

- a The 60% applies to the relatively less developed countries.
b Only Colombia, Ecuador and the Bolivarian Republic of Venezuela.
c For the purposes of cumulation of origin, materials originating in the Plurinational State of Bolivia and Peru are also considered to have originated in the exporting signatory party.
d 50% between 2005-2008; 45% between 2008-2011; and 40% as from 2012.
e A product is deemed to be originating if it was produced in the territory of one of the signatory countries or was manufactured wholly in the territory of any one of them using exclusively materials originating in the said countries.
f States Parties (Argentina, Brazil, Paraguay and Uruguay) and associates (Plurinational State of Bolivia, Chile, Colombia, Ecuador, Peru and Bolivarian Republic of Venezuela).
g Pending ratification in Argentina (October 2012).

Source: Online information from LAIA, *Integración y Comercio: Regímenes de Origen*. Viewed at: http://www.aladi.org/nsfaladi/arquitect.nsf/VSTITOWEB/regimenes_de_origen; information provided online by the Undersecretariat for Trade Policy and Management, *Dirección Nacional de Política Comercial Externa: Política Comercial Regional: Acuerdos Comerciales*. Viewed at: <http://www.comercio.gov.ar/web/index.php?pag=334&btn=161>, and online information from the MERCOSUR Secretariat: *Tratados, Protocolos y Acuerdos*. Viewed at: http://www.mercosur.int/t_generic.jsp?contentid=2639&site=1&channel=secretaria, and information provided by the authorities.

(iv) Tariffs

(a) Tariff structure

35. Since 1995, Argentina's tariff has been based, with some exceptions, on the MERCOSUR Common External Tariff (CET). The CET uses the MERCOSUR Common Nomenclature (NCM), currently based on the 2012 Harmonized Commodity Description and Coding System (HS). Argentina now applies only *ad valorem* tariffs. In 2006, it had 777 tariff lines subject to specific levies known as minimum specific import duties (DIEM). DIEMs were abolished in 2010³⁶; however, the Argentine legislation provides for them to be re-established if necessary.³⁷ The Customs Code stipulates that specific import duties must be established by means of a law. However, if the protection accorded by an *ad valorem* import duty is not sufficient to prevent injury to a productive activity and this injury cannot be avoided by increasing the *ad valorem* tariff or if there are difficulties connected with the customs valuation of the goods, the Executive is authorized to establish DIEMs by decree.³⁸

36. In 2012, Argentina's tariff structure had 10,031 lines (at 8-digit level), with rates that varied between 0 and 35%. There were *ad valorem* duties on 100% of tariff lines; in 2006, 8% of total tariff lines were subject to DIEMs. Tariffs are calculated on the c.i.f. value of the imported goods. Argentina does not levy seasonal, temporary or variable import duties.

³⁶ MEP Resolution No. 15/07.

³⁷ Law No. 22.415 (Customs Code) (Article 640) and Decree No. 2.752/91.

³⁸ Law No. 22.415 (Customs Code) (Articles 660-663).

37. In 2012, the simple average MFN tariff was 11.4% (10.4% in 2006). In 2012, the average applied MFN tariff was 10.1% for agricultural products (WTO definition), slightly less than the protection accorded to non-agricultural products, namely, 11.5% (Table III.4). In 2012, Argentina was still applying an escalated tariff, since imports of raw materials are subject to a lower tariff than semi-processed products, while the latter are subject to lower tariffs than fully processed products (Table III.5).

Table III.4
MFN tariff structure, 2006 and 2012
(Percentage)

	2006 (HS02)	2012 (HS12)
1. Total number of lines	9.784	10.031
2. Non- <i>ad valorem</i> tariffs (% of all tariff lines)	7.9	0.0
3. Tariff quotas (% of all tariff lines)	0.0	0.0
4. Duty-free tariff lines (% of all tariff lines)	14.6	7.5
5. Average tariff on dutiable lines (%)	12.2	12.3
6. Simple average	10.4	11.4
7. Agricultural products (WTO definition)	9.9	10.1
8. Non-agricultural products (including petroleum)	10.5	11.5
9. Agriculture, hunting, forestry and fishing (ISIC 1)	7.0	7.2
10. Mining and quarrying (ISIC 2)	3.2	3.1
11. Manufacturing (ISIC 3)	10.7	11.7
12. Domestic tariff peaks (% of all tariff lines) ^a	4.5	4.2
13. International tariff peaks (% of all tariff lines) ^b	26.1	27.0
14. Overall standard deviation of applied rates	8.9	8.4
15. "Nuisance" applied rates (% of all tariff lines) ^c	19.1	20.2
16. Bound tariff lines (% of all tariff lines)	100.0	100.0

a Domestic tariff peaks are defined as rates exceeding three times the overall simple average of applied rates.

b International tariff peaks are defined as rates above 15%.

c Nuisance rates are those that are more than 0 but not greater than 2%.

Source: WTO Secretariat estimates, based on data provided by the authorities.

Table III.5
Summary of MFN tariff, 2012

	MFN				Bound tariff range ^a (%)
	Number of lines	Average (%)	Range (%)	Coefficient of variation (CV)	
Total	10,031	11.4	0 - 35	0.7	0 - 35
HS 01-24	1,252	10.2	0 - 35	0.5	0 - 35
HS 25-97	8,779	11.5	0 - 35	0.8	5 - 35
By WTO category					
Agricultural products	1,030	10.1	0 - 35	0.6	0 - 35
Animals and animal products	133	7.9	0 - 16	0.6	3.8 - 35
Dairy products	37	18.6	12 - 28	0.3	35 - 35
Fruit, vegetables and garden produce	271	9.2	0 - 35	0.5	10 - 35
Coffee and tea	30	13.7	10 - 20	0.3	25 - 35
Cereals and preparations	138	11.7	0 - 31	0.5	3.8 - 35
Oilseeds, fats and oils and their products	125	7.9	0 - 31.5	0.7	20 - 35
Sugar and sugar confectionery	23	17.6	16 - 20	0.1	25 - 35
Beverages, spirits and tobacco	67	16.9	6 - 20	0.2	35 - 35
Cotton	7	6.3	6 - 8	0.1	35 - 35
Other agricultural products n.e.s.	199	7.9	0 - 14	0.6	0 - 35
Non-agricultural products (including petroleum)	9,001	11.5	0 - 35	0.8	5 - 35
Non-agricultural products (excluding petroleum)	8,974	11.5	0 - 35	0.8	5 - 35
Fish and fish products	331	10.1	0 - 16	0.3	5 - 35
Minerals and metals	1,217	9.8	0 - 25	0.6	15 - 35

	MFN				Bound tariff range ^a (%)
	Number of lines	Average (%)	Range (%)	Coefficient of variation (CV)	
Chemicals and photographic products	3,145	7.1	0 - 18	0.8	10 - 35
Wood, wood pulp, paper and furniture	375	10.8	0 - 18	0.5	12 - 35
Textiles	790	22.7	2 - 35	0.3	25 - 35
Clothing	251	35.0	35 - 35	0.0	35 - 35
Leather, rubber, footwear and travel articles	242	14.7	0 - 35	0.6	35 - 35
Non-electrical machinery	1,132	10.4	0 - 20	0.6	25 - 35
Electrical machinery	609	12.1	0 - 20	0.6	25 - 35
Transport equipment	202	17.8	0 - 35	0.7	5 - 35
Non-agricultural products n.e.s.	680	13.1	0 - 20	0.5	10 - 35
Petroleum	27	0.4	0 - 6	3.6	32.5 - 35
By ISIC sector^b					
Agriculture and fishing	498	7.2	0 - 25	0.6	0 - 35
Mining and quarrying	126	3.1	0 - 10	0.6	30 - 35
Manufacturing	9,406	11.7	0 - 35	0.7	5 - 35
By HS section					
01 Live animals; animal products	481	9.3	0 - 28	0.5	3.8 - 35
02 Vegetable products	399	7.8	0 - 31	0.5	0 - 35
03 Fats and oils	74	10.2	2 - 31.5	0.5	20 - 35
04 Prepared foodstuffs, etc.	298	15.0	2 - 35	0.3	20 - 35
05 Mineral products	206	2.4	0 - 6	0.8	27.5 - 35
06 Products of the chemical or allied industries	2,961	6.8	0 - 18	0.8	10 - 35
07 Plastics and rubber	425	11.1	0 - 18	0.5	20 - 35
08 Hides and skins	113	11.5	2 - 35	0.6	27.5 - 35
09 Wood and articles of wood	130	8.2	0 - 14	0.5	12 - 35
10 Wood pulp, paper, etc.	221	11.2	0 - 16	0.5	27.5 - 35
11 Textiles and textile articles	1,013	25.6	2 - 35	0.3	35 - 35
12 Footwear and headgear	70	25.4	16 - 35	0.3	35 - 35
13 Articles of stone	216	10.7	0 - 20	0.4	17.5 - 35
14 Precious stones, etc.	64	9.6	0 - 18	0.6	35 - 35
15 Base metals and articles of base metal	739	11.7	0 - 25	0.4	15 - 35
16 Machinery and appliances	1,769	11.0	0 - 20	0.6	25 - 35
17 Transport equipment	215	17.3	0 - 35	0.7	5 - 35
18 Precision instruments	451	11.6	0 - 20	0.6	10 - 35
19 Arms and ammunition	18	20.0	20 - 20	0.0	35 - 35
20 Miscellaneous manufactured articles	161	18.0	0 - 20	0.2	35 - 35
21 Works of art, etc.	7	4.0	4 - 4	0.0	35 - 35
By stage of processing					
First stage of processing	1,012	6.9	0 - 35	0.7	0 - 35
Semi-processed products	3,776	9.4	0 - 26	0.8	10 - 35
Fully processed products	5,243	13.6	0 - 35	0.7	5 - 35

a As the bound rates correspond to the HS 2002 classification and the applied rates to HS 2012, there may be a difference in the number of lines included in the analysis.

b ISIC (Rev.2), excluding electricity (1 line).

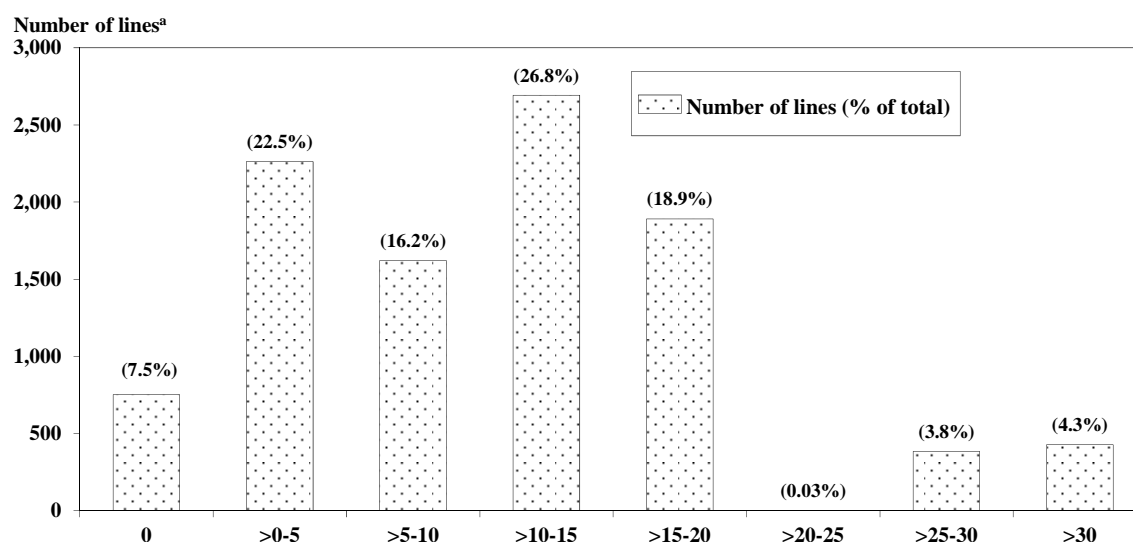
Source: WTO Secretariat estimates, based on data provided by the authorities.

38. There were some changes in Argentina's tariff structure during the review period. In 2012, the tariff was distributed over 18 tiers whereas in 2006 there were 66; this was due to the application of specific tariffs. Another important post-2006 change in the tariff structure was the reduction in duty-free tariff lines; in 2006 a total of 14.6% of all tariff lines were duty-free, whereas in 2012 the duty-free lines amounted to 7.5% of the total tariff universe (Table III.4). The commonest tariff rates in 2012 were 2%, applied to 20.2% of tariff lines (19.1% in 2006), followed by 14%, applied to 19.1% of all tariff lines (4.5% in 2006). Some 73% of tariff lines were subject to tariff rates of 15% or less and 27% to a rate of more than 15% (international tariff peaks) (Chart III.1). In

total, 4.2% of lines were subject to a rate of 35% (4.4% in 2006). The sectors that benefit from greater protection have not changed significantly since 2006 and continue to be textiles and clothing, footwear and certain vehicles, together with oilseeds (Table III.5).

Chart III.1

Frequency distribution of MFN tariff rates, 2012



a The total number of *ad valorem* is 10,031.

Source: WTO Secretariat calculations, based on data provided by the Argentine authorities.

(b) Tariff bindings

39. During the Uruguay Round, Argentina bound all its tariff lines of HS chapters 1 through 97 at levels ranging from 0 to 35%, with a total of 20 tiers. In sectors such as dairy products, beverages, tobacco, cotton, clothing and leather all the lines were bound at 35% (Table III.5). A comparison of Argentina's bindings in the Uruguay Round and the MFN tariff applied in 2012 reveals 32 tariff lines for which the applied MFN tariff exceeds the bound level (Table III.6).³⁹ The authorities have pointed out that if the applied tariff was higher than the bound one, the bound tariff would be applied.

Table III.6

Lines for which the MFN tariff is greater than the bound tariff

HS 2012	Bound <i>ad valorem</i>	MFN <i>ad valorem</i>	Product
0101.30.00	3.8	4	- Donkeys
0101.90.00	3.8	4	- Other
0105.99.00	3.8	4	- - Other
0106.11.00	3.8	4	- - Primates
0106.12.00	3.8	4	- - Whales, dolphins and porpoises (mammals of the order Cetacea); manatees and dugongs
0106.13.00	3.8	4	- - Camels and other camelids (Camelidae)
0106.14.00	3.8	4	- - Rabbits and hares
0106.19.00	3.8	4	- - Other

³⁹ The bound tariff is based on the HS 2002 nomenclature, whereas the MFN tariff is based on the HS2012; therefore only lines that are strictly comparable (or where the nomenclature is the same) may be compared.

HS 2012	Bound <i>ad valorem</i>	MFN <i>ad valorem</i>	Product
0106.20.00	3.8	4	- Reptiles (including sea snakes and turtles)
0106.31.00	3.8	4	- - Birds of prey
0106.32.00	3.8	4	- - Psittaciformes (including lorries, macaws, cockatoos and other parrots)
0106.33.90	3.8	4	Other
0106.39.00	3.8	4	- - Other
0106.41.00	3.8	4	- - Bees
0106.49.00	3.8	4	- - Other
0106.90.00	3.8	4	- Other
8701.30.00	5.0	14	- Caterpillar tractors
8701.90.90	5.0	14	Other
9101.21.00	10.0	20	- - With automatic winding
9101.29.00	10.0	20	- - Other
9101.91.00	10.0	20	- - Battery or accumulator powered
9101.99.00	10.0	20	- - Other
9102.11.10	10.0	20	With base metal case
9102.11.90	10.0	20	Other
9102.12.10	10.0	20	With base metal case
9102.12.20	10.0	20	With plastic case, other than fibre-reinforced
9102.12.90	10.0	20	Other
9102.19.00	10.0	20	- - Other
9102.21.00	10.0	20	- - With automatic winding
9102.29.00	10.0	20	- - Other
9102.91.00	10.0	20	- - Battery or accumulator powered
9102.99.00	10.0	20	- - Other

Source: WTO Secretariat.

40. Argentina bound its other "duties and charges" at a level of 3%.

(c) Tariff quotas

41. Argentina does not apply tariff quotas to MFN imports. However, preferential tariff quotas are used in some trade agreements, for example, in the Partial Scope Economic Complementarity Agreements MERCOSUR-Andean Community (AAP.CE No. 59), Argentina-Uruguay (AAP.CE No. 57 on the automotive industry) and Argentina-Mexico (AAP.CE No. 6).⁴⁰

(d) Tariff preferences⁴¹

42. In July 2012, Argentina granted tariff preferences to imports originating in Brazil, Paraguay and Uruguay under MERCOSUR. It also granted preferences to Colombia, Ecuador (under the CAN) and the Bolivarian Republic of Venezuela, as well as to the Plurinational State of Bolivia, Chile, Cuba, Mexico and Peru under various Economic Complementarity Agreements (ECAs) (see also Chapter II). Argentina also grants preferences under the MERCOSUR-India Fixed Preferences Trade Agreement and the MERCOSUR-Israel FTA.

43. The average tariff applied, by country, varies from 0% for the Plurinational State of Bolivia and Chile to 10.1% for Israel and 11.5% for India. In the latter case the preferences cover only 4.7% of the tariff universe. The average preferential tariffs applied to agricultural products are in all cases

⁴⁰ Information provided by the Argentine authorities.

⁴¹ The preferential tariff used in this analysis is based on the Harmonized Commodity Description and Coding System (HS) 2007.

less than those applied to non-agricultural products; however, in almost all cases the coverage of the preferences is greater in the case of non-agricultural products (Table III.7).

Table III.7
Summary of preferential tariffs (HS 2007)^a, 2012
(Percentage)

	Preferential lines (% of total tariff lines)	Total		Agricultural products (WTO definition)		Non-agricultural products (WTO definition)		Textiles		Clothing		Automotive	
		Average	Duty-free lines	Average	Duty-free lines	Average	Duty-free lines	Average	Duty-free lines	Average	Duty-free lines	Average	Duty-free lines
MFN		11.6	7.4	10.3	8.1	11.7	7.3	22.6	0.0	35.0	0.0	18.0	13.8
Regional AAP.CE (MERCOSUR)													
CAN (AAP.CE No. 59)													
Colombia	91.6	1.8	33.3	1.4	28.8	1.9	33.8	4.6	22.6	7.3	13.1	5.4	21.7
Ecuador	91.8	1.4	34.4	0.9	30.9	1.5	34.8	3.2	19.7	6.4	6.3	4.8	26.1
Bolivarian Republic of Venezuela	91.8	1.4	34.4	0.9		1.5		3.2		6.4		4.8	
Plurinational State of Bolivia (AAP.CE No. 36)	92.6	0.0	100.0	0.0	100.0	0.0	100.0	0.0	100.0	0.0	100.0	0.0	100.0
Chile (AAP.CE No. 35)	92.6	0.0	99.9	0.0	99.2	0.0	100.0	0.0	100.0	0.0	100.0	0.0	100.0
Cuba (AAP.CE No. 62)	23.1	8.7	28.4	8.0	24.1	8.8	28.9	19.2	11.9	28.3	10.3	15.9	27.6
Mexico (AAP.CE No. 55)	..	..	..	..	..	..	..	..	..	..	..	..	..
Peru (AAP.CE No. 58)	91.9	3.7	13.6	3.5	15.3	3.8	13.5	7.3	6.3	12.1	5.2	7.0	14.3
Bilateral AAP.CE													
Brazil (AAP.CE No. 14)	..	..	..	..	..	..	..	..	..	..	..	..	..
Mexico (AAP.CE No. 6)	41.8	8.2	38.1	7.7	17.9	8.3	40.3	22.2	1.8	34.9	0.4	17.6	14.8
Preferential Trade Agreement (MERCOSUR)													
India	4.7	11.5	7.5	10.2	8.1	11.7	7.5	22.6	0.0	35.0	0.0	17.9	14.3
FTA (MERCOSUR)													
Israel	26.7	10.1	31.9	10.0	13.5	10.1	33.8	21.9	4.1	35.0	0.0	14.5	38.9

.. Not available.

a The data in this table differ from those in Table III.4 because the analysis is based on the HS 2012 tariff.

Note: AAP.CE: Partial Scope Economic Complementarity Agreement.

Source: WTO Secretariat, on the basis of data provided by the Argentine authorities.

(e) Tariff concessions

44. Argentina grants tariff concessions under various programmes for encouraging investment, promoting domestic production and productivity, promoting exports and supporting the less privileged regions of the country. Among these regimes and programmes it is worth mentioning the various investment promotion programmes (Chapter II), the temporary admission procedure (*destinación suspensiva de importación temporaria*)⁴², the in-factory customs regime (RAF) and the free zone and special customs area regimes (section (3)(iv)).

⁴² Law No. 22.415/1981 (Articles 250-277) (and amendments), Decree No.1.001/1982 (Articles 30-33) (and amendments thereto) and Decree No. 1.439/1996 (and amendments thereto).

(v) **Other charges affecting imports**

(a) Import taxes

45. During the Uruguay Round, Argentina bound its "other duties and charges" at a level of 3%.

46. Argentina levies a statistical fee or a verification of destination tax on imports (Table III.8).⁴³ Temporary imports and those entering under the temporary admission for inward processing procedure are generally exempt from the verification tax, but the Executive may decide to apply it if justified by the nature or intended use of the goods.⁴⁴ New capital goods and used production lines may enter Argentina free of the statistical fee and/or verification tax, since they benefit from tax incentives for investment (Table III.8 and Chapter II(4)(ii)). Roughly 18% of tariff lines are exempt from the statistical fee.⁴⁵

Table III.8
Import taxes

Legal basis	Tax	Taxed imports	Exempt imports
Statistical fee			
Law No. 22.415/81 (Customs Code), Articles 772-776, Law No. 23.664/89; Decree No. 389/95; Decree No. 37/98; Decree No. 108/99	0.5% of the customs value. Minimum US\$50. Maximum US\$500	Imports, outright and temporary, for consumption, originating in countries not members of MERCOSUR ^a	Imports, outright and temporary, for consumption, originating in MERCOSUR member countries. ^b New capital goods. Used production lines. Goods imported for animal or plant breeding purposes. Imported goods of Chapter 27 of the NCM with a tariff of 0%
Verification tax			
Law No. 22.415/81 (Customs Code), Articles 772-776, AFIP General Resolution No. 2.193/07	Maximum 2% of the customs value	Outright imports for consumption which receive tax concessions for use, application or disposal. Goods not included in the agreements negotiated within the LAIA framework	Temporary imports. Temporary admission for inward processing procedure. ^c New capital goods for large projects. Used production lines

a Excluding products originating in the Plurinational State of Bolivia and Chile.

b Including products originating in the Plurinational State of Bolivia and Chile.

c Imports which may remain in the customs territory for a specified period for industrial processing and must be re-exported for consumption before that period expires (Decree No.1.330/04).

Source: Ministry of the Economy and Public Finances (2012), *Tributos Vigentes en Argentina a Nivel Nacional, actualizado al 30 de junio*. Viewed at: http://www.mecon.gov.ar/sip/dniaf/tributos_vigentes.pdf, AFIP online information: *¿Qué es la Tasa de Estadística?*. Viewed at: http://www.afip.gob.ar/genericos/guiavirtual/consultas_detalle.aspx?id=11481129, LAIA online information: *Tasa de comprobación de destino*. Viewed at: <http://www.aladi.org/nsfaladi/guiasimportacion.nsf/09267198f1324b64032574960062343c/71a4adaa56c60731032574b700487b4e?OpenDocument>, and information provided by the authorities.

⁴³ AFIP General Resolution No. 2.193/07.

⁴⁴ Law No. 22.415/81 (Customs Code), Article 768, and AFIP Resolution No. 2.193/07, Annex I.

⁴⁵ Information provided by the authorities.

47. An exceptional service charge is made if the customs import controls are carried out on non-working days or outside normal hours.⁴⁶ The rates depend on the operations performed.⁴⁷ The AFIP updated the rules on the application of the exceptional services charge in 2007 and 2009.⁴⁸

48. A charge may also be made for the storage of imported goods.⁴⁹

49. Moreover, the importer must pay a one-off fixed charge of US\$10 per import destination and/or operation, which is documented by means of the MARÍA Computer System (SIM).⁵⁰

(b) Value Added Tax (VAT)

50. VAT is payable on imports, as well as on domestic sales of goods and the domestic supply of services.⁵¹ In the case of imports, VAT is levied on "the normal price defined for the application of import duties" plus import taxes (tariffs and import charges).⁵² According to information provided by the authorities, the "normal price" is the customs value pursuant to the Agreement on Implementation of Article VII of the GATT. The tax base for calculating VAT on imports of services is the net price of the operation.⁵³

51. The general rate of VAT is 21%. Some products and services are taxed at 10.5% (reduced rate) or 27% (Table III.9). The same rates of VAT are applied to domestic production and imports.⁵⁴ During the review period the VAT rate was reduced to 10.5% on wheat flour⁵⁵ and bread, bakers' wares and/or pastry-cooks' products, and rusks and biscuits, made exclusively from wheat flour, not prepackaged for marketing.⁵⁶ Bread was formerly exempt from VAT but has been taxed at a reduced rate since 2006.⁵⁷ The list of capital goods taxed at 10.5% was also amended in 2007 and 2009.⁵⁸ The 27% rate is applied only to certain services, provided that the service is sold or supplied outside premises used exclusively for housing purposes or on vacant land and the buyer or user is a VAT-registered entity or opts for the simplified regime for small taxpayers.⁵⁹

Table III.9
Other VAT rates

Rate	Product
10.5%	Live bovine animals, sheep, camelids and goats, their meat and edible offal, fresh, chilled or frozen, that have not been subjected to processes that involve true cooking or treatment that turns them into a true preparation Fruit, vegetables and garden produce, fresh, chilled or frozen, that have not been subjected to processes that involve true cooking or treatment that turns them into a true preparation Honey, in bulk Grains (cereals and oilseeds, excl. rice) and pulses (beans, peas and lentils) Wheat flour

⁴⁶ Law No. 22.415/81 (Customs Code), Articles 773 and 774.

⁴⁷ For further information, see AFIP General Resolution No. 2.568/09.

⁴⁸ AFIP General Resolutions No. 665/99, No. 2.275/07 and No. 2.568/09.

⁴⁹ Law No. 22.415/81 (Customs Code), Articles 775 and 776.

⁵⁰ AFIP General Resolution No. 563/99.

⁵¹ Decree No. 280/97 approving the harmonized text of the Law on Value Added Tax, Article 1.

⁵² Decree No. 280/97, Article 25.

⁵³ Decree No. 280/97, Article 26.

⁵⁴ Decree No. 280/97, Article 28.

⁵⁵ Decree No. 280/97, Article 28.

⁵⁶ Law No. 26.151 of 25 October 2006, Article 2.

⁵⁷ Law No. 26.151 of 25 October 2006, Article 3.

⁵⁸ Decrees Nos. 509/07, Annex XII, and 820/07 and Law No. 26.539/2009, Article 3.

⁵⁹ Decree No. 280/97, Article 28.

Rate	Product
	Bread, cookies, bakers' wares and/or pastry-cooks' products, and rusks and biscuits, made exclusively from wheat flour, not prepackaged for marketing
	Bovine leather, fresh or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared
	Works and services linked with the cultivation of fruit, vegetables, garden produce and cereals (preparation of the soil, sowing, application of agricultural chemicals, harvesting)
	Work done on the property of others intended for use as a dwelling, excluding that done on pre-existing buildings that do not constitute work in progress and work done on one's own property intended for use as a dwelling
	Interest and commission on loans granted by domestic banking entities or foreign banking entities that meet certain criteria
	Specified capital goods
	Newspapers, magazines and periodicals
	Leasing of advertising space by MSME publishers
	Domestic passenger, land, water or air transport services, except taximeter and hired car services, provided that the distance travelled does not exceed 100 km
	Medical and paramedical health care services provided or contracted for by cooperatives, mutuals and prepayment medical systems
	Services supplied to the state by labour cooperatives
	Propane, butane and liquefied petroleum gas
	Chemical fertilizers for agricultural use
27%	Provision of gas, water, electricity and telecommunications services

Source: Decree No. 280/97, article 28.

52. Certain products and services, domestic and imported, are exempt from the payment of VAT, in particular, basic necessities such as water and milk and the resale of pharmaceuticals (Table III.10).⁶⁰ Exempt services include certain financial, transport, electricity and telecommunication services.⁶¹ Moreover, there is no VAT on several categories of imports (Table III.10).⁶² Since 2002, when the national health emergency was declared, imports for home use of certain products to be used for diagnostic purposes and human health care have been exempt from VAT.⁶³ Objects used for education, health, science or technology imported for consumption by the State are exempt from VAT.⁶⁴

⁶⁰ Decree No. 280/97, Article 7.

⁶¹ For further details, see Decree No. 280/97, Articles 3 and 7.

⁶² Decree No. 280/97, Article 8.

⁶³ Laws No. 25.590/2002 and No. 26.729/2011.

⁶⁴ Decree No. 968/12.

Table III.10
Exemption from VAT

Products (imported and domestic)	
Books, leaflets and similar printed materials	Postage stamps, revenue stamps and the like
Premium or capitalization stamps and policies	Gold coin
Coin	Pharmaceuticals (resale)
Ordinary natural water	Liquid or powdered milk, whole or skimmed, without additives
Aircraft for transporting passengers or freight	Vessels purchased by the State
Imports	
Outright importation of goods free of import duties	
Importation under a special procedure ^a	
Goods imported by religious institutions	
Goods imported by associations and non-profit civil entities exempt from income/profits tax, whose main objective is to provide charitable medical services or carry out scientific or technological research	
Outright importation of samples	
Importation of goods donated to the State	

a Clearance of passengers' baggage and personal effects; disabled persons; immigrants; Argentine scientists and engineers; Argentine foreign service personnel; or diplomatic representatives accredited to Argentina.

Source: Decree No. 280/97, Articles 7 and 8.

(c) Other import charges

Excise duties

53. The legal basis for the application of excise duties (*impuestos internos*) is Law No. 24.674 of 26 August 2006, the amendment thereto, Law No. 25.239 of 31 December 1999 and Decree No. 296/97. Law No. 24.674 replaced Law No. 3.764, harmonized text of 1979, or the Law on Excise Duties, but left in force certain provisions of that Law (Table III.11).⁶⁵ Excise duties are applied to the sale and importation of goods and services; imports under the special luggage regime are exempt.⁶⁶

54. Excise duties are levied on 130% of the value resulting from adding to the customs value import taxes (customs duties and import charges) and the excise duty itself.⁶⁷ Imports of cigarettes are taxed on the domestic retail price, including excise duties and additional cigarette taxes, with the exception of VAT.⁶⁸ Imported services are taxed on the amount invoiced for providing them.⁶⁹ Excise duties are levied only once during the marketing process; in the case of imports, they are levied during inward clearance. However, luxury goods are taxed at each stage of the marketing process.⁷⁰

⁶⁵ The Law on Excise Duties is Law No. 3.764 of 15 January 1899, text harmonized by Decree No. 2.682/79.

⁶⁶ Law No. 24.674, Article 9.

⁶⁷ Law No. 24.674, Article 7.

⁶⁸ Law No. 24.674, Article 15.

⁶⁹ Law No. 24.674, Article 30.

⁷⁰ Law No. 24.674, Articles 2 and 35, respectively.

Table III.11
Excise duties, 2007 and 2012

Product / service	Law No.	Rate (%) ^a	
		2007	2012 (July)
Tobacco			
Cigarettes	24.674	60	60
Cigars, cigarillos and other manufactured tobacco	24.674	16	16
Unmanufactured tobacco, stemmed, cut, loose, etc.	24.674	20	20
Alcoholic beverages with more than 10° alcohol content, wine excluded	24.674	20	20
Beer	24.674	8	8
Non-alcoholic beverages and syrups, extracts and concentrates used in their preparation	24.674	8	8
Non-alcoholic beverages prepared with fruit juice (minimum 10%)	24.674	4	4
Syrups prepared with fruit juice (minimum 20%)	24.674	4	4
Mineral water	24.674	4	4
Champagne	24.674	12	12
Diesel-engined motor vehicles and diesel engines	24.674	10	12.5
Motor vehicles and engines	24.674	4-8	10
Motorcycles	24.674	4-8	10
Vessels for pleasure or sports	24.674	4-8	10
Aircraft (sale price > Arg\$15,000)	24.674	4-8	4-8
Luxury goods	24.674	20	20
Electrical domestic appliances and electrical products in common use	3.764	17	17
Cellular and satellite phone services	24.674	4	4
Insurance			
Companies established in Argentina	3.764	1	1
Industrial accident insurance	3.764	2.5	2.5
Companies established abroad	3.764	23	23

^a Nominal rates, since the actual rates are the result of the inclusion in the tax base of the excise duty itself.

Source: Laws No. 3.764, harmonized text of 1979, No. 24.674 of 26 August 1996 and No. 26.539 of 31 December 1999, Decrees No. 92/97, No. 687/98 and No. 1/12, Ministry of the Economy and Public Finance (2012), *Tributos Vigentes en la Argentina a Nivel Nacional*, updated on 30 June. Viewed at: http://www.mecon.gov.ar/sip/dniaf/tributos_vigentes.pdf, and Sixto Fernández, R. (2009), *Impuestos Internos en el Tercer Milenio: Compendio*, Ministry of the Economy and Public Finance, April. Viewed at: http://www.mecon.gov.ar/sip/dniaf/impuestos_internos_tercer_milenio.pdf.

55. The list of products and services subject to excise duty has not changed substantially since 2007, although in 2009 the list of domestic electrical appliances and electrical products subject to these taxes was extended.⁷¹ Nor have there been any major changes in the rates applied (Table III.11). In relation to the above, Article 14 of Law No. 24.674 authorizes the Executive to increase the rate by up to 25% or reduce it or rescind it, if the economic situation so warrants and the competent Ministry favours such action. Thus, in 2005, the excise duty on sparkling wines was suspended for the express purpose of improving competitiveness and increasing investment.⁷² For similar reasons, the excise duty on diesel-engined motor vehicles and diesel engines was suspended between 2001 and 2008.⁷³ The duty was re-established in 2009, applied at a rate of 5% during the period 2009-2010⁷⁴ and increased to 12.5% in 2011.⁷⁵ The rate of excise duty on motor vehicles, engines, and vessels for pleasure or sports was increased to 10% as from 2008.⁷⁶ The excise duties applied both to gasoil-fuelled land motor vehicles, their engines and diesel-engined chassis and diesel

⁷¹ Decree No. 1.522/94 and Law No. 26.539/09.

⁷² Decrees No. 58/05, No. 248/08, No. 161/10 and No. 185/12.

⁷³ Decrees No. 848/01, No. 1.120/03, No. 1.655/04, No. 1.285/05, No. 1.963/06 and No. 175/07.

⁷⁴ Decrees No. 2.344/08 and No. 2.227/09.

⁷⁵ Decrees No. 38/11 and No. 1/12.

⁷⁶ Decrees No. 175/07, No. 2.344/08, No. 2.227/09, No. 38/11 and No. 1/12.

engines and to motor vehicles, engines and motorcycles and vessels for pleasure or sports are collected starting from a minimum selling price (amended several times during the review period) below which the products are free of tax.⁷⁷

56. In order to promote economic development in the province of Tierra del Fuego, Antarctica and the Islands of the South Atlantic, the excise duty rate for electronic products manufactured by local enterprises was established at 38.53% of the general rate (17%) in 2009.⁷⁸ Between July and the end of November 2009 the application of the tax was totally suspended.⁷⁹ However, it was re-applied as of 2010.

Other taxes

57. Argentina also imposes other charges on the sale and importation of liquid fuels, natural gas, cigarettes and electric power (Table III.12). From 2008, to offset "peaks in demand", imports of gasoil and diesel oil were exempted from the tax on liquid fuels and natural gas, as well as from the tax on gas oil and liquefied gas for automotive use.⁸⁰ Moreover, since 2010, under the Promotion Scheme for the Sustainable Production and Use of Biofuels, biofuels mixed with liquid fuels have been exempt from the tax on liquid fuels and natural gas.⁸¹

58. Importers must pay income/profits tax when they import goods outright, including imports into free zones or from free zones into the national customs territory.⁸² The provisions and rates of application of the income/profits tax on imports were updated in 2007 (Table III.13).⁸³ Exempt imports include outright re-imports and bovine animal imports.⁸⁴

Table III.12
Other import taxes

Tax (legal basis)	Rate	Tax base
Tax on liquid fuels and natural gas (Law No. 23.966 of 20 August 1991, Title III, text harmonized in 1998)		
Liquid fuels		
Petrol (<i>nafta</i>), unleaded/leaded	62-70%. Minimum amount Arg\$0.5375/litre ^a	Value defined for the application of import duties, plus all the taxes payable at or by reason of importation, excluding VAT, gas oil transfer tax, the tax created by the tax on petrol and any other tax having as its taxable event the taxed operation itself ^b
Virgin petrol, virgin gasoline, solvent	62%	
Turpentine	62%. Minimum amount Arg\$0.5375/litre ^a	
Gas oil, diesel oil, kerosene	19%. Minimum amount Arg\$0.15/litre ^a	
Compressed natural gas	16%	Retail sale price

⁷⁷ Law No. 24.674 and Decrees No. 175/07, No. 2.344/08, No. 2.227/09, No. 38/11 and No. 1/12.

⁷⁸ Decree No. 252/09.

⁷⁹ Decrees No. 784/09, No. 1.600/09 and No. 1.162/09 and Law No. 26.539/09.

⁸⁰ Laws No. 26.337 of 28 December 2007, No. 26.422 of 21 November 2008, No. 26.546 of 27 November 2009 and No. 26.728 of 28 December 2011 and Decree No. 2.054/10.

⁸¹ Law No. 26.093 of 15 May 2006 and SE Resolutions No. 7/10 and No. 554/2010.

⁸² AFIP Resolution No. 2.281/07, Article 1.

⁸³ AFIP Resolution No. 2.281/07.

⁸⁴ AFIP Resolution No. 2.281/07, Article 3.

Tax (legal basis)	Rate	Tax base
Tax on petrol and natural gas intended for compressed natural gas (CNG) (Law No. 26.181 of 20 December 2006)		
Petrol, unleaded/leaded	5%. Minimum amount Arg\$0.05/litre ^{a, c}	Value defined for the application of import duties, plus all the taxes payable at or by reason of importation, excluding VAT, gas oil transfer tax, the tax created by the tax on petrol and any other tax having as its taxable event the taxed operation itself ^b
Natural gas	9%. Minimum amount Arg\$0.05/m ^{3a, c}	
Tax on gas oil and liquefied gas for automotive use (Law No. 26.028 of 6 May 2005, No. 26.325 of 26 December 2007 and No. 26.454 of 16 December 2008, Decrees No. 564/05 and No. 118/06)	22% ^d	Value defined for the application of import duties, plus all the taxes payable at or by reason of importation, excluding VAT, gas oil transfer tax, the tax created by the tax on petrol and any other tax having as its taxable event the taxed operation itself ^b
Surcharge on natural gas and liquefied petroleum gas (Decree No. 786/02)	7.5%	Price of natural gas at point of entry into the transport system
Tax on electric power (Law No. 24.065 of 16 January 1992 and SE Resolution No. 1.872/05)	Arg\$0.0054686/kWh	Amount of tariffs paid by buyers on the wholesale electricity market
Additional emergency tax on cigarettes (Law No. 24.625 of 9 January 1996, Decree No. 345/06, Decree No. 90/08, AFIP Resolution No. 2.445/08)	7% ^e	Retail sale price

a The amount resulting from assessment of the tax may not be less than that which results from the application of the amounts per unit of measurement.

b Information provided by the authorities.

c The Executive may increase or reduce the rate by 20%.

d 21% between December 2007 and December 2008.

e 21% up to December 2007.

Source: Ministry of the Economy and Public Finance (2012), *Tributos Vigentes en la Argentina a Nivel Nacional*, updated on 30 June. Viewed at: http://www.mecon.gov.ar/sip/dniaf/tributos_vigentes.pdf, and Ministry of the Economy and Finance (various years), *Modificación a la legislación Tributaria con efecto en la recaudación*. Viewed at: <http://www.mecon.gov.ar/sip/basehome/legtrib.htm>.

Table III.13
Income/profits tax on imports

Taxable event	Rate (%)	Tax base
Importers with an importers' data validation certificate (CVDI) ^a	3	Customs value + tariffs + import charges
Importers without a CVDI	6	
Importers with and without a CVDI as from September 2012	6	
Outright imports for the importer's own use and consumption	11	
Outright imports whose f.o.b. value is 95% less than the criterion value established by the DGA		
Importer's use and consumption	11	
Other outright imports	7	

a Importers listed in the Register of Importers and Exporters may request a CVDI in order to be excluded from the application of income/profits tax rates.

Source: AFIP General Resolutions No. 2.281/07, No. 2.465/08 and No. 3.373/12 and AFIP online information, *Certificado de Validación de Datos de Importadores*. Viewed at: http://www.afip.gov.ar/genericos/guiaDeTramites/categoria_list_detail.aspx?id_padre=521.

59. The Executive may also apply a price equalization tax on imports for consumption to avoid possible injury to domestic production and commercial activities, to ensure reasonable prices for the national product on the domestic market, and/or to safeguard the balance of payments.⁸⁵ The price equalization tax is a specific amount equal to the difference between a base price and a comparison

⁸⁵ Law No. 22.415 (Customs Code), Article 673.

price.⁸⁶ The tax may be applied in addition to import duty, or as a maximum⁸⁷ or a minimum⁸⁸ of the import duty, or as a substitute for the latter (that is to say, only the price equalization tax is paid).⁸⁹ Imports of cane or beet sugar and chemically pure sucrose, in the solid state, are in principle subject to the price equalization tax.⁹⁰ However, the authorities have pointed out that during the review period Argentina did not make use of the price equalization tax.

(vi) Prohibitions, restrictions and import licences

(a) Prohibitions

60. The Argentine legislation allows prohibitions to be imposed on imports for economic and non-economic reasons. The reasons for imposing economic prohibitions include: reducing unemployment; implementing trade, monetary and fiscal policy; and protecting productive activities and intellectual property rights.⁹¹ Non-economic prohibitions or restrictions are imposed to safeguard public health and morals and to protect the fauna, the environment and national security, as well as to fulfil commitments given under international agreements, such as the 1987 Montreal Protocol to which Argentina is a signatory.⁹² Prohibitions may be absolute or relative, with the possibility of exceptions in favour of one or more persons.⁹³

61. The Executive is authorized to impose both non-economic and economic prohibitions; however, the latter must be temporary and can be imposed only if the purpose of the prohibition cannot be achieved by imposing or increasing a tax on the goods in question. Where a relative economic prohibition is imposed, the exceptions must be established by a law.⁹⁴

62. Most of the prohibitions in force have been imposed for reasons of public health or to protect the fauna and the environment (Table III.14).

⁸⁶ The base price may consist of: (a) the price paid or payable for the goods or, failing that, that for identical or like imported goods; (b) the customs value of the goods imported for consumption; (c) the current international market price of the goods; (d) the price usually agreed for imports into the customs territory of identical or like goods from certain representative supplier countries; or (e) the ex-factory price of the goods calculated from the cost of production (Art. 676 of the Customs Code). The comparison price may consist of: (a) the selling price on the domestic market of the customs territory of identical or like goods, domestic or foreign; (b) the selling price on the domestic market of third countries; (c) the current international market price of the goods; (d) the customs value of the goods; (e) the customs value of the goods plus the amounts determined by the regulations; (f) the price usually agreed for imports into the customs territory of identical or like goods; or (g) the ex-factory price of the goods calculated from the cost of production (Art. 677 of the Customs Code).

⁸⁷ The amount of the price equalization tax is compared with that corresponding to the import duty and the lower amount is paid.

⁸⁸ The amount of the price equalization tax is compared with that corresponding to the import duty and the higher amount is paid.

⁸⁹ Customs Code, Article 678.

⁹⁰ Decree No. 797/92, ME Resolution No. 743/00 and Law No. 25.715/2003.

⁹¹ Customs Code, Article 609.

⁹² Customs Code, Article 610.

⁹³ Customs Code, Articles 611 and 612.

⁹⁴ Customs Code, Articles 631-633.

Table III.14
Import prohibitions in force in 2007 and 2012

Reason	Product	In force		Legal basis	Institution
		2007	2012		
Public health	Asbestos fibres and products that contain them	X	X	Resolutions No. 845/00 and No. 823/01	Ministry of Health
	Childcare articles and toys made of plastic or which children can put in their mouths, with a phthalates limit higher than that specified		X	Resolutions No. 583/08 and No. 806/10	Ministry of Health
	Narcotic drugs and psychotropic substances	X	X	Laws No. 17.818 of August 1968 and No. 19.303, of 28 October 1971 Resolutions No. 2.07/93, No. 3.945/96 and No. 2.608/97	National Executive (PEN). National Customs Administration
	Coca leaves for habitual use or "coqueo"	X	X	Decree No. 678/78	PEN
	Mercury-column sphygmomanometers for measuring arterial tension, for use by the general public and health care and veterinary services		X	Resolution No. 274/10	Ministry of Health
	Polychlorobiphenyls (PCBs) and equipment containing PCBs	X	X	Law No. 25.670 of 19 November 2002	PEN
	Electronic cigarette (electronic device for administering nicotine)		X	Order No. 3.226/11	National Drugs, Food and Medical Technology Administration (ANMAT)
	Cells and batteries with mercury, cadmium and lead limits higher than those specified	X	X	Law No. 26.184 of 26 December 2006	PEN
	Medicines that contain strychnine or its salts	X	X	Order No. 3.228/97	ANMAT
	Medicines that contain nimesulide		X	Order No. 4.430/09	ANMAT
	Cosmetic products that contain lead acetate	X	X	Order No. 5.572/05	ANMAT
	Cosmetic products that contain vitamin K1		X	Order No. 5.428/11	ANMAT
	Medical products made from raw materials or constituents originating in countries that pose an epidemiological risk in relation with bovine spongiform encephalopathy	X	X	Orders No. 554/01, No. 1.678/96 and No. 5.802/05	ANMAT
	Used articles of clothing		X	Decree No. 2.112/10	PEN
	Paints, lacquers and varnishes with a lead limit higher than that specified		X	Resolutions No. 7/09 and No. 523/09	Ministry of Health
	Feeding bottles for infants that contain bisphenol A		X	Orders No. 1.207/12 and No. 2.269/12	ANMAT
	Cleaning products containing formaldehyde	X	X	Order No. 256/06	ANMAT
	Certain products, incl. food, and apparatus for veterinary use	X	X	Decrees No. 583/67, No. 3.899/72 and No. 35/88. Resolutions No. 248/95, No. 76/98, No. 60/01, No. 1.389/04, No. 31/05 and No. 84/07. General Resolution No. 2.146/06	PEN. Secretariat for Agriculture, Livestock, Fisheries and Food. National Agriculture and Food Quality and Health Service (SENASA). AFIP
	Wine products in bottles of a capacity exceeding 5 litres	X	X	Resolutions Nos. C.1/96 and C.22/02 (MERCOSUR Grape-Growing and Wine Production Regulations)	National Grape-Growing and Wine Production Institute
Protection of fauna and flora	Live specimens, products and byproducts of wild fauna and flora	X	X	Law No. 22.421 of 12 March 1981. Decree No. 666/97. Resolutions No. 53/91, No. 2.513/93, No. 443/96 and No. 2.165/97	PEN. Secretariat for Agriculture, Livestock, Fisheries and Food. National Customs Administration
	Live specimens, products and byproducts of wild fauna and flora		X	Resolution No. 551/11	Secretariat for the Environment and Sustainable Development
..	Private wireless telephony equipment operating at a frequency $\geq 1,880$ MHz but $\leq 1,900$ MHz	X	X	Resolution No. 1.994/99	Secretariat for Communications

Reason	Product	In force		Legal basis	Institution
		2007	2012		
Environmental protection	Fertilizers, pesticides and related products	X	X	Law No. 22.289 of 2 October 1980. Decree No. 2.121/90. Resolutions No. 1.030/92, No. 606/93, No. 356/94, No. 364/94, No. 513/98, No. 182/99, No. 627/99 and No. 750/00. General Resolution No. 2.146/06	PEN. Secretariat for Agriculture, Livestock, Fisheries and Food. AFIP. Secretariat for Health. Secretariat for Health and Social Action
	Fertilizers, pesticides and related products		X	Resolutions No. 456/09, No. 245/10, No. 264/11, No. 511/11 and No. 532/11	National Agriculture and Food Quality and Health Service. Ministry of Health
	Toxic or hazardous residues, waste or scrap	X	X	Resolutions No. 1.742/93, No. 209/01 and No. 437/01	National Customs Administration. Ministry of Health. Ministry of Labour, Employment and Training of Human Resources
	Soil, alone or adhering to plants, of any provenance	X	X	Resolution No. 234/95	Argentine Plant Health and Quality Institute
	Incandescent lamps for residential use		X	Law No. 26.473 of 21 January 2009. Decree No. 2.060/10	PEN
	Used machinery, instruments, appliances and parts thereof and transport material	X	X	Resolutions No. 909/94 and No. 166/07	Ministry of the Economy, Public Works and Services (MEOSP)
	Used motorcycles and mopeds	X	X	Resolutions No. 790/92 and No. 104/08	MEOSP
	Retreads and used tyres	X	X	Laws No. 25.626 of 9 August 2002 and No. 26.329 of 26 December 2007	PEN
	Used motor vehicles	X	X	Decrees No. 110/99, No. 597/99, No. 99/01 and No. 1.187/04	PEN
Sanitary and phytosanitary	Live bovine animals, sheep and goats from the United Kingdom and products thereof	X	X	General Resolution No. 2.146/06	AFIP
	Fish and vegetable products, fresh or frozen, from the Plurinational State of Bolivia	X	X	General Resolution No. 2.146/06	AFIP
	Citrus plants and/or their parts destined for the provinces of Jujuy, Salta, Tucumán and Catamarca	X	X	General Resolution No. 2.146/06	AFIP
	Fresh fruit in bulk	X	X	General Resolution No. 2.146/06	AFIP
	Aleppo grass seed	X	X	General Resolution No. 2.146/06	AFIP
	Raw cotton (not ginned)	X	X	Resolution No. 208/03	SENASA
	Pollen from plants of the family Rosaceae	X	X	General Resolution No. 2.146/06	AFIP
	Lettuce, cabbage (<i>repollo</i> , <i>col</i>), endives, parsley, strawberries (<i>fresa</i> , <i>fresón</i> , <i>frutilla</i>), celery, chicory, watercress, spinach, fennel, broccoli, cauliflower, asparagus, basil	X	X	General Resolution No. 2.146/06	AFIP
	Vegetables, fresh or frozen, liable to spread cholera	X	X	General Resolution No. 2.146/06	AFIP
	Plantain and banana plants and shoots	X	X	Decree No. 83.732/36	PEN
	Maize plants	X	X	Decree No. 83.732/36	PEN
Suspended imports					
Animal health	Animals and products of animal origin susceptible to the foot-and-mouth virus originating in or coming from Brazil (Estado de Río Grande do Sul)	X	X	Resolutions No. 1.172/00 and No. 1.504/00	National Agriculture and Food Quality and Health Service

Reason	Product	In force		Legal basis	Institution
		2007	2012		
Public health	Blood products obtained from human placenta	X	X	Order No. 3.624/95	ANMAT
	Dietary supplements or complements	X	X	Order No. 2.824/95	ANMAT

.. Not available.

Source: LAIA online information, *Consulta integrada: Sistema de Informaciones de Comercio Exterior (SICOEX): Normas reguladoras de comercio exterior: Argentina: Relevamiento realizado en base a la información recibida hasta el Boletín Oficial No. 32.439 de 17 de julio de 2012*. Viewed at: <http://nt5000.aladi.org/siiespanol/>, and *Servicios de Apoyo al Empresario: Guías de Importación: Argentina: Importación prohibida*. Viewed at: <http://www.aladi.org/nsfaladi/guiasimportacion.nsf/09267198f1324b64032574960062343c/2ca6067c654388230325749e005fab39?OpenDocument>, and information provided by the Argentine authorities.

(b) Import licences

63. Argentina has notified the WTO of the procedures for processing import licences for the period 2007-2011.⁹⁵ Argentina has also notified the products that were subject to licensing during the years 2006-2011.⁹⁶

64. Import licences may be automatic or non-automatic. Several ministries are empowered to designate, in decrees and resolutions, products subject to licensing.⁹⁷ According to the information provided by the authorities, the only ministry authorized to issue import licences, both automatic and non-automatic, is the Ministry of the Economy and Public Finance (MEFP) and the implementing authority is the MEFP's Secretariat for Foreign Trade. The Executive may not abolish import licences without the agreement of the legislative branch.⁹⁸

65. The automatic licences in use up to September 2012 were the prior automatic import licence (LAPI), administered by the DGA, a department of the AFIP, and the Sworn Declaration of Product Composition (DJCP), administered by the Secretariat for Foreign Trade.⁹⁹ The DJCP is processed manually and obtained by submitting an application to the Imports Directorate of the Undersecretariat for Foreign Trade and International Relations.¹⁰⁰ According to the authorities, the LAPI is also processed manually and obtained by applying to the Imports Directorate of the Undersecretariat for Foreign Trade and International Relations, a department of the Secretariat for Foreign Trade.

66. The LAPI was abolished in September 2012.¹⁰¹ This type of licence was introduced in 1999 and initially called the Information Form¹⁰² and later, also in 1999, the LAPI and was computerized

⁹⁵ WTO document series G/LIC/N/3/ARG/- from 31 August 2007 to 24 April 2012.

⁹⁶ Automatic licences: WTO document series G/LIC/N/2/ARG/4/Add.1-G/LIC/N/2/ARG/4/Add.1/Rev.1, from 19 January 2009 to 29 April 2009. Non-automatic licences: WTO document series G/LIC/N/2/ARG/-, from 15 September 2006 to 4 April 2011.

⁹⁷ These ministries include: the MIT, MI, MEP, MP and the SICyPYME. Some of these entities have been replaced as a result of the institutional reorganization that took during the review period (Chapter II).

⁹⁸ WTO document G/LIC/N/3/ARG/8 of 11 November 2011.

⁹⁹ MEOSP Resolution No. 622/95 (as amended), Resolution No. 26/96 of the Secretariat for Trade and Investment (adopting regulatory measures and rules of procedure for the application of the regime established by MEOSP Resolutions No. 622/95 and No. 39/96), MEOSP Resolution No. 763/96 (regulating the procedure to be applied for the clearance of goods for outright importation for consumption) and Decree No. 509/07.

¹⁰⁰ WTO document G/LIC/N/3/ARG/9 of 24 April 2012.

¹⁰¹ MEFP Resolution No. 505/2012.

¹⁰² Resolution of the former MEOSP No. 17/99.

through the SIM.¹⁰³ According to Argentina's notification to the WTO, the LAPI was used for the advance monitoring of imports, in order to analyse trends and adopt trade defence measures, where necessary, thereby avoiding delays that could have harmed various sectors of the national economy.¹⁰⁴

67. The DJCP form is used for statistical and pre-release control purposes. The DJCP makes it possible for the consumer to know the origin and provenance of imports entering the country. The regime, in force since 1995, is applied to imported fabrics, clothing, made-up goods and footwear. Importers of these products must submit the DJCP before the goods are cleared; the latter are inspected by the Imports Directorate of the Undersecretariat for Trade Policy and Management.¹⁰⁵ According to information provided by the authorities, the DJCP must be submitted to the Imports Directorate of the Undersecretariat for Foreign Trade and International Relations, in the Foreign Trade Secretariat. In addition, the goods must bear a label indicating the materials, the components and the origin.¹⁰⁶

68. According to Argentina's notification to the WTO, import licences, both automatic and non-automatic, apply to all countries of origin and provenance and do not limit either the quantity or the value of the imports; neither are they used for administering quotas. The purpose of the import licences administered by the Foreign Trade Secretariat is to verify compliance with the requirements of the relevant legislation, as well as to assess the conformity of the product with the safety standards, which apply to both domestic and foreign products, and to protect the right of the consumer to be informed of the origin and provenance and the composition and quality of the imported goods.¹⁰⁷

69. All importers must be listed in the Register of Importers of the Directorate-General of Customs and in the Integrated Foreign Trade System (SISCO). Licence applications may be submitted on any working day prior to the date of clearance. There are no limitations with respect to the period of the year in which licence applications can be submitted. The relevant regulations determine the information that must appear in import licence applications. Automatic licences are granted in all cases, the only requirement being the completion of the prescribed formalities. "Non-automatic" licences may be refused if the ordinary criteria are not met. The authorities have pointed out that they are refused only if the applicant fails to meet the requirements laid down in any one of the regulations, and that the interested party is always notified of the reason for refusal.

70. The Secretariat for Foreign Trade examines applications for licences, both automatic and non-automatic. According to Argentina's notification, automatic licences are granted within a period of from two to a maximum of ten working days and non-automatic ones within a period of from ten to 60 calendar days. Automatic licences may be obtained more quickly if the goods are perishable or consist of critical inputs for some sector of domestic industry, or if the value or quantity of the product

¹⁰³ Resolution of the former MEOSP No. 820/99.

¹⁰⁴ WTO document G/LIC/N/3/ARG/8 of 11 November 2011.

¹⁰⁵ Online information from the Foreign Trade Secretariat, Dirección Nacional de Gestión Comercial Externa: Dirección de Importaciones: Licencias de Importación. Viewed at: <http://www.comercio.gov.ar/web/index.php?pag=93>.

¹⁰⁶ MEOSP Resolutions No. 850/96 and the amendment thereto and No. 1.318/98 (updating the forms for the Sworn Declaration of Composition of Textile and Footwear Products, approved by Resolution No. 850/96. Amendment of Article 12 of the Resolution).

¹⁰⁷ WTO documents G/LIC/N/3/ARG/8 and G/LIC/N/3/ARG/9 of 11 November 2011 and 24 April 2012, respectively.

is minimal in relation to total imports of the product in question.¹⁰⁸ The criterion of simultaneous examination of applications is used for processing all import licences.¹⁰⁹

71. When an importer obtains an import licence he is issued with a certificate which must be submitted together with the rest of the necessary documentation at the time of clearance of the goods. Licences are non-transferable and are delivered only to the holders themselves or their authorized and duly accredited representatives or agents. Licences may not be extended, but a new licence may be issued and the formalities completed as far in advance as the importer considers appropriate. There are no penalties for the non-utilization of a licence.¹¹⁰ The authorities have pointed out that licences cannot be used partially.

72. Since the last trade policy review non-automatic import licences have been issued for: balls (CIP); textile products (CIPT); footwear parts (CIPC); miscellaneous manufactured articles (CIMG); metallurgical products (CIPM); miscellaneous products (CIPV); screws and related products (CITA); auto parts and related products (CIAPA); and motor vehicles (CIVA) (Table III.15). These licences are used for monitoring trade flows, ensuring that products comply with accreditation requirements and promoting domestic production, as well as for follow-up and control, among other purposes.

Table III.15
Purpose and scope of licensing

Type of licence	Purpose	Legal basis
Automatic licences		
Prior Automatic Import Licence (LAPI) ^a	Advance monitoring of imports	SSPGC Orders No. 9/03, No. 14/03, 7/04, No. 14/04, No. 26/04, No. 8/05, No. 9/05 and No. 15/05. Decree No.509/07 (Annex XVII). SSPGC Orders No. 8/07, No. 10/08 and No. 11/08. MP Resolution No. 23/09. MEP Resolution No. 16/08. MEFP Resolution No. 505/12
Sworn Declaration of Product Composition (DJCP)	Stipulate composition and origin of the product	MEOSP Resolutions No. 850/96 and No. 1.318/98. Decree No. 509/07 (Annex XVII)
Non-automatic licences		
Footwear Import Certificate (CIC)	Evaluate changes in trade flows	MEP Resolution No. 486/05. SICM Resolutions No. 736/99 and No. 508/99. SICPME Resolutions No. 43/07, No. 11/08 and No. 366/08. MP Resolution No. 26/09. MI Resolutions No. 1/09, No. 45/11 and No. 77/11. SIC Resolution No. 52/11. MEFP Resolution No. 304/12. Decree No. 509/07 (Annex XVII)
Toy Import Certificate (CIJ)		MEP Resolutions No. 485/05 and No. 217/07. SICPME Resolution No. 11/08. MP Resolution No. 26/09. MI Resolutions No. 1/09, No. 45/11 and No. 77/11. SIC Resolution No. 52/11. MEFP Resolution No. 304/12. Decree No. 509/07 (Annex XVII)
Bicycle Import Certificate (CIB)	Ensure user safety	SICPME Resolutions No. 220/03 and No. 114/04. Joint Orders SSI No. 1/04 and SSPGC No. 3/04, SSI No. 4/04 and SSPGC No. 5/04 and No. 11/05 and SSPGC No. 16/05
Bicycle Tyre and Tube Import Certificate (CICCNB)		MEP Resolutions No. 694/06 and No. 102/07. SICPME Resolutions No. 153/05, No. 7/05, No. 165/06, No. 249/07 and No. 11/08. MEP Resolution No. 583/08. MP Resolutions No. 26/09 and No. 185/09. MI Resolutions No. 1/09, No. 45/11 and No. 77/11. MIT Resolution No. 206/10. SIC Resolution No. 52/11. MEFP Resolution No. 304/12
Tyre Import Certificate (CI No.)		SICPME Resolution No. 153/05. MP Resolutions No. 26/09 and No. 139/09. MIT Resolution No. 29/10. MI Resolutions No. 1/09, No. 256/10 and No. 45/11. SIC Resolutions No. 52/11 and No. 669/11. MEFP Resolution No. 304/12

¹⁰⁸ WTO document G/LIC/N/3/ARG/9 of 24 April 2012.

¹⁰⁹ WTO documents G/LIC/N/3/ARG/8 and G/LIC/N/3/ARG/9 of 11 November 2011 and 24 April 2012, respectively, and information provided by the authorities.

¹¹⁰ WTO document LIC/N/3/ARG/9 of 24 April 2012.

Type of licence	Purpose	Legal basis
Motorcycle Import Certificate (CIM)	Establish a pre-release verification mechanism for import follow-up and control purposes	MEP Resolutions No. 689/06 and No. 336/07. SICPME Resolutions No. 195/07 and No. 11/08. MP Resolution No. 26/09. MI Resolutions No. 1/09, No. 45/11 and No. 77/11. SIC Resolutions No. 52/11 and No. 496/11. MEFP Resolution No. 304/12
Textile Product Import Certificate (CIPT)		MEP Resolution No. 343/07. SICPME Resolutions No. 43/07, No. 11/08, No. 76/08, No. 330/08, 61/09 and 123/09. MP Resolutions No. 26/09, No. 61/09, No. 123/09 and No. 251/09. SICPME Resolution No. 43/07. MIT Resolution No. 13/09. MI Resolutions No. 1/09, No. 45/11 and No. 77/11. SIC Resolutions No. 52/11 and No. 496/11. MEFP Resolution No. 304/12
Metallurgical Product Import Certificate (CIPM)		MEP Resolution No. 588/08. MP Resolutions No. 26/09, No. 61/09, No. 121/09 and No. 123/09. MP Resolutions Nos. 165/09 and 251/09. MI Resolutions No. 1/09, No. 45/11 and No. 77/11. SIC Resolutions No. 52/11 and No. 669/11. MEFP Resolution No. 304/12
Yarns and Fabric Import Certificate (CIHT)		MEP Resolution No. 589/08. MP Resolutions No. 26/09, No. 251/09 and No. 337/09. MIT Resolution No. 13/09. MI Resolutions No. 1/09, No. 45/11 and No. 77/11. SIC Resolutions No. 52/11 and No. 669/11. MEFP Resolution No. 304/12
Miscellaneous Product Import Certificate (CIPV)		MEP Resolutions No. 61/09, No. 121/09, No. 123/09, No. 139/09, No. 165/09, No. 251/09 and No. 360/09. MP Resolution No. 251/09. MIT Resolutions No. 13/09, No. 24/09 and No. 25/09. MI Resolutions No. 1/09, No. 45/11 and No. 77/11. SIC Resolutions No. 52/11, No. 496/11 and No. 669/11. MEFP Resolution No. 304/12
Import Certificate for Screws and Related Products (CITA)		MEP Resolution No. 165/09. MI Resolutions No. 1/09, No. 45/11 and No. 77/11. SIC Resolutions No. 52/11 and No. 669/11. MEFP Resolution No. 304/12
Import Certificate for Auto Parts and Related Products (CIAPA)		MP Resolution No. 337/09. MIT Resolutions No. 13/09 and No. 24/09. MI Resolutions No. 1/09, No. 45/11 and No. 77/11. SIC Resolutions No. 52/11 and No. 669/11. MEFP Resolution No. 304/12
Motor Vehicle Import Certificate (CIVA)		MI Resolutions No. 45/11 and No. 77/11. SIC Resolutions No. 52/11 and No. 496/11. MEFP Resolution No. 304/12
Ball Import Certificate (CIP)	Establish a pre-release verification mechanism for import follow-up and control purposes	MEP Resolution No. 217/07. SICPME Resolutions No. 43/2007 and No. 11/08. MP Resolutions No. 11/08 and No. 26/09. MI Resolutions No. 1/09 and No. 45/11. SIC Resolution No. 52/11. MEFP Resolution No. 304/12
Footwear Parts Import Certificate (CIPC)	Pre-release control of specific articles for evaluating any significant changes in trade flows detected	MEP Resolution No. 61/07. MP Resolutions No. 11/08 and No. 26/09. SICPME Resolution No. 11/08. MI Resolutions No. 1/09, No. 45/11, No. 52/11 and No. 77/11. SIC Resolution No. 52/11. MEFP Resolution No. 304/12
Miscellaneous Manufactured Articles Import Certificate (CIMD)		MEP Resolution No. 47/07. SICPME Resolution No. 11/08. MP Resolution No. 26/09. MI Resolutions No. 1/09, No. 45/11 and No. 77/11. SIC Resolution No. 52/11. MEFP Resolution No. 304/12
Paper Import Certificate (CIP)	Verifying compliance with accreditation requirements	SICM Resolution No. 653/99. MEOSP Resolution No. 1.117/99. SICM Resolutions No. 798/99 and No. 119/02. SICPME Resolution No. 11/08. SIC Resolutions No. 52/11 and No. 669/11. MEFP Resolution No. 304/12
Household Goods Import Certificate (CIAH)	Stimulating domestic production for the purpose of improving productivity, stabilizing prices and ascertaining compliance with regional and international agreements	MEP Resolution No. 444/04. SICPME Regulatory Resolution No. 177/04. SICPME Resolutions No. 529/06, No. 177/04, No. 11/08, No. 181/08 and No. 329/08. MP Resolutions No. 26/09, No. 61/09, No. 123/09 and No. 251/09. MI Resolutions No. 1/09, No. 45/11 and No. 77/11. SIC Resolutions No. 52/11 and No. 496/11. MEFP Resolution No. 304/12

a Repealed by MEFP Resolution No. 505/2012.

Source: WTO documents G/LIC/N/3/ARG/8 of 11 November 2011 and G/LIC/N/3/ARG/9 of 24 April 2012, and information provided by the Argentine authorities.

73. The number of products subject to import licences, both automatic and non-automatic, has increased since 2006 (Table III.16). The use of non-automatic licences has increased above all for textile materials and manufactured textile products and for machinery and appliances. Moreover, for some products in 2012 both automatic and non-automatic licences were required. As of September 2012 the number of products subject to automatic licences was substantially reduced as

a result of the abolition of the LAPI. The DCJP applies to 338 tariff lines covering products such as fabrics, clothing and made-up goods classified in HS Chapters 57, 61, 62 and 63.

Table III.16

Products subject to automatic and non-automatic import licences by section of the HS07, 2006 and 2012
(Number of lines per section)

Section of the HS07	Automatic			Non-automatic		Products subject to automatic and non-automatic licences		
	2006	2012		2006	2012	2006	2012	
		01.01-04.09 ^a	From 04.09 ^b				01.01-04.09	From 04.09
01 Live animals; animal products	17	16	0	0	0	0	0	0
02 Vegetable products	3	12	0	0	0	0	0	0
03 Fats and oils	0	0	0	0	0	0	0	0
04 Prepared foodstuffs, etc.	7	16	0	0	0	0	0	0
05 Mineral products	2	2	0	0	0	0	0	0
06 Products of the chemical or allied industries	15	92	0	0	6	0	1	
07 Plastics and rubber	26	62	0	2	14	1	5	0
08 Hides and skins	17	26	0	0	10	0	10	0
09 Wood and articles of wood	21	31	0	0	1	0	0	0
10 Wood pulp, paper, etc.	131	156	0	0	35	0	31	0
11 Textiles and textile articles	752	793	338	0	238	0	210	114
12 Footwear and headgear	6	24	0	29	34	0	2	0
13 Articles of stone	4	38	0	0	21	0	16	0
14 Precious stones, etc.	0	4	0	0	0	0	0	0
15 Base metals and articles of base metal	302	384	0	0	34	0	27	0
16 Machinery and appliances	194	301	0	3	126	3	45	0
17 Transport equipment	14	24	0	6	30	3	10	0
18 Precision instruments	10	68	0	0	3	0	2	0
19 Arms and ammunition	0	7	0	0	0	0	0	0
20 Miscellaneous manufactured articles	28	106	0	18	54	1	34	0
21 Works of art, etc.	0	6	0	0	0	0	0	0
Total number of licences	1,549	2,168	338	58	606	8	393	114

a Includes two kinds of automatic licences, LAPI and DJCP.

b Includes only the DJCP since the LAPI was abolished by MEFP Resolution No. 505/2012.

Source: WTO Secretariat, based on data collected by the Secretariat. Original data confirmed by the Argentine authorities.

(vii) Other import-related measures

74. One of the premises of the Industrial Strategic Plan 2020 is that the sustainability of the economy largely depends on keeping the balance of trade in equilibrium in order to reduce the dependence on external debt and prevent a balance of payments crisis. It is considered necessary to promote the growth of the value chains with a significant impact on the accounts of the external sector and the exporting industries. The Plan is aimed at replacing imports with domestic production and, where possible, integrating the Argentine economy more closely into the external market.¹¹¹

75. In keeping with the Plan, various press releases from the Ministry of Industry appear to show that private companies have undertaken to level their trade balance in 2012.¹¹² For example,

¹¹¹ Ministry of Industry (2011).

¹¹² Ministry of Industry, Press Releases, *Subaru acordó con el gobierno su plan para equilibrar su balanza comercial y alcanzar superávit en 2012*, 29 August 2011. Viewed at: <http://www.industria.gob.ar/?p=8918>; *Giorgi recibió a directivos de Ford quienes se comprometieron a*

according to these releases, automotive companies have on several occasions offset their imports with exports on a one-to-one basis or replaced them with domestic production. Automotive imports have been offset by exporting products unrelated to the industry, such as wine, biodiesel and other food products.¹¹³ However, the Secretariat understands that there is no legislation governing practices of this kind; it appears that the authorities are holding meetings with manufacturers in various sectors to analyse the import substitution process. In this connection, in the case of agricultural machinery, another official press release points out that "more than half of the sector's domestic market is being supplied with machinery made in the country, ... the Government will continue requiring companies to incorporate more parts and components..."¹¹⁴, while yet another says that "under the import substitution commitment, ... concessions for producing agricultural machinery in Argentina will be extended".¹¹⁵

76. Several WTO Members have initiated consultations with Argentina under the Dispute Settlement Understanding in relation to "certain measures imposed by Argentina on the importation of goods into Argentina".¹¹⁶

(viii) Contingency measures

(a) Anti-dumping and countervailing measures

77. The legal framework relating to contingency measures in Argentina has undergone some changes since the last Review. The legal framework is mainly based on Law No. 24.425 of 5 January 1995 (adopting the Uruguay Round Agreements), Decree No. 766/1994 (creating the National Commission on Foreign Trade), Decree No. 1.393/2008 of 2 September 2008 (containing the procedural regulations), Decree No. 1.219 of 2006 (containing the procedure applicable to non-market economy and transition countries) and other resolutions and amendments. Moreover, the procedures relating to dumping, subsidies and countervailing duties are also governed by the National Law on Administrative Procedures No. 19.549 of 27 April 1972 and the Administrative Procedures Regulations, Decree No. 1.759/72 T.O. 1991, insofar as they do not conflict with the principles that govern the specific subject-matter.

78. Decree No. 1.393/2008 repealed Decree No. 1.326/98 and regulates investigations and reviews of existing measures initiated as a consequence of applications filed since the date of entry into force, 24 September 2008.¹¹⁷ Investigations and reviews of measures in force initiated by applications filed under Decree No. 1.326/98 were governed by that Decree until it was repealed.

exportar más y a integrar más piezas nacionales, 27 April 2012. Viewed at: <http://www.industria.gob.ar/?p=12331>.

¹¹³ Ministry of Industry, Press Releases, *BMW acordó con el Government un plan para equilibrar su balanza comercial en 2012*, 13 October 2011. Viewed at: <http://www.industria.gob.ar/?p=9487> and *Giorgi recibió a directivos de Ford quienes se comprometieron a exportar más y a integrar más piezas nacionales*, 27 April 2012. Viewed at: <http://www.industria.gob.ar/?p=12331>.

¹¹⁴ Ministry of Industry, Press Release, *Giorgi: Más de la mitad del mercado interno de maquinaria agrícola ya se cubre con producción nacional y buscamos más integración de piezas locales*, 2 February 2012. Viewed at: <http://www.industria.gob.ar/?p=11373>.

¹¹⁵ Ministry of Industry, Press Release, *Bajo el compromiso de sustituir importaciones, Giorgi ratificó que se prorrogarán beneficios para producir maquinaria agrícola en la Argentina*, 20 November 2012. Viewed at: <http://www.industria.gob.ar/?p=15488>.

¹¹⁶ WTO documents WT/DS438/1, WT/DS444/1, WT/DS445/1 and WT/DS446/1.

¹¹⁷ Decree No. 1.393/2008 was notified to the WTO in September 2008. WTO document G/ADP/N/1/ARG/1/Suppl.9, G/SCM/N/1/ARG/1/Suppl.8 of 22 September 2008.

Decree No. 1.393/2008 also repealed Decree No. 1.088/2001, which introduced the possibility of adopting retroactive definitive anti-dumping duties.

79. Argentina has informed the WTO of its legislation for implementing aspects of the WTO provisions¹¹⁸ and has notified the WTO that the authority competent for the initiation of anti-dumping and countervailing investigations is the Secretariat for Foreign Trade (SCEX).¹¹⁹ The Unfair Competition Directorate (DCD) conducts reviews and presents the corresponding technical reports in dumping and subsidy cases. This Directorate comes under the National Foreign Trade Management Directorate (DNGCE).¹²⁰ The authority competent for injury analysis and determination and causal link is the National Commission on Foreign Trade (CNCE).¹²¹ On the basis of the DCD's technical reports and the injury assessments of the National Commission on Foreign Trade of the Undersecretariat for Foreign Trade and International Relations (SSCEyRI), which is part of the Secretariat for Foreign Trade of the Ministry of the Economy and Public Finance (MEFP), a recommendation is made to the Secretariat for Foreign Trade, which then adopts a petition with respect to the investigation. During the review period, Argentina regularly submitted semi-annual reports to the Committee on Anti-dumping Practices and the Committee on Subsidies and Countervailing Measures, describing actions taken under the two Agreements.¹²²

80. Investigations are initiated at the request of the domestic industry or ex officio. Once the application has been received, the SCEX forwards it to the SSCEyRI and the CNCE, within two working days with no possibility of extension. The CNCE and the SSCEyRI have five days to draw attention to any errors or omissions so that the petitioner can correct any shortcomings in the application. The CNCE must inform the SSCEyRI of the existence of a like domestic product and of the representativeness of the applicant within a period of ten days. The SSCEyRI informs the CNCE and the petitioner within two working days following the acceptance of the application, after which it has ten days to examine the evidence of dumping or subsidy and communicate its conclusions to the CNCE. The latter has ten days in which to present the SCEX with the determination concerning injury to the domestic industry and a causal link between the injury and the dumping or subsidy, with a copy to the SSCEyRI, which must let the SCEX have its recommendation concerning the initiation of an investigation within three working days. The SCEX must decide whether or not to initiate an investigation within the following five days. The initiating resolution is published in the Official Journal.

81. Decree No. 1.393/2008 states that at the request of the interested parties the CNCE and the SSCEyRI will provide a specialized information service, the functions of which include: cooperation in seeking the information required to determine the formal criteria established by law for the initiation of an investigation; providing the interested parties with guidance in completing the forms to be submitted; and facilitating the access of enterprises to such data on the domestic market of the

¹¹⁸ WTO documents G/ADP/N/1/ARG/1 and G/SCM/N/1/ARG/1 of 12 June 1995 and G/ADP/N/1/ARG/1/Suppl.1-9 and G/SCM/N/1/ARG/1/Suppl.1-8 of 19 March 1996-22 September 2008.

¹¹⁹ In December 2011 the Undersecretariat became the Undersecretariat for Foreign Trade and International Relations (SSCEyRI), the Secretariat became the Secretariat for Foreign Trade (SCEX) and the Ministry became the Ministry of the Economy and Public Finance (MEFP) (Decree No. 2.085/2011).

¹²⁰ The DNGCE is a department of the Undersecretariat for Foreign Trade and International Relations (SSCEyRI), within the Secretariat for Foreign Trade of the Ministry of the Economy and Public Finance.

¹²¹ WTO document G/ADP/N/14/Add.33 and G/SCM/N/18/Add.33 of 17 April 2012. The CNCE consists of a Board of Directors composed of a Chairman and four board members who are appointed for four years and can be removed from office only on serious grounds. Online information from the CNCE. Viewed at: www.cnce.gov.ar/Instituciones/pw_institucional_estructura.php.

¹²² WTO documents in the series G/ADP/N and G/SCM/N.

country of origin or exportation as may be required for the determination of normal value by the economic and commercial sections of the Ministry of External Relations and Worship.

82. Within ten days of initiation, the CNCE and the SSCEyRI send out questionnaires to the producers, exporters and importers; these questionnaires must be returned within 30 days of being received.¹²³ On the basis of the replies to these questionnaires and other available evidence, the SSCEyRI prepares a preliminary dumping or subsidy report, within 100 days of initiation, while the CNCE makes a preliminary injury and causal link determination, for which it has 110 days from initiation. The SSCEyRI has to submit these preliminary determinations to the Secretary for Industry and Trade within five days. The SCEX makes a recommendation to the MEFP concerning the imposition of provisional measures, provided it considers them necessary to prevent injury being caused during the investigation, in the light of other circumstances relating to general foreign trade policy and the public interest. Provisional measures may be applied for a maximum period of four months, which may be extended in certain circumstances. The authorities have also pointed out that the Secretariat for Foreign Trade may terminate the investigation at any stage if it is informed by the SSCyRI or the CNCE that any of the criteria set out in Article 5.8 of the Anti-Dumping Agreement or Article 11.9 of the Agreement on Subsidies and Countervailing Measures have been verified.

83. In the next step, both the SSCEyRI and the CNCE must arrive at a final determination, of dumping or subsidy in the case of the SSCEyRI or injury and its causal link with the dumping or subsidy in the case of the CNCE. This determination must be made within 220 days of the initiation of the investigation in the case of the SSCEyRI, and within 250 days in the case of the CNCE. The SSCEyRI submits its recommendations to the Secretary for Foreign Trade with respect to the anti-dumping or countervailing duties to be applied, for referral of the question for consideration by the MEFP, in the light of other circumstances pertaining to general foreign trade policy and the public interest.¹²⁴ The investigation must normally be completed within ten months of initiation. In special circumstances this period may be extended, provided the maximum periods laid down in the Anti-Dumping Agreement are not exceeded.

84. If the SSCEyRI determines the existence of dumping or subsidy and the CNCE determines the existence of injury to the domestic industry and a causal link between the two, the MEFP may apply anti-dumping or countervailing duties. The measures may have a maximum term of five years and may be reviewed ex officio or, provided that two years have passed since they were applied, at the request of the interested party. The definitive measures may be made retroactive for up to 90 days from the date of application of the provisional measures, but not beyond the date of initiation of the investigation.¹²⁵ All resolutions closing the investigation, whether or not anti-dumping or countervailing measures are adopted, are published in the Official Journal and communicated to all interested parties.

85. Investigations may be suspended or terminated without measures being imposed if voluntary price undertakings offered by exporters or by the government of the exporting country under investigation are accepted. Article 34 of Decree No. 1.393/2008 determines the conditions applicable to these undertakings. The offer of an undertaking must be submitted, after a positive preliminary determination of dumping or subsidy, injury and causal link, to the SSCEyRI, which must forward

¹²³ Online information from the CNCE: *Dumping y Subvenciones*. Viewed at: http://www.cnce.gov.ar/Procedimientos/pw_procedimientos_pri.html.

¹²⁴ The SSPGC must also take these factors into account with respect to its recommendation regarding the agreement of an undertaking.

¹²⁵ This is an amendment introduced by Decree No.1.393/2008, since Decree No.1.326/98 provided for investigations to end within one year of their being initiated.

a copy to the CNCE within two working days. If necessary, the SSCEyRI and the CNCE may request the clarifications they consider relevant within five days of receiving the undertaking, with a period of ten days allowed for responding to the request. The SSCEyRI and the CNCE have 30 days from the expiry of this period to produce reports on the aspects for which they are respectively responsible. Once the SSCEyRI has received the Commission's report, it will, within five working days, submit its report on the undertaking offered to the SCEX, in the light of other circumstances pertaining to general foreign trade policy and the public interest. The SCEX has ten days from receipt of the above-mentioned report to decide whether or not to recommend the acceptance of the undertaking and to forward its conclusions to the MEFP for action within 15 days. The acceptance of an undertaking offered by an exporter is not mandatory. The SSCEyRI is charged with monitoring compliance with price undertakings that have been accepted and may require exporters to provide information relating to compliance at the intervals specified in the instrument of acceptance. In the event of non-compliance with an undertaking, the MEFP will order the immediate application of provisional measures on the basis of the best information available.

86. Anti-dumping and countervailing duties, whether provisional or definitive, may be *ad valorem* or specific, or "minimum f.o.b. export values" established by the MEFP and are always set prospectively. Provisional measures may also take the form of a guarantee. The anti-dumping duty may not exceed the dumping margin. The amount of countervailing duties may not exceed the amount of the subsidy. Such duties should remain in force only for as long as is necessary to offset the dumping or subsidies but may not last longer than five years from their imposition or last review.

87. Resolutions imposing duties may be reviewed for changed circumstances, either *ex officio* or, provided that two years have elapsed since the establishment of the measure or the last review, at the request of the interested party. These new periods were laid down by Decree No. 1.393/2008, since under the previous legislation the period was one year. The review may address the need for continued imposition of the duty to offset dumping or subsidization or the possibility that the injury would continue or recur were the duty to be removed or varied or both. If as a result of the review it is determined that the anti-dumping or countervailing duty is no longer warranted, it will be suspended. The review should normally be concluded within eight months of the date of its initiation.

88. The anti-dumping or countervailing duty or price undertaking expiry review will address both dumping or subsidization and injury, and determine whether expiry of the duty would be likely to lead to continuation or recurrence of the injury and the dumping or subsidization. The duty may remain in force pending the outcome of the review. A request for review of an anti-dumping or countervailing duty owing to the expiry of its period of validity may be submitted by or on behalf of the domestic industry, no later than three months prior to the end of the period of imposition of the anti-dumping or countervailing duty whose termination it is wished to avoid.¹²⁶ A review may also be initiated *ex officio* and must also be concluded within eight months of the date of its initiation. When initiating an expiry review, the SSCEyRI may also decide concomitantly to carry out a changed circumstances review. In the period between 2006 and June 2012 a total of 37 expiry reviews were carried out. Out of these reviews, 25 concluded with the continuation of the measure while two found that it was no longer necessary to maintain the measure. In addition, ten of these reviews were still ongoing in October 2012. Moreover, between 2006 and June 2012 a total of eight changed circumstances reviews were carried out, of which two ended in the continuation of the measure and two in the modification of the measure, while in one case the measure was not continued; in October 2012 three reviews had not yet been completed.

¹²⁶ Decree No. 1.393/2008 introduced a change in the period since under Decree No. 1.326/1998, it was nine months.

89. Chapter IX of Decree No. 1.393/2008, like its predecessor, contains provisions on circumvention, understood to mean the exportation to Argentina of parts and/or components of the product under investigation, assembled to produce a like product, or the exportation of a like product, produced by the assembly of parts and/or components of the product under investigation or by some other operation effected in a third country, or any other practice which tends to undermine the remedial effects of the measure applied. The determination of the existence of circumvention practices may be made at the request of the affected party, ex officio or at the suggestion of the SSCEyRI and/or the CNCE, on the basis of the main elements of information put together in the investigation or review concerning the measure being circumvented. These institutions must submit their conclusions to the SCEX within 120 days of acceptance of the request. Within ten days of receiving the reports the SCEX must submit its conclusions to the Ministry, which will deal with them within the following 20 days. During the review period two circumvention investigations were carried out; of these, one ended in the imposition of a measure while in the other no measure was imposed.

90. According to the WTO database, between the establishment of the WTO in 1995 and the end of 2011, Argentina applied 180 anti-dumping measures. Argentina ranks fourth among WTO Members with respect to the use of these measures.¹²⁷ It also accepted 38 price undertakings. Between 2007 and 2011, Argentina applied 52 anti-dumping measures and accepted ten price undertakings. At the same time, the use of countervailing duties has been very limited; since the creation of the WTO, it has only applied four measures, all before 2000. During the review period no new countervailing measure was applied nor was any investigation initiated (Table III.17).

Table III.17
Anti-dumping and countervailing measures, 2006-2012

	2006	2007	2008	2009	2010	2011	2012 (June)
Anti-dumping							
Initiations	11	8	19	28	14	7	7
Definitive anti-dumping measures imposed	5	18	6	15	15	8	5
Countervailing							
Initiations	0	0	0	0	0	0	0
Definitive countervailing measures imposed	0	0	0	0	0	0	0

Source: WTO Secretariat and CNCE.

91. According to information provided by the CNCE, in November 2012 there were 85 definitive anti-dumping measures in force and one provisional measure (Table AIII.1). The measures were being applied to a total of 25 trading partners, mainly China (36) and Brazil (9). Most anti-dumping duties have been applied to steel industry products, followed by equipment parts and, in third place, a wide range of goods including household electrical appliances.

92. In the case of 33 of the 85 measures in force in November 2012, the anti-dumping duties took the form of "minimum f.o.b. export values" (Table AIII.1). If the imports from the country subject to anti-dumping or countervailing duties are less than the "minimum f.o.b. export value", the importer is obliged to pay an anti-dumping duty equivalent to the difference between that value and the declared f.o.b. value of the exports.

¹²⁷ WTO online information, "Anti-dumping measures: Anti-dumping measures, by reporting Member 01/01/1995-31/12/2011". Viewed at: http://www.wto.org/english/tratop_e/adp_e/adp_e.htm.

(b) Safeguard measures

93. There has been no change in the general legal or institutional framework on safeguards. The general legal framework consists of the WTO Agreements, adopted by Law No. 24.425 of 1994, and safeguard regulations (Decree No. 1.059 of 24 September 1996). Argentina has notified the WTO of its legislation, which Members reviewed in 1996-1997.¹²⁸

94. During the review period, Argentina initiated a single safeguards investigation, which gave rise to the imposition of definitive safeguard measures (Table III.18).¹²⁹ These measures expired in May 2010, and in August 2012 Argentina was not applying any safeguard measure.

Table III.18
Safeguard investigations and measures notified to the WTO, 2006-June 2012

Product	Origin of imports under investigation	Decision	Relevant notifications to the WTO
Compact discs, recordable (CD-R)	All origins, except Mexico, People's Democratic Republic of Korea, Indonesia, Republic of Korea, Pakistan, Singapore, Philippines and Panama	Specific duties for 3 years: Year 1, from 30.5.2007 to 29.5.2008: US\$0.13 per unit Year 2, from 30.5.2008 to 29.5.2009: US\$0.11 per unit Year 3, from 30.5.2009 to 29.5.2010: US\$0.08 per unit	G/SG/N/8/ARG/5, G/SG/N/10/ARG/5, G/SG/N/11/ARG/5 of 26 April 2007, G/SG/N/8/ARG/5/Suppl.1, G/SG/N/10/ARG/5/Suppl.1, G/SG/N/11/ARG/5/Suppl.1 of 28 June 2007

Source: WTO Secretariat.

95. The MEFP is the implementing authority for safeguard measures. Applications for such measures must be filed with the SCEX together with an adjustment plan for the domestic industry in question. The SCEX refers the matter to the SSCEyRI and the CNCE, which have 50 days in which to issue two separate reports on whether or not there have been increased imports of the product at issue that have caused or are threatening to cause serious injury to the domestic industry.

96. The SCEX has 20 days to decide whether it would be appropriate to initiate an investigation on the basis of these reports and public interest and general economic policy considerations. If it is so decided, the decision is published in the Official Journal. A safeguard investigation may not generally last longer than nine months from the date of its initiation. In exceptional circumstances, this period may be extended by a maximum of two months. If provisional measures are applied, the investigation may not take more than 200 days.

97. Provisional safeguard measures may only take the form of an increase in import duties above the existing level. Definitive safeguard measures may take the form of an increase in import duty, a quantitative restriction, or any other measure available to the implementing authority. The duration of a definitive safeguard measure is limited to the period necessary to prevent or remedy any injury or threat of injury and to facilitate the adjustment of the domestic industry affected. The period may not exceed four years, including the time during which any provisional measure was applied. The initial period may be extended if this is deemed necessary to prevent or remedy injury or threat of injury and there is sufficient evidence to show that the domestic industry is carrying out the proposed adjustment. The total period of application of a safeguard measure, including the application of a provisional measure and any extension thereof, may not generally exceed eight years. Decisions to

¹²⁸ WTO documents G/SG/N/1/ARG/3 of 13 January 1997, G/SG/Q1/ARG/4 of 23 December 1996 and G/SG/Q1/ARG/9 of 20 August 1997.

¹²⁹ WTO document G/SG/N/8/ARG/5, G/SG/N/10/ARG/5, G/SG/N/11/ARG/5 of 26 April 2007.

impose provisional and definitive measures are published in the Official Journal. Decree No. 1.059 also contains provisions on the review of measures and the monitoring of the adjustment plan.

(ix) Technical regulations and standards

98. The WTO Agreement on Technical Barriers to Trade (TBT), incorporated in the national legislation by law, provides the general framework for adopting technical regulations in Argentina.¹³⁰ Decree No. 1.474/94, which created the National Standards, Quality and Certification System, and its regulations are still in force.¹³¹

99. The National Standards, Quality and Certification System offers reliable instruments at local and international level for those enterprises which, of their own accord, wish to certify their quality systems, products, services and processes through a mechanism involving standardization, accreditation and certification organizations constituted in accordance with the international standards in force. Compliance with the standards derived from the System is voluntary.

100. The National Standards, Quality and Certification System is structured around a National Standards, Quality and Certification Council, composed of representatives of various National Government offices convened by the implementing authority in the MEFP. This body has the assistance of an Advisory Committee that includes representatives of all the non-governmental sectors involved. Immediately below this policy decision-making level are the two operational agencies responsible for managing the entire system: the Argentine Standards and Certification Institute (IRAM) and the Argentine Accreditation Agency (OAA). IRAM is responsible for centralizing the study and approval of technical standards, and the OAA is in charge of the accreditation of certification bodies, testing and calibration laboratories, and auditors, for which it must follow assessment criteria based on those recommended in the corresponding ISO/IEC guides.

101. *Punto Focal Argentina*, under the National Directorate of Domestic Trade, is the national enquiry point for the WTO Agreement on Technical Barriers to Trade and is the contact point for notifying the WTO.¹³²

(a) Technical regulations

102. Various ministries and agencies are responsible for establishing technical regulations. Thus, the following bodies may draft such regulations: the Secretariat for the Environment and Sustainable Development of the Office of the Chief of Cabinet of the National Government, the executive branch, the National Institute of Industrial Technology (INTI) of the Directorate-General of Domestic Trade, the National Grape-Growing and Wine Production Institute (INV), SENASA, the National Food Commission (CONAL), and the National Drugs, Food and Medical Technology Administration (ANMAT), among others.

103. There is no central mechanism for publishing these drafts, but they are usually disseminated through the websites of the bodies adopting the technical regulations. In all cases a period of 60 days is allowed for submitting comments. Argentina's notifications to the WTO are published on the *Punto Focal* website¹³³ and are also distributed through a subscription service or on request. Comments are

¹³⁰ Law No. 24.425 of 7 December 1994.

¹³¹ Resolutions No. 90/95 and No. 330/99.

¹³² Online information from the National Enquiry Point for the Agreement on Technical Barriers to Trade. Viewed at: <http://www.puntofocal.gov.ar>.

¹³³ *Punto Focal* online information. Viewed at: <http://www.puntofocal.gov.ar>.

generally discussed among the focal points of WTO Members, with intervention by the body with jurisdiction over the matter in question. The issuing body is responsible for adoption and entry into force of the measure. Once adopted, the measure is published in the Official Journal.

104. Technical regulations in Argentina are based on MERCOSUR standards and the standards and recommendations of various international organizations, including the International Organization for Standardization (ISO), the Pan American Commission on Technical Standards (COPANT), the Codex Alimentarius Commission, the International Organization of Legal Metrology (OIML), and the International Electrotechnical Commission (IEC).¹³⁴

105. Technical regulations are amended or abolished on the basis of technological changes or international standards.

106. Between January 2007 and August 2012, Argentina made 172 notifications to the WTO Committee on Technical Barriers to Trade. Out of these notifications, 144 concerned draft technical regulations (Article 2.9.2), four concerned technical regulations adopted to address urgent problems (Article 2.10.1), 13 concerned draft conformity assessment procedures (Article 5.6.2), seven concerned conformity assessment procedures adopted to address urgent problems (Article 5.7.1), and four concerned measures under Articles 2.9 and 5.6.

(b) Standards

107. In its capacity as the national standardizing body, IRAM develops technical standards in a participatory, transparent and consensual manner, using international standards as a benchmark.¹³⁵

108. Technical standards are prepared by standards study bodies, comprising representatives of various organizations belonging to the three sectors involved in the production of a standard: producers, consumers and those "responsible for protecting the general interest and the common good". Before a draft standard can become an IRAM standard, it must be considered by the General Committee on Standards (CGN), an independent and honorary body responsible for the comprehensive examination of all the standardizing documents approved by the various study bodies.¹³⁶

109. The preparation of standards begins with the production of a draft standard, either by the Executive or by representatives of the sector concerned. The draft is submitted for public discussion for a period of between 30 and 180 days (with exceptions). The draft, with the revisions considered necessary, is then submitted to the General Committee on Standards, which gives it official form and passes it on to the IRAM Directorate-General for approval as a standard.¹³⁷

110. At regional level, IRAM participates in the Pan American Standards Commission (COPANT) and the MERCOSUR Standardization Association (AMN). IRAM is a member of ISO.

¹³⁴ Information provided by the Argentine authorities.

¹³⁵ Online information from IRAM, *Quién hace las normas?* Viewed at: <http://www.iram.org.ar/seccion.php?ID=2&IDS=12>.

¹³⁶ Standards in process of public discussion can be found on the IRAM website. Viewed at: <http://www.iram.org.ar/seccion.php?ID=2&IDS=64>. In addition, IRAM has an annual standards study plan which includes existing standards undergoing revision or amendment, as well as standards in preparation (IRAM, 2012).

¹³⁷ WTO (2007).

(c) Conformity assessment

111. Conformity assessment is governed by the Laws on Consumer Protection (Law No. 24.240/1993) and Fair Trade (Law No. 22.802/1983) which stipulate: that products must be supplied in a form such that, when used under foreseeable or normal conditions, they pose no risk to the health or person of the consumer¹³⁸ and that products whose use could pose a risk to the health or person of the consumer must be marketed in compliance with the rules laid down by the national implementing authority or reasonable rules for ensuring consumer safety.¹³⁹ The Secretariat for Domestic Trade is the national implementing authority and, as such, is responsible for establishing the safety requirements with which products or services not governed by other laws must comply.¹⁴⁰ Certification is the responsibility of the INTI. Since 2010 the Secretariat for Domestic Trade has determined the products to be included in the mandatory certification systems and has issued the corresponding technical regulations and conformity assessment procedures.¹⁴¹ The procedure for the adoption of conformity assessment procedures is described on the INTI website.¹⁴² The regulations on the certification of products, persons and processes can be found on the same website.

112. The Secretariat for Domestic Trade has established mandatory certification regimes for certain products and is also responsible for assessing the technical and legal requirements of those regimes. Mandatory certification regimes are established by means of resolutions, as are the certification system which has to be used and the symbols that must be displayed on the products and the way they are marked (Table III.19).¹⁴³ The symbols must be displayed on each unit of the product, either on the unit itself or on its packaging or labelling, together with the certificate number corresponding to the product in question.¹⁴⁴ The manufacturers, importers and distributors of products and services subject to mandatory certification regimes must submit to the Secretariat for Domestic Trade a certified copy of the conformity certificate issued by a recognized certifying body, before any marketing can commence.¹⁴⁵

Table III.19
Mandatory certification regimes

Product	Resolution No. (unless otherwise indicated)	Certification body
Domestic appliances/energy labelling	319/99 (as amended)	INTI
Devices, equipment, accessories and containers for gaseous fuels	676/99(as amended)	INTI
Safety auto parts	91/2001	INTI
New bicycles	220/03 (as amended)	INTI
Animal identification tags	Order No. 1.325/06	SENASA / INTI
Cement	130/92	INTI
Bicycle tyres and tubes	153/05 (as amended)	INTI
Low-voltage electrical equipment	92/98 (as amended)	INTI
Phthalates	583/2008	Ministry of Health / INTI
Toys	163/05 (as amended)	INTI
Anti-hail nets	Law No. 26.459	INTI
Retreads	205/2010	INTI

¹³⁸ Article 5 of Law No. 24.240 on Consumer Protection.

¹³⁹ *Idem*.

¹⁴⁰ Law No. 22.802 (as amended).

¹⁴¹ Resolution No. 43/10.

¹⁴² Online information from INTI. Viewed at: <http://www.inti.gob.ar/certificaciones/pdf/esquema.pdf>.

¹⁴³ Resolution No. 197/04 (as amended) and Resolution No. 799/99 (as amended).

¹⁴⁴ Resolution 197/04.

¹⁴⁵ Resolution 123/99 (as amended).

Product	Resolution No. (unless otherwise indicated)	Certification body
Paper sold packaged	653/99 (as amended)	INTI
Cells and batteries	14/2007	Secretariat for the Environment and Sustainable Development / INTI
Lead in paints, lacquers and varnishes	7/09 (as amended)	INTI
Printed graphic products	453/2010	INTI
Assembly shops for CNG	2.603/2002	INTI
Dyes, lacquers and varnishes used in the printing industry, as regards their lead content	453/10, 39/11 and Order No. 26/12	INTI

Source: WTO Secretariat.

113. The resolutions also stipulate the technical regulations and standards with which the products must comply to be certified and the procedure for obtaining such certification. In some cases it is necessary to certify the accuracy of the information provided to enable the products to be marketed or imported.¹⁴⁶ Some of these formalities may be suspended temporarily or definitively, or for some products and not for others. For example, to protect the consumer, special certification was required for footwear, together with certification of the accuracy of the information provided.¹⁴⁷ However, the "accuracy certification" requirement was temporarily suspended since the number of suppliers present in the market decreased considerably relative to that which existed at the time of adoption of the resolution which imposed that requirement. The requirement was temporarily dropped to "help reactivate the supply by reducing production costs". Since the suspension of the requirement it has been considered that to certify footwear it is sufficient to require a sworn declaration from the manufacturers and importers, prior to marketing, and to check the labelling and take samples in the marketplace.¹⁴⁸

114. Entities that engage in testing and certifying regulated products must be accredited by the Argentine Accreditation Agency (OAA) and recognized by the competent authority.¹⁴⁹ Any certifying body and any laboratory whose work involves issuing conformity certificates and test reports concerning the compliance of products and services with mandatory certification regimes must be recognized by the Secretariat for Domestic Trade. To obtain accreditation, entities must, *inter alia*, follow ISO/IEC guidelines (ISO Guides No. 25, No. 39 and No. 65).¹⁵⁰ In Argentina, the entities engaged in testing and certifying regulated products include, in particular, IRAM and INTI. IRAM certifies products, processes and services over a very wide range of economic activities. Products, processes and services are certified by means of IRAM seals and IRAM conformity marks.¹⁵¹ INTI's certifying body is authorized to certify products under the voluntary or regulated regime.¹⁵²

115. The OAA, a non-profit private entity created by Decree No. 1.474/94, is the only body that can accredit organizations engaged in testing and certifying regulated products, such as testing laboratories, calibration laboratories, clinical laboratories, management system certification bodies (quality, environmental, health and occupational safety), product certification bodies, personnel

¹⁴⁶ Resolutions No. 319/99, No. 508/99 and No. 653/99.

¹⁴⁷ Resolution No. 508/99.

¹⁴⁸ Resolution No. 44/2003.

¹⁴⁹ Decree No. 1.474/94 and Resolutions No. 123/99 and No. 431/99.

¹⁵⁰ Resolutions No. 123/99 (as amended) and No. 431/99.

¹⁵¹ For more information concerning the certification services offered by IRAM, visit the Institute's website at: <http://www.iram.org.ar/seccion.php?ID=3&IDS=21>.

¹⁵² Order No. 775/99 and Resolution of the Board of Directors No. 32/2001. For further information on the areas in which the OAA recognizes the jurisdiction of the INTI certifying body, visit the INTI website at: <http://www.inti.gob.ar/certificaciones/oaa.htm>.

certification bodies and inspection agencies.¹⁵³ The OAA is also responsible for carrying out any accreditation activity incorporated in international practice or defined by the regulatory authorities.

116. Argentina only recognizes foreign certifying entities and laboratories of countries with which relevant reciprocity agreements are in effect, and when these entities are accredited by the respective national accreditation body. To this end, the OAA is a member of various international organizations and a signatory to multilateral recognition agreements (ARM) at international level administered by these organizations.¹⁵⁴ These agreements must be approved by the Secretariat for Domestic Trade before they can be put into effect.¹⁵⁵

(x) Sanitary and phytosanitary measures

117. The Argentine Food Code (CAA) (Law No. 18.284 of 1969 (as amended)) is the framework law that governs the National Food Control System (SNCA) and establishes the rules to be followed when producing, marketing, importing and exporting food for human consumption in order to protect the health of the consumer. In addition to the Code, there are specific resolutions and orders that define the phyto- and zoosanitary requirements by type of product.¹⁵⁶ The SNCA was created for the purpose of ensuring compliance with the CAA. The SNCA is composed of the National Food Commission (CONAL), SENASA and ANMAT.¹⁵⁷ It is CONAL's duty to ensure that the entities which make up the SNCA enforce the CAA throughout Argentine territory and to propose the updating of the CAA by recommending the changes needed to ensure that it is always in keeping with progress in the field, using the international standards and MERCOSUR agreements as a benchmark.¹⁵⁸

118. SENASA, a decentralized body under the Ministry of Agriculture, Livestock and Fisheries (MAGyP), continues to be responsible for implementing national policy on animal and plant health and quality and on the quality and safety of food by verifying compliance with the legislation.¹⁵⁹ At present, a number of products are subject to sanitary/phytosanitary controls when imported or exported; these controls are carried out by SENASA, ANMAT and the INV (Table III.20).¹⁶⁰

¹⁵³ See the list of certifying bodies accredited by the OAA, with details of the scope of the accreditation, on the Agency's web page. OAA online information. Viewed at: <http://www.oaa.org.ar/200504/index.html>.

¹⁵⁴ The OAA is a member of the International Laboratory Accreditation Cooperation (ILAC), the International Accreditation Forum (IAF) and the Inter-American Accreditation Cooperation (IAAC).

¹⁵⁵ Resolution No. 431/99.

¹⁵⁶ Resolution No. 816/2002 (regulating the procedure for audits in countries that export products and byproducts of animal or plant origin to Argentina).

¹⁵⁷ Decree No. 815/99 (as amended).

¹⁵⁸ Decree No. 815/99 (as amended), Articles 4 and 6.

¹⁵⁹ Decree No. 1.585/96, Article 2.

¹⁶⁰ *Idem*.

Table III.20
Bodies responsible for sanitary and phytosanitary controls

Products controlled	Regulatory framework for imports	Maximum period for carrying out controls
National Agriculture and Food Quality and Health Service (SENASA)		
Products, byproducts and derivatives of animal and/or plant origin	Decree No. 815/99 (Annexes I and II). SENASA Resolutions No. 816/02 (products of animal and plant origin and byproducts) and No. 492/01 (registration of importers and exporters) and former SENASA Resolutions No. 1.354/94 (live animals) and No. 1.415/94 (reproductive material)	Controls may be carried out at the point of entry or in the establishment registered by the importer at the time of warehouse entry. In both cases samples are taken and the release of the goods is conditional upon the satisfactory result of the analysis of these samples
Animals and genetic material	SENASA Resolutions No. 1.354/94, No. 1.415/94, No. 816/02 and No. 512/2011 establishing the sanitary requirements that must be met for authorizing the entry of live animals and their breeding material, as well as products and byproducts derived therefrom. Governing the import procedures for imports of live animals and their genetic material	The quarantine period varies with the country of origin, the animal species and the type of samples required to obtain an analytical result in conformity with the standard. The approximate time is between seven and 40 days
Agrochemical and biological active principles and products, plant therapy products and fertilizers	SAGPYA Resolutions No. 350/99 (Manual of Procedures, Criteria and Coverage for the Registration of Phytosanitary Products in the Argentine Republic) and SENASA Resolution No. 264/11 (Manual of Procedures for registering products in the National Register of Fertilizers, Dressings, Substrates, Protectors, Conditioners and Raw Materials)	The registration of the product takes about 6 months. The quarantine period lasts between 15 and 40 days and may vary with the type of product
Active principles and application formulations used in veterinary medicine	Law No. 13.636. Decree No. 583/67. SENASA Resolutions No. 345/94, No. 765/96 (MRPV) and No. 681/02	The product registration period ranges from one to two years
Plant material	Law No. 4.084. Regulatory Decree No. 83.732/36 (general plant import legislation). SENASA Resolutions No. 55/03 (authorizing the DNPV to establish and amend the phytosanitary requirements for the importation of products of plant origin) and No. 569/10 (approving the computerized procedure for requesting and issuing the Phytosanitary Import Authorization (AFIDI)). DNPV Order No. 5/11 (extending the scope of SENASA Resolution No. 569/10). SAGPyA Resolutions No. 292/98 (general post-entry quarantine procedure for plant propagation material), SENASA Resolutions No. 69/99 (specific instructions for the post-entry quarantine of vine plant propagation material) and No. 175/03 (specific procedure for the abridged post-entry quarantine of plant propagation material with verification of nurseries at origin) and former IASCAV Resolution No. 409/96 (approving the Guidebook on Working Procedures for the Inspection and Certification of Plant Products during Exportation, Importation and International Transit)	For plant propagation material there is a post-entry quarantine requirement due to the greater phytosanitary risk posed by this type of material (depending on the cultivation cycle the period may vary between one and two years)
National Drugs, Food and Medical Technology Administration (ANMAT)		
National Institute of Medicines (INAME)		
Medicinal products, cosmetic products and oral hygiene products for use in dentistry	ANMAT Orders No. 1.831/12, No. 3.683/11 and No. 692/12. Decree No. 150/92. MSAS (Ministry of Health and Social Action) Resolution No. 155/98	..
National Food Institute (INAL)		
Food products prepared for human consumption, raw materials for use in the food industry and products for domestic use	Decree No. 1.812/92 (food)	..

Products controlled	Regulatory framework for imports	Maximum period for carrying out controls
National Grape-Growing and Wine Production Institute (INV)		
Wines and spirits	INV Resolutions No. C-121/93 and No. C.11/96 (spirits). INV Order No. C-1.139/93	Seven working days

.. Not available.

Source: WTO Secretariat and information provided by the Argentine authorities.

119. Sanitary, phytosanitary and safety surveillance is permanent and mandatory for all imported goods, at the point of entry and prior to release onto the domestic market. Entry is only authorized if the goods meet sanitary, phyto- or zoosanitary and/or safety requirements and an import authorization has been issued. Confirmation of the satisfaction of sanitary or phytosanitary requirements, as appropriate, and compliance with the certification requirements of the country of origin is a necessary but not sufficient condition for issuing an import authorization. Before the authorization can be delivered, the importer must complete all the necessary formalities, including the registration of each product and/or operator, the authorization of the establishment/plant of origin and approval of the audits at origin (where appropriate), as well as conformity with the pre-agreed model certificates.¹⁶¹

120. The issuing of an import authorization may require a risk analysis, depending on the product and the sanitary situation in the country of origin of the goods. To this end, SENASA may order an audit of the entire sanitary system of origin or an audit in particular of the production chain for the goods it is intended to import, if SENASA considers it advisable on the basis of the previous record of the country of origin.¹⁶² Moreover, if SENASA considers it necessary, the authority competent for sanitary, phytosanitary and safety matters in the country of origin and/or provenance must provide guarantees for its national control system, which must have systems for auditing the entire animal and plant product production and marketing chain.

121. Importers of live animals, reproductive material, precursors of life forms, plants, derivatives of animal and/or plant origin or goods and/or inputs that contain components of animal and/or plant origin, within the competence of SENASA, must, as a prerequisite, be listed in the register maintained by SENASA's Quarantine, Borders and Certification Coordination.¹⁶³ Furthermore, products of plant and animal origin imported for the first time may be subject, if SENASA deems it necessary, to a prior inspection at origin that covers various stages of the production, processing and marketing chain, as required.

122. Imported products of animal or plant origin, whether or not packaged for direct sale to the public (if their packaging does not involve modification and if they retain the same characteristics as the bulk products and have not undergone any processing), are controlled by SENASA, with the exception of edible oils which are the responsibility of ANMAT-INAL.¹⁶⁴ The importation of plant products within ANMAT's competence that might involve a phytosanitary risk require SENASA's authorization (Chart III.2).

¹⁶¹ Resolution No. 816/02.

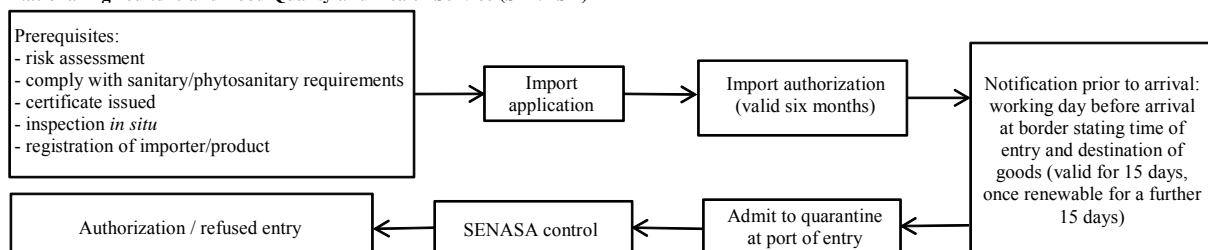
¹⁶² Details of the procedures to be followed in carrying out the audit can be found in Annex I to Resolution No. 816/2002 (as amended).

¹⁶³ Article 4 of Resolution No. 492/2001 sets out the registration requirements.

¹⁶⁴ A complete list of the imported products of plant origin subject to sanitary control can be found in Annex II to Decree No. 815/99 (as amended).

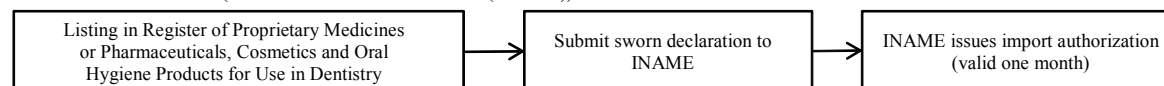
Chart III.2 Sanitary and phytosanitary import controls

National Agriculture and Food Quality and Health Service (SENASA)

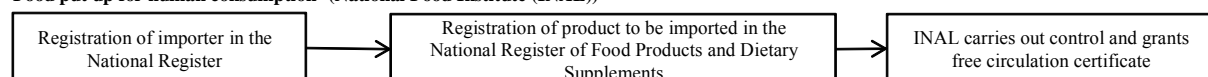


National Drugs, Food and Technology Administration (ANMAT)

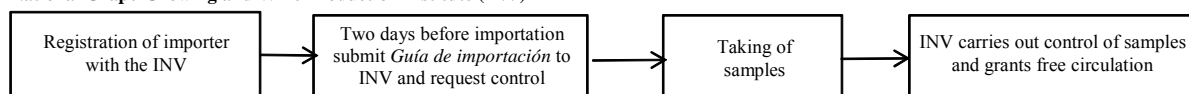
Medicines and cosmetics (National Institute of Medicines (INAME))



Food put up for human consumption (National Food Institute (INAL))



National Grape-Growing and Wine Production Institute (INV)



Source: WTO Secretariat and information provided by the Argentine authorities.

123. Imports of plants, organic support and/or growth media, products, derivatives of plant origin or goods and/or inputs containing components of plant origin require, in addition to the authorization issued by SENASA, a Phytosanitary Import Authorization (AFIDI), also issued by SENASA. The AFIDI is the document indicating the phytosanitary requirements that must be met by products of plant origin, without which these products cannot be imported. The AFIDI is valid for two months in the case of imports for consumption, peat and laboratory seed, and nine months in the case of imports for propagation purposes, and can be used for multiple shipments during its period of validity.¹⁶⁵ Approval of the application is subject to case-by-case examination by SENASA's Plant Quarantine Directorate. In 2010, a computerized procedure was introduced for requesting and issuing the AFIDI and implemented progressively at various ports of entry and for different products.¹⁶⁶ At present, all "regulated" products require electronic processing of the AFIDI.¹⁶⁷

124. To import live animals and genetic material, the interested party must submit to SENASA, for technical consideration and authorization, the form corresponding to the import application, for technical evaluation, supported by a risk analysis based on the relevant sanitary standards recommended by the World Organisation for Animal Health (OIE) and on the latest scientific information available, in order to ensure an adequate level of protection for Argentina's zoosanitary assets. This import application must be approved by SENASA before the animals or genetic material

¹⁶⁵ Information provided by the authorities.

¹⁶⁶ Resolutions No. 816/2002 and No. 569/2010.

¹⁶⁷ Order No. 5/2011.

are shipped from the exporting country, following completion of the technical evaluation, and is valid for 30 calendar days from the date of approval.¹⁶⁸

125. The importation of food products may be suspended if, in the opinion of SENASA, their entry involves a proven risk for human, animal or plant health. Thus, it might be suspended if there is new scientific evidence concerning the risk of a pest outbreak or disease, changes in the sanitary or phytosanitary status of the country of origin, or the detection of a risk *in situ* at the point of entry. In the event of a recurrence, the suspension could affect a particular establishment or involve the complete suspension of import authorization for a specific origin. Moreover, specific import requirements can be modified to align them on the international reference standard. In specific cases, where risk-generating emergency sanitary or phyto- or zoosanitary situations exist, the suspension of import authorization may be decided. The authorities have pointed out that, in all cases, changes in the sanitary, phytosanitary or food safety requirements are always notified through the established mechanisms of the WTO.

126. Quarantine, Borders and Certifications Coordination is authorized to establish technical sanitary import requirements (quality, residues, labelling, etc.), after consulting, where necessary, with SENASA's various services.¹⁶⁹ The draft requirement is the result of an analysis of the risks, expert opinions and other technical requirements. The draft may be sent, for a minimum of 60 days, to the competent offices and/or technical advisory commissions or reference bodies. In addition, if considered necessary, a period of public consultation may be initiated at national level. The country of origin will be informed of these sanitary requirements and will also have 60 days to comment. If the exporting country has comments, the necessary and relevant changes will be made and be communicated to the exporting country for final confirmation or further comment. When this period has expired and the comments received have been evaluated, the Animal Quarantine and Plant Quarantine Directorates will draw up the definitive import requirement.

127. During the review period, Argentina submitted 96 SPS notifications to the WTO, of which two were notified as emergency measures. In 2011, Argentina notified the WTO of the application of a surveillance regime affecting imports of meat and meat products of poultry and swine and eggs and egg products from Germany and the Netherlands due to the detection of dioxins¹⁷⁰, as well as the preventive suspension of imports from Paraguay that could transmit the foot-and-mouth disease virus.¹⁷¹

(3) MEASURES DIRECTLY AFFECTING EXPORTS

(i) Procedures, documentation and registration

128. Export procedures are governed by the Customs Code, its implementing regulations and amendments thereto, and AFIP General Resolution No. 1.921/2005 (as amended).

¹⁶⁸ SENASA Resolutions No. 1354/94, No. 1415/94, No. 816/02 and No. 512/2011, and information provided by the authorities.

¹⁶⁹ The main function of SENASA's Plant Quarantine Directorate is to prevent the introduction and spread of quarantine pests in Argentina and define their quarantine status through the development of pest risk analyses and to compile lists of quarantine pests and keep them up-to-date. In addition, it must draw up regulations and supervise the post-entry quarantine system.

¹⁷⁰ WTO document G/SPS/N/ARG/141 of 31 January 2011.

¹⁷¹ WTO document G/SPS/N/ARG/152 of 31 October 2011.

129. Exporters must be registered in the Argentina's Register of Exporters and Importers. Registration is mandatory and exporters need to register only once with the DGA. Registration authorizes exporters to operate through any customs office in the country. Both natural and legal persons may enrol in the Register, and the export formalities may be completed by a customs clearing agent. To enrol in the Register, both natural and legal persons must give proof of registration and tax domicile with the Directorate-General of Taxation (DGI), via the tax identification number (CUIT), and provide evidence of the necessary solvency or post a guarantee of fulfilment of their obligations in favour of the DGA. Moreover, legal persons must also be registered in the Public Trade Register of the Inspectorate-General of Justice.

130. To export some goods another specific registration is required. In 2001, SENASA established the register of exporters and/or importers of animals, plants, reproductive and/or breeding material, products, byproducts and/or derivatives of animal or plant origin, or goods that contain ingredients of animal and/or plant origin among their components for the purpose of regulating products subject to certification and quarantine.¹⁷² There is also a National Register of Exporters of Fresh Citrus Fruit to European Union Countries.¹⁷³ Likewise, exporters of vitiviniculture products (wine and grape must) must enrol in the INV's Register of Exporters.¹⁷⁴ INAL administers the National Register of Food Products (RNPA). All goods produced in Argentina exclusively for export must be listed in this Register.¹⁷⁵ Moreover, to obtain from INAL an RNPA certificate exclusively for exporting, the exporter, if also the producer, must previously have listed the establishment in which the goods were produced in the National Register of Establishments (RNE). If the exporter was not the producer he must have an exporter's RNE certificate as well as a manufacturer's RNE to be able to register in the RNPA.

131. There are special registration requirements for exporting (and importing) certain agricultural products, such as cereals, meat and dairy products. They are mandatory requirements for obtaining an export authorization. Until 2011¹⁷⁶, the National Office for the Control of Agricultural Trade (ONCCA) was the agency responsible for monitoring strict compliance with the marketing rules in the agricultural sector in order to ensure a framework of transparency and free competition for these activities.¹⁷⁷ When the ONCCA was dissolved in 2011, the Unit for the Coordination and Evaluation of Subsidies for Domestic Consumption (UCESCI) was set up under the MEFP, with tasks that included keeping a Register of Export Operations (ROE).¹⁷⁸

132. Cereal producers are required to register their stocks in the Register of Grain Inventories maintained by the ONCCA.¹⁷⁹ After the dissolution of the ONCCA, the UCESCI was entrusted with the administration of this register.¹⁸⁰ Agricultural producers must declare stocks of grain and oilseeds which have not yet entered the stream of commerce. This involves making a sworn declaration that indicates the type of grain and oilseeds stored, the volume stored in tonnes, the harvest to which the

¹⁷² The registration requirements are set out in Resolution No. 492/2001 (as amended).

¹⁷³ Resolution No. 652/2004 (as amended).

¹⁷⁴ Resolution No. C-14/2005 and Joint General Resolution No. 3.150/2011 and No. 31/2011.

¹⁷⁵ Order No. 4.377/2001 (as amended).

¹⁷⁶ The National Office for the Control of Agricultural Trade (ONCCA) was established by Decree No. 1.343/1996 and dissolved in 2011 by Decree No. 192/2011.

¹⁷⁷ Law No. 21.740 of 1978 and Decree-Law No. 6.698/1963, their implementing regulations and amendments.

¹⁷⁸ Decrees No. 192/2011 and No. 193/2011.

¹⁷⁹ Resolution No. 684/2008.

¹⁸⁰ UCESCI online information. Viewed at: <http://www.ucesci.gob.ar/default1.htm>.

grain and oilseeds declared correspond and the type of facility in which they are stored.¹⁸¹ The authorities have pointed out that the purpose of the register is to provide the information needed to formulate agricultural policy.

133. Cereal export operations must be listed in the Register of Sworn Declarations of Foreign Sales of Agricultural Products (ROE Green).¹⁸² Exporters of cereals of MCN tariff headings 1001.10.90 (meslin and durum wheat (except for sowing)), 1001.90.90 (wheat and meslin, other (except for sowing)) and 1005.90.10 (maize) must complete a special annex together with the sworn declaration. The same resolution established the domestic supply requirements for wheat and maize at 6.5 and 8 million tonnes, respectively, for the 2009/2010 season; this figure has to be updated annually¹⁸³, although the authorities have pointed out that these values have been maintained for successive seasons. The exportable surplus is calculated by deducting from total production plus the surpluses from previous harvests the amount required to meet domestic demand, which includes the seed required for the next sowing and an additional amount for contingencies.

134. In 2006, the Register of Export Operations "ROE Red" was established for exports of meat of bovine animals to ensure the "orderliness" of the beef and veal market and the transparency of the export operations, with a view to maintaining the domestic supply and the stability of domestic prices.¹⁸⁴ Registration in the "ROE Red" is a prerequisite for exporting beef and veal.¹⁸⁵ The ONCCA was the institution responsible for establishing the requirements for registration in the "ROE Red".¹⁸⁶ The ONCCA only authorized registration in the "ROE Red", i.e. allowed exportation, if there was an "exportable surplus" of meat in cold storage. The "exportable surplus" is calculated by deducting from the "production stock" the "export production reserve", a minimum level of the "production storage capacity" for cold-storage meat, established by the ONCCA.¹⁸⁷ In 2008, the "export production reserve" was fixed at 75% of the production storage capacity.¹⁸⁸ Since then the "reserve" has varied and some high-value cuts have been exempted.¹⁸⁹

135. The Price Stabilization Programme for Dairy Produce intended for the Domestic Market was introduced in 2006.¹⁹⁰ To implement this programme, the then ONCCA set up a Register of Dairy Product Export Operations (ROE White), in which anyone wishing to enter that market had to be registered.¹⁹¹ To be listed in the "ROE White" interested parties must be enrolled in the Register of Dairy Sector Operators and produce the commercial sales invoice and/or contract of sale and the shipping permit.¹⁹² To obtain "ROE White" authorizations dairy plants must guarantee the existence

¹⁸¹ Resolution No. 684/2008.

¹⁸² Law No. 21.453 of 1976 (as amended) and Decrees No. 1.177/1992 and No. 654/2002.

¹⁸³ ONCCA Resolution No. 543/2008 and amendments thereto establish the requirements that must be met by exporters of cereals and/or their derivatives requesting to be enrolled in the "ROE Green".

¹⁸⁴ Resolution No. 31/2006 and the Annex to Resolution No. 6/2008, which contains the list of products that must be registered in the "ROE Red" before they can be exported.

¹⁸⁵ Resolution No. 3.433/2008.

¹⁸⁶ Resolution No. 42/2008; since 2011 the Unit for the Coordination and Evaluation of Subsidies for Domestic Consumption (UCESCI) has been responsible for administering this register (UCESCI online information. Viewed at: <http://www.ucesci.gob.ar/default1.htm>).

¹⁸⁷ Resolution No. 42/2008.

¹⁸⁸ Resolution No. 42/2008.

¹⁸⁹ Resolutions No. 542/2008 and No. 542/08.

¹⁹⁰ Resolution No. 61/2007.

¹⁹¹ Resolution No. 152/2007 specifies the MERCOSUR Common Nomenclature tariff headings affected by the regime and entrusts the former ONCCA with establishing the registration procedures, authorizing it to issue operating regulations.

¹⁹² Resolution No. 6.686/2009.

of a stock of 25,000 tonnes of powdered milk in order to ensure that the domestic market can be supplied.¹⁹³

136. Once all the appropriate registrations have been completed, the single document (shipping permit) must be submitted to the DGA for the goods to be cleared. This document is processed through the MARÍA (SIM) computer system. The single document must be accompanied by a detailed goods declaration and the commercial invoice. Moreover, whenever the operations are carried out under the jurisdiction of the Capital Operations Department (*Departamento Operativo Capital*) (which includes the Port of Buenos Aires and the Jorge Newbery and Ministro Pistarini-Ezeiza Airports), the shipping note must also be produced. This document records the date and time of loading of the goods onto the means of transport.

137. The goods for export are subject to a cargo inspection and/or documentary control by customs. The level of control depends on the channel to which the goods are assigned, which may be green, amber or red. The SIM determines the channel on the basis of a risk assessment and random sampling. Goods processed through the green channel only need to have the documents officially recognized. Goods that pass through the amber channel are subject to documentary control, while those that pass through the red channel are subject to both documentary control and physical inspection.¹⁹⁴

138. Once customs has officially recognized and registered the single document, the seller has 31 days, if he uses international air transport, or 45 days, in the case of land or sea transport, to load the goods for shipment or for transit to a customs office of exit elsewhere in the country. The DGA may renew these periods once only for a length of time not greater than the initial period.

139. Goods bound for a market where they are to receive preferential treatment under a trade agreement require a certificate of origin. These certificates are issued by private institutions under the supervision of the Secretariat for Foreign Trade.

140. In addition, there are prior certification requirements for exports of certain products to ensure the application of the necessary sanitary and quality controls or guarantee the fulfilment of international commitments relating to security (for example, arms and nuclear material) or wildlife conservation. In order to be exported these products require a quality standards certificate. This document is issued by various official bodies which require verification of the conditions of manufacture, packing, quality and shipment before they can certify the quality of the goods and thus authorize their exportation (Table III.21).

Table III.21
Products requiring a quality standards certificate for export

Product	Government agency
Food for human consumption	National Food Institute (INAL)
Non-food products, byproducts and derivatives of animal origin	National Agriculture and Food Quality and Health Service (SENASA)
Plants and derivatives not for use as food, agrochemical and biological products	National Agriculture and Food Quality and Health Service (SENASA)
Nuclear elements and materials	National Atomic Energy Commission (CNEA)
Medicines or products for human health purposes	Secretariat for the Prevention of Drug Addiction and the Fight against Drug Trafficking

¹⁹³ Resolution No. 6.686/2009.

¹⁹⁴ AFIP General Resolution No. 1.921/2005 (as amended).

Product	Government agency
Narcotic drugs and psychotropic substances	Secretariat for the Prevention of Drug Addiction and the Fight against Drug Trafficking
Flora and fauna	Secretariat for the Environment and Sustainable Development
Books and other printed matter and illustrations containing cartographic material	National Geographical Institute (IGN)

Source: WTO Secretariat.

141. In 2005, Argentina introduced a value control system for exports for consumption, with the aim of checking the declared value in order to safeguard the revenue derived from the payment of export duties. Under this system, the AFIP is authorized to set export reference values of a precautionary nature and determine which goods are subject to these values.¹⁹⁵ In 2009, the procedures for determining, suspending and modifying these values were changed.¹⁹⁶ The AFIP determines the goods subject to these provisions at the request of the export sector or the State or if the declared value of the exports does not correspond to the usual value for similar goods.¹⁹⁷ The reference value is determined by the AFIP on the basis of, among other things, the final destination of the exports.¹⁹⁸ The reference values are communicated by the AFIP through external notes or general resolutions published in the Official Journal.¹⁹⁹ Since 2007, the following products have been subject to reference values: garlic, bilberries, breeding horses, squids, sheep leather and skins, waste and scrap, crawfish, milk and milk-based preparations, lemons and limes, apples, honey, copper products, shad, fresh grapes and mate. The reference values of these products were changed several times during the review period.²⁰⁰ Moreover, the AFIP can set levels of tolerance for the reference values established. For example, in 2009, the AFIP applied tolerances for honey and squid exports with a view to promoting exports of these two products, which had been adversely affected by a fall in international demand.²⁰¹

142. The Agrifood Markets Directorate is responsible for establishing official export prices for some agricultural products (Table AIII.2).²⁰² Official prices are established to assess export duties, taxes and other levies on exports or to calculate refunds and repayments granted when goods are exported.²⁰³ The prices fixed must reflect market realities and dynamics and are therefore adjusted daily, in accordance with market fluctuations. To determine them, the Agrifood Markets Directorate systematically consults the local exporters' association, systematically monitors the local and international price situation and trends and analyses the consistency between f.o.b. export prices, available or future domestic prices, export or manufacturing margins and the parity prices of exports for different destinations. In addition, members of the local exporters' association may request the Agrifood Markets Directorate to modify the value of the official f.o.b. prices. In the case of

¹⁹⁵ AFIP General Resolutions No. 1.866/05 and No. 2.716/09.

¹⁹⁶ AFIP General Resolution No. 2.716/09.

¹⁹⁷ *Idem.*

¹⁹⁸ *Ibid.*, Article 2.

¹⁹⁹ *Ibid.*, Article 1, and online information from InfoLEG, *Tipo de norma (resolución) y Dependencia (AFIP)*. Viewed at: <http://www.infoleg.gov.ar>.

²⁰⁰ For more information, see online information from InfoLEG, *Tipo de norma (resolución) y Dependencia (AFIP)*. Viewed at: <http://www.infoleg.gov.ar>.

²⁰¹ AFIP External Notes No. 11/09 and No. 32/09.

²⁰² Law No. 21.453 of 11 November 1976 and Circular No. 433/2012. For more historical and current information on official f.o.b. prices, see online information from the Ministry of Agriculture, Livestock and Fisheries. Viewed at: <http://www.minagri.gob.ar/new/0-0/programas/dma/index.php#>.

²⁰³ Law No. 21.453 of 11 November 1976.

exportables for which an official f.o.b. price is not fixed, the appraised value or the valuation made by the DGA is used as the tax base.²⁰⁴

(ii) Export duties and taxes

143. The Customs Code provides for the application of export duties.²⁰⁵ Under the Argentine legislation, export duties are used as price policy tools to soften the impact of exchange rate fluctuations on domestic prices, especially those of essentials forming part of the family basket²⁰⁶, and as a fiscal measure depending on the situation of the public finances.²⁰⁷ Moreover, Argentina considers that export duties are a valid development tool, since they enable many developing countries to cease being mere suppliers of raw materials.²⁰⁸ According to the regulations, when applying export taxes, Argentina must consider the consequences of any significant changes in the international prices of agricultural products.²⁰⁹

144. The tax base for calculating the duty is generally the f.o.b. value less the c.i.f. value of the imported goods incorporated in the product exported. For some agricultural products (included in Law No. 21.453/1976) the basis of calculation is the tax base (index price, f.o.b. value, minimum or equivalent f.o.b. value) in force on the closing date of each sale²¹⁰, or the "official price".²¹¹ The export duty on natural gas is calculated on the basis of the highest price for the product established in contracts for the importation of natural gas into Argentina.²¹²

145. Since 2002, all Argentine exports, with the exception of some dairy products (34 eight-digit HS tariff lines), have been subject to export duties.²¹³ Export duties increased during the review period. In 2012, rates varied between 5 and 100%, whereas in 2006 the maximum rate was 45%. The 5% rate is the general rate and applies to 97.5% of the tariff universe. The other rates applied are 10%, 13%, 15%, 20%, 23%, 30%, 32%, 35%, 40%, 45% and 100%, depending on the goods. The 100% rate, which did not exist in 2006, applies to natural gas (HS2711.11.00 and HS 2711.21.00). In general, export duties are *ad valorem*; however, the export duty for crude oil exports is calculated on the basis of a formula that depends on the international price of oil and a reference price, and the rate is capped at 45% (Chapter IV).

146. Exports for consumption in free zones are subject to an export tax equivalent to 15% of that which prevails in the general customs territory.²¹⁴

²⁰⁴ Resolution No. 331/2001, as amended by Resolution No. 447/2006.

²⁰⁵ The National Constitution of Argentina and the Customs Code (Articles 724-760) provide for the imposition of export duties (Articles 4 and 75.1).

²⁰⁶ Resolution No. 11/2002 of the former Ministry of the Economy and Infrastructure.

²⁰⁷ Resolution No. 35/2002.

²⁰⁸ WTO document WT/MIN(11)/ST/19 of 16 December 2011.

²⁰⁹ Resolution No. 11/2002 of the former Ministry of the Economy and Infrastructure.

²¹⁰ Law No. 21.453 of 11 November 1976 (as amended).

²¹¹ Secretariat for Finance, online information from the Ministry of the Economy and Public Finance, *Normas: Tributos vigentes en la República Argentina a Nivel Nacional* (updated 30 September 2012). Viewed at: <http://www.mecon.gov.ar/sip>.

²¹² Online information from the Secretariat for Finance, Ministry of the Economy and Public Finance, *Normas: Tributos vigentes en la República Argentina a Nivel Nacional* (updated 30 September 2012). Viewed at: <http://www.mecon.gov.ar/sip>.

²¹³ Resolution No. 11/2002 of the former Ministry of the Economy and Infrastructure.

²¹⁴ Article 49 of Law No. 24.331 of 17 June 1994.

147. Mining enterprises that qualify for the mining investment regime (Law No. 24.196 of 24 May 1993) benefit from fiscal stability and this regime also includes export levies. Some goods or types of goods are exempt from export duty. This applies, for example, to the following: the c.i.f. value of goods imported temporarily which have been incorporated into exports²¹⁵; material intended to advertise tourism and the holding of fairs and exhibitions, congresses or similar events²¹⁶; the outright or temporary exportation of works of art²¹⁷; and goods, up to a limit of US\$2,000, carried personally by travellers on their way to MERCOSUR countries, provided the corresponding commercial invoice can be produced.

148. The authorities have pointed out that there is no timetable for the elimination of export duties. During the review period the tax revenue from export duties increased progressively to reach Arg\$54,163 million in 2011, which amounts to 20.5% of tax revenue and 15.6% of total export value (Table III.22).

Table III.22
Export duties, 2006-2011

Export duties	2006	2007	2008	2009	2010	2011
Total collected (Arg\$ million)	14,712	20,450	36,055	32,042	45,547	54,163
Growth rate (%)	19.4	39.0	76.3	-11.1	42.2	18.9
As a percentage of total tax revenue	11.8	18.7	24.3	21.3	22.1	20.5
As a percentage of the total value of merchandise exports	10.3	11.8	16.4	15.5	17.1	15.7

Source: Ministry of the Economy and Public Finance and National Institute of Statistics and Censuses, and data from the Comtrade Database.

(iii) Export restrictions

149. In accordance with the Argentine Customs Code, export prohibitions, like those applied to imports, may be, depending on their purpose, economic or non-economic and, in terms of their scope, may be absolute or relative. Prohibitions are absolute if they prevent the exportation of a particular good to anyone and relative if they allow for exceptions.²¹⁸ In the latter case exportation may be authorized if certain requirements are met; if the prohibition is economic, the exception granted in favour of a particular person must be established by law.²¹⁹

150. Economic prohibitions are those which are intended to combat unemployment, implement trade policy, promote and protect domestic production of goods and services, stabilize domestic prices and safeguard the public finances. Non-economic prohibitions are those which are imposed for reasons of international policy, public safety or national defence, public morality and health, protection of the artistic and cultural heritage, and conservation of natural resources.²²⁰

151. During the review period, Argentina suspended the prohibitions on exports of copper and aluminium scrap established in 2006 for a period of 180 days.²²¹ Currently, Argentina prohibits exports of iron and steel waste and scrap and natural gas to ensure domestic supplies and has established an export quota for bread wheat (*trigo pan*), and some fish and tanned hides (Table III.23).

²¹⁵ Resolution No. 530/2002.

²¹⁶ Resolution No. 51/2002.

²¹⁷ Law No. 24.633 of 17 April 1996.

²¹⁸ Customs Code (Article 608).

²¹⁹ Customs Code (Articles 626 and 633).

²²⁰ Customs Code (Articles 609 and 610).

²²¹ Resolution No. 200/2006.

Table III.23
Exports prohibited or subject to quotas since 2007

Reason	Product	Period of prohibition	Export quota and period	Legal framework
Ensure supply of raw materials for industry	Iron and steel waste and scrap	January 2009-July 2011		Joint Resolutions No. 1/09, No. 2/09, No. 246/09 and No. 358/09. Decrees No. 2.261/09 and No. 901/10
Domestic supply	Natural gas surpluses	Since 2004		Resolution No. 265/04
	Low-protein bread wheat		1,000,000 tonnes since 2011	Resolution No. 62/11
Preservation of resources	Shad		6,500 tonnes March-July 2010 July-December 2011	Resolutions No. 83/10 and No. 581/11
	Surubi, wolf fish and boga	March-July 2010 July-December 2011		Resolutions No. 83/10 and No. 581/11
	Tanned hides		2,500,000 tonnes between 2012 and 2014	Resolution No. 444/12

Source: InfoLEG online information. Viewed at: <http://www.infoleg.gov.ar>, and information provided by the Argentine authorities.

152. As from 2006, export prohibitions and quotas for live bovine cattle and certain cuts and preparations and canned forms of meat of bovine animals were abolished, but some controls were maintained.²²² The "ROE Red", for bovine meat exports, together with export duties, can serve as a measure for regulating meat exports (Chapter IV).

153. During the review period, framework agreements with domestic market supply commitments were concluded with the producers. These commitments can have the effect of limiting export volumes to protect domestic supply (see section (4)(ii)).

154. In order to fulfil the commitments undertaken when it signed the Montreal Protocol, Argentina established a licensing system for exports of the controlled substances, whether new, used, recycled or regenerated, listed in Annexes A, B, C and E to the Protocol. The Secretariat for the Environment and Sustainable Development is responsible for administering the licensing system for the importation and exportation of ozone layer depleting substances, created in 2004.²²³ Exporters of such substances and any mixture that contains them must be listed in the Register of Importers and Exporters of Ozone Depleting Substances (RIESAO) and require a prior exportation authorization issued by the Secretariat for the Environment and Sustainable Development.²²⁴

(iv) Support for exports

155. During the review period, Argentina notified four programmes to the WTO Committee on Subsidies, namely: subsidies for mining and for forestry, the free zone regime, and the capital goods, information technology and telecommunications scheme (Chapter IV).²²⁵ Argentina notified the WTO Committee on Agriculture that it did not subsidize any agricultural exports between 2006 and 2009.²²⁶

²²² Information provided by the authorities.

²²³ SAsyDS Resolution No. 953/2004.

²²⁴ AFIP General Resolution No. 1.852/2005.

²²⁵ WTO documents G/SCM/N/220/ARG of 10 February 2012, G/SCM/N/186/ARG of 28 September 2009 and G/SCM/N/155/ARG of 10 April 2008.

²²⁶ WTO documents G/AG/N/ARG/27 of 2 March 2009, G/AG/N/ARG/28 of 20 October 2009 and G/AG/N/ARG/29 of 27 April 2010.

(a) Free zones and special customs areas

156. The free zone regime has been notified to the WTO Committee on Subsidies and Countervailing Measures. During the review period, the regime remained substantially the same. It is regulated by Law No. 24.331 of 1994 as amended by various pieces of legislation, including Law No. 25.005 of 1998 and Decree No. 932/98 and article 590 of the Customs Code.²²⁷ The free zone regime, created in 1994, is one of the tools used to promote trade and the export industry through cost reduction and the simplification of administrative procedures, while at the same time offering tax incentives.²²⁸ The authorities expect this to help improve competitiveness, stimulate the growth of the economy in general and further regional integration.²²⁹

157. The activities that can be carried out in free zones are storage and commercial, service and industrial activities. The goods produced must be exported to third countries, with the exception of capital goods not produced in the national territory, which can be exported to the general customs territory under the tariff conditions specified in the general import regime and the corresponding tax regulations.²³⁰

158. Free zone imports are exempt from the duties and taxes imposed on them when imported for consumption, except for the charges paid for services actually provided. Basic services (telecommunications, gas, electricity, running water, sewerage and drainage) provided within free zones are also exempt from the domestic taxes levied on such services.

159. Goods exported from a free zone to third countries are exempt from the levies imposed on exports to the general customs territory, except for the charges paid for services actually provided. Free zone exports can benefit from the refunding of taxes actually paid only if exporters from the general customs territory receive the same treatment. However, free zone users are not eligible for any of the other tax concessions and incentives implemented in Argentina. Moreover, benefits granted to exports from the general customs territory to a free zone must be surrendered if the goods are exported from the free zone to a third country.

160. Exports of goods from Argentina's customs territory to a free zone which are subsequently exported to third countries in the same state, or after being transformed, processed, combined, blended or otherwise enhanced in the free zone, are subject to the payment of export duties. However, the value added during transformation or processing in the free zone is not included in the calculation of the export duties.²³¹

161. Within the context of this review, the authorities have pointed out that there are no detailed statistics on the operation of the free zones, in terms of production and employment.

162. Apart from the free zone regime, in 1972, the Tierra del Fuego Special Customs Area (AAETF) was established to promote economic activity in the far south of the country.²³² The aim of this incentive scheme is to offset the geographical disadvantages of the region, in terms of both

²²⁷ WTO document G/SCM/N/220/ARG of 10 February 2012.

²²⁸ Online information from the Secretariat for Foreign Trade, DNGCE: *Zonas Francas*. Viewed at: <http://www.comercio.gov.ar/web/index.php?pag=151>, and Law No. 24.331 of 17 June 1994.

²²⁹ Online information from the Secretariat for Foreign Trade, DNGCE: *Zonas Francas*. Viewed at: <http://www.comercio.gov.ar/web/index.php?pag=151>.

²³⁰ Article 6 of Law No. 24.331.

²³¹ DGA/AFIP General Instruction No. 6/2004.

²³² Law No. 19.640 of 16 May 1972 and amendments thereto.

distance from the centres of consumption and input suppliers and infrastructure. Concessions granted to industrial enterprises located in this area will continue in force up to 31 December 2013.²³³ The regime grants exemption from any national tax that might otherwise apply to transactions, activities or operations conducted in the province.²³⁴

163. The main sectors to benefit from the AAETF regime are: electronics, textiles, made-up goods, plastics, engineering and fishing. The authorities have pointed out that there are no data on exports from this customs area. The cost of the programme in terms of lost revenue was equal to 0.2% of GDP in 2007 and 0.27% in 2011 (Table AI.3).

(b) Export refunds, drawback and reimbursements

164. A system of refunds at exportation has existed since 1991. The programme reimburses all or part of the internal taxes paid in the various stages of production and marketing of goods manufactured in Argentina and then exported new and unused.²³⁵ The concession consists of a refund rate allocated to products in accordance with their classification in the MERCOSUR Common Nomenclature and applied to the f.o.b. value of the goods to be exported after deducting the c.i.f. value of the imported inputs used during production plus commissions and brokerage costs. The MEFP is the entity responsible for determining the goods that can benefit from the refund, eliminating those that cannot and adjusting the refund rate. At present, rates vary between 0 and 6%, with some exceptions for which the rate is higher but always less than 10%.²³⁶

165. The authorities have pointed out that in 2011 refunds paid out by the State amounted to US\$447 million, which corresponds to 0.54% of the total exported, and that this percentage has remained more or less the same for the last three years.

166. According to the Customs Code, the refund regime is compatible with drawback.²³⁷ The drawback regime, also instituted in 1991²³⁸, provides for the return of all or part of the import duties and the statistical fee levied on imported inputs and/or packaging used in an exportable product.²³⁹

167. Under the reimbursement regime, all or part of the amounts previously paid in taxes in connection with the importation for consumption of all or part of the goods exported for consumption or for services supplied in connection with those goods is refunded. In general, other than by special arrangement, the reimbursement regime cannot be combined with drawback or with the refund

²³³ Decree No. 998/98.

²³⁴ This exemption covers: the tax on interest income; sales tax; capital gains tax; the tax on the gratuitous transfer of property; the tax replacing the levy on the gratuitous transfer of property; excise duties; the national emergency tax on agricultural land; the tax on the sale, purchase, exchange or swapping of foreign currencies; the tax on the sale, exchange or swapping of securities; and national taxes which may have been introduced since 1972 (online information from the MEFP, *Instrumentos para el Desarrollo Productivo: Régimen Especial Fiscal y Aduanero en la Provincia de Tierra del Fuego, Antártida y Islas del Atlántico Sur* (Law No. 19.640). Viewed at: http://www.instrumentos.mecon.gov.ar/mensajes-ver-mensajes.php?id_prog=1033&order=fecha%20desc&cantidad=3).

²³⁵ Decrees No. 1.011/1991, No. 2.275/1994 and No. 690/2002 and amendments and supplements thereto.

²³⁶ Information provided by the authorities.

²³⁷ Customs Code, Article 826. Viewed at: <http://www.aduanaargentina.com/leyes/ca.php>.

²³⁸ Decree No. 1.012 of 29 May 1991 and amendments thereto.

²³⁹ Customs Code, Article 820.

regime.²⁴⁰ Within the context of this Review, the authorities have pointed out that this regime is not in force.

(c) Special regime for turnkey exports

168. Since 1984, in addition to drawback and the system of tax refunds and reimbursements, the turnkey plant export regime has also been in use.²⁴¹ The purpose of this regime is to promote exports of goods and services of domestic origin. The incentive consists of a specific reimbursement of the taxes paid, granted when goods manufactured and services provided in the context of complete industrial plants or engineering works are exported.²⁴² Under this regime, goods of domestic origin benefit from the refunding of domestic taxes paid in the various stages of the production and marketing of goods manufactured in Argentina, in accordance with the provisions of Decree No. 1.011/91, plus an additional refund of up to 10%. Where exports of services are concerned, there is an additional refund of 10% for the share of the domestic component. However, for the exports to obtain this additional refund, the domestic component (physical goods and services) may not be less than 60% of the contractual f.o.b. value and, moreover, physical goods of domestic origin must account for at least 40% of that value. In addition, the export operation must be carried out under the "turnkey export contract" procedure.²⁴³

(d) Recovery of value added tax

169. Exports of goods and services are exempt from VAT.²⁴⁴ When exporters purchase goods or services subject to VAT for use in the production of the goods or services actually exported, they are entitled to have the VAT refunded.²⁴⁵ To have the right to crediting, repayment or transfer, exporters must be enrolled in the DGA's Register of Exporters and Importers. Sums paid as VAT must be returned within 60 days of submission of the application. The refund can be made by offsetting (against VAT debits arising from operations in the domestic market); crediting (against liabilities arising in operations and owed by the exporter in respect of taxes due to the DGI other than VAT itself); transfer (transfer of the tax credit to another taxpayer for a consideration); or repayment (in cash or bonds).²⁴⁶

170. For the reimbursement of VAT, exporters are divided into two categories, those which make all their sales on the external market and those which also sell on the local market.²⁴⁷ For the latter, a tax debit is generated; this may be discharged either with a tax credit linked to the domestic market or

²⁴⁰ Customs Code, Article 827.

²⁴¹ Law No. 23.101 (Promotion Regime, Objectives. Creation of the National Export Promotion Fund) of 2 November 1984 and amendments thereto, Decree No. 870/2003 and Resolution No. 12/2004 of the Secretariat for Industry, Trade and SMEs.

²⁴² Only exports of products manufactured and services provided in the context of industrial plants and engineering works on the list annexed to Decree No. 870/03 are eligible for this tax concession.

²⁴³ For more details on the information that the contract must contain, see online information from MECON, *Instrumentos para el Desarrollo Productivo: Régimen de Exportación Planta Llave en Mano*. Viewed at: http://www.instrumentos.mecon.gov.ar/mensajes-ver-mensajes.php?id_prog=881&order=fecha_desc&cantidad=3.

²⁴⁴ Article 8 of Decree No. 280/97 (Approving the harmonized text of the Law on Value Added Tax, superseded by Article 1 of Law No. 23.349 of 25 August 1986 and amendments thereto).

²⁴⁵ Article 43 of Decree No. 280/97 (Approving the harmonized text of the Law on Value Added Tax, superseded by Article 1 of Law No. 23.349 of 25 August 1986 and amendments thereto).

²⁴⁶ Online information from ExpoMercosur, *Requisitos para exportar desde Argentina*. Viewed at: http://www.expomercosur.com/system/contenido.php?id_cat=113.

²⁴⁷ AFIP (undated).

with one linked to exports. There are several VAT reimbursement regimes, namely, general, subject to audit, and simplified. The conditions of access to the benefit vary with the type of regime.²⁴⁸

(e) Additional refunds for exports channelled through Patagonian ports

171. In 1984, Argentina established an additional refund for indirect taxes and freight and insurance charges paid by enterprises that export goods through ports and customs offices located south of the River Colorado.²⁴⁹ In 2003, the level of the reimbursements varied from 3% to 8% depending on the distance from the port to the river; the percentage is the greater the further the port from the Colorado.²⁵⁰ The legislation specified an additional refund programme that would gradually disappear, as a result of being reduced by one percentage point a year starting in 2000.²⁵¹ According to information provided by the authorities in 2012, the benefit has come to an end, in accordance with the reduction schedule.²⁵²

(f) Special refund for exports from the Argentine Puna

172. In 1993, the special refund for exports from the Argentine Puna (high-altitude plains) was instituted.²⁵³ The aim of the programme is to support mining enterprises operating in that region, since they are far away from the main centres of consumption and supply with the result that their production costs are higher.²⁵⁴ The concession consists of a refund of 5% of the indirect taxes paid and is granted for exports of minerals and mineral products (Chapters 25 and 26 of the Foreign Trade Nomenclature) produced exclusively in the provinces of Catamarca, Jujuy and Salta.

(g) Temporary admission and the in-factory customs procedure (RAF)

173. The temporary admission procedure provides for the temporary importation of goods intended for industrial processing and auxiliary inputs such as packaging, subject to the requirement that they are exported for consumption to other countries in their new form. These imports may enter Argentina free of the taxes levied on imports for consumption and statistical fee.²⁵⁵ Products imported under this procedure may remain in the country for one year (extendable to two years) in the case of common goods and two years (extendable to three years) in the case of goods with a serial number. In exceptional situations (agricultural emergency, fire, etc.), the extension period may itself be extended for a single period of one year.²⁵⁶

²⁴⁸ AFIP General Resolution No. 2.000/2006 (Value Added Tax. Export operations and the equivalent. Applications for crediting, repayment or transfer), General Resolution No. 1.351, amendments and supplements thereto) and AFIP (undated).

²⁴⁹ Laws No. 23.018 of 13 December 1983, No. 24.490 of 5 January 1996 and No. 25.454 of 7 September 2001.

²⁵⁰ Laws No. 23.018/1983 and No. 24.490/1996.

²⁵¹ Law No. 24.490 of January 1996.

²⁵² Article 2 of Law No. 25.731/2003.

²⁵³ Online information from MECON. Viewed at: http://www.instrumentos.mecon.gov.ar/mensajes-ver-mensajes.php?id_prog=2515&order=fecha%20desc&cantidad=3.

²⁵⁴ Resolution No. 762/1993.

²⁵⁵ Customs Code, Articles 250 to 277, Law No. 23.101 of 16 December 1983, Articles 2 and 7, Decrees No. 1.001/1982 (as amended), No. 688/2002, No. 1.330/2004 and No. 1.622/2007, General Resolution No. 1.673 of 2004 and other resolutions and orders (online information from MECON, *Régimen de Admisión Temporal*. Viewed at: http://www.instrumentos.mecon.gov.ar/mensajes-ver-mensajes.php?id_prog=879&order=fecha%20desc&cantidad=3).

²⁵⁶ Article 11, Decree No. 1.330/2004.

174. The in-factory customs procedure (RAF) broadens the temporary admission procedure by allowing beneficiary enterprises to import certain goods and incorporate them into products for export, whether they are re-exported in the same state or exported for consumption, without paying taxes up to completion of the operation. Under the RAF the period for completing the operation is more generous than that permitted under the temporary admission procedure.²⁵⁷ In addition, a memorandum-agreement setting targets for production, employment and the utilization of local components in the product manufactured must be signed with the entity carrying out the operation.²⁵⁸

(v) **Financing, insurance and guarantees**

175. The mission of the Investment and Foreign Trade Bank (BICE), established in 1992, is to promote productive investment and foreign trade among Argentine enterprises.²⁵⁹ The Bank was founded to encourage, through its financing activities, the development of new export capacity, so as to enable enterprises to compete successfully on the world market. The BICE operates in the financial market as a second-tier bank that channels its operations through the commercial banking system. However, since October 2003, the BICE has also lent directly to enterprises.²⁶⁰

176. The BICE maintains credit lines for pre-financing and post-financing exports of goods and services. It supports both large enterprises and SMEs (Table III.24).

Table III.24
Financing of exports by the Investment and Foreign Trade Bank

Enterprise	Amount	Maximum term	Interest rate (%)	TFC ^a (%)	Repayment	Currency	Guarantee
Pre-financing of exports (primary products, manufactures of agricultural or industrial origin and provision of services)							
Large enterprises and SMEs	Minimum US\$20,000, maximum US\$2 million or up to 75% of the f.o.b. value or the amount of the services	6 months	4.0-4.5	4.6752	At maturity	US\$	To the satisfaction of the BICE
Post-financing of exports (primary products, manufactures of agricultural or industrial origin, durable goods, capital goods, industrial plants and turnkey projects)							
Large enterprises and SMEs	Minimum US\$20,000, maximum US\$15 million or up to 100% of the f.o.b. value or the amount of the project or the services	1 year	4.0-4.5	4.6752	Biannual or annual ^b	US\$	Letter of credit or guaranteed bills of exchange ^b
Post-financing of exports (capital goods, durable goods, services, industrial plants and turnkey projects)							
Large enterprises and SMEs	Minimum US\$20,000, maximum US\$6 million or up to 100% of the f.o.b. value or the amount of the project or the services	5 years ^c 3 years ^d	6.5 ^c 8.0 ^d	6.5 ^c 8.0 ^d	Biannual or annual ^b	US\$	Letter of credit or guaranteed bills of exchange ^b

a Total financial cost

b Information provided by the Argentine authorities.

c Countries party to the LAIA Reciprocal Payments and Credit Agreement.

d Countries not party to the LAIA Reciprocal Payments and Credit Agreement.

Source: Online information from the BICE, *Financiamientos: Créditos para comercio exterior*. Viewed at: <http://www.bice.com.ar>.

²⁵⁷ In-Factory Customs Procedure. Viewed at: http://www.instrumentos.mecon.gov.ar/mensajes-ver-mensajes.php?id_prog=2366&order=fecha%20desc&cantidad=3.

²⁵⁸ Article 8, Decree No. 688/2002.

²⁵⁹ Decree No. 2.703/1992.

²⁶⁰ For further details, see online information from the BICE. Viewed at: www.bice.com.ar.

177. Exporters can also obtain financing from the BNA, which offers loans for financing the production of exportables and instalment sales. The loans are in foreign currency and the conditions vary with the type of enterprise and the economic sector (Table III.25). The BNA also provides financing for participation in international fairs and exhibitions. These loans can be used to pay for renting, design work, installation, promotion, freight, insurance, fares and accommodation (Table III.25).²⁶¹

Table III.25
Financing of exports by the Bank of the Argentine Nation (BNA)
(a) SMEs

Modality	Financial support	Max. term	Interest rate	Guarantee	Implementation
Final exporters of capital goods and turnkey export contracts	Up to 100% of the f.o.b. value	1 year 1-3 years	Operations > US\$1 million: Libor + 4% Operations up to US\$999,999: Libor + 4.75% Operations > US\$100,000: Nominal annual rate (NAR) 7% Operations up to US\$99,999: NAR 8%	Export credit insurance covering exceptional risks. Bills guaranteed by a foreign bank	Issue of bills in US dollars endorsed in favour of the Bank, without recourse. Bills for capital. Bills for interest
Special financing conditions for exports of capital goods	Up to 100% of the f.o.b. value	5 years	Operations without recourse. NAR: 6.50%	Export credit insurance covering exceptional risks. Bills of exchange	Issue of bills in US dollars endorsed in favour of the Bank, without recourse. Bills for capital. Bills for interest
Financing of exports of goods in general (including consumer durables)	Up to 100% of the value of the documents	1 year	Without recourse: Libor + spread (4-4.75%) depending on the amount to be financed. With risk approval by the correspondent bank. With recourse: Libor + spread (4-8.50%) depending on amount to be financed and client risk	To be determined case by case	Discount of bills of exchange or transfer of collection rights of payment instruments
Special financing conditions for exports of consumer durables	Up to 100% of the value of the documents	1 year	Without recourse: Libor + 3%	Irrevocable documentary credit. Bill of exchange. Discount of bills of exchange. Transfer of collection rights of payment instruments	Discount of bills of exchange or transfer of collection rights of payment instruments
Special financing conditions for exports of auto parts (for vehicles in general, agricultural machinery, etc.)	Up to 100% of the value of the documents	18 months	Without recourse: Libor + 3%	Irrevocable documentary credit issued or bill of exchange	Discount of bills of exchange or transfer of collection rights of payment instruments

(b) Large enterprises

Modality	User	Financial support	Maximum term
Pre-financing of exports	Final exporters in the agricultural, industrial and mining sectors	Up to 80% of the f.o.b. value	180 days
Medium and long-term export financing	Final exporters of capital goods	Up to 100% of the f.o.b. value	5 years
Short-term export financing	Final exporters of goods in general	Up to 100% of the value of the documents	1 year

Source: Online information from the BNA, *PYMES: comercio exterior* and *Grandes empresas: comercio exterior*. Viewed at: <http://www.bna.com.ar>.

²⁶¹ For further details, see online information from the BNA. Viewed at: <http://www.bna.com.ar>.

178. Argentina also has an export credit insurance system for covering exceptional risks and any other risk of non-payment for exports not covered by domestic insurance companies.²⁶² In 2012, Argentina had four local private companies covering short-term commercial risks.

(vi) Export promotion

179. The ExportAr Foundation, a joint public-private institution under the Ministry of External Relations and Worship, is the agency responsible for export promotion in Argentina. ExportAr's mission is to promote and foster the diversification of Argentine exports by assisting the business community in its efforts to penetrate new markets with the aim of enabling Argentine enterprises to offer their products and services on competitive terms on the international market. ExportAr provides domestic businesses with trade data, technical assistance and training to enable them to make the changes necessary to achieve greater efficiency in producing and selling their products on the international market.

180. Through ExportAr Argentine enterprises can obtain services such as: foreign market intelligence; assistance with the organization of business trips; and support for participation in international trade fairs. These services can be obtained both from ExportAr's headquarters and from any of its 63 offices throughout the country. Foreign enterprises can also take advantage of the services offered by ExportAr.²⁶³

(4) OTHER MEASURES AFFECTING PRODUCTION AND TRADE

(i) Competition policy

181. The Law on the Defence of Competition (Law No. 25.156, Official Journal of 16 May 2000) (as amended) continues to govern competition policy in Argentina. According to this Law, any act or conduct relating to the production and trading of goods or services is prohibited if it has the aim or effect of limiting, restricting, undermining or distorting competition or market access or if it constitutes abuse of a dominant market position that could harm the general economic interest (Table III.26). The practices themselves are not prohibited, only their effects. The Law applies to all natural or legal persons, public or private, that undertake economic activities in all or part of Argentine territory, as well as those engaged in economic activities outside the country, insofar as their acts, activities or agreements have potential effects on the Argentine market.

182. The National Commission for the Defence of Competition (CNDC) is the institution responsible for implementing the Law on the Defence of Competition. The CNDC is a specialized body set up to protect free market movements through preventive and penalty procedures. In addition, it may make cease and desist orders and/or call for the modification of any conduct or act that distorts or impairs competition, in accordance with the public economic interest, thereby ensuring that the free activity of individuals is protected (Table III.27).²⁶⁴

²⁶² Law No. 20.299 of 24 April 1973.

²⁶³ For further details, see online information from the ExportAr Foundation. Viewed at: http://www.exportar.org.ar/a_traves_de_exportar.html.

²⁶⁴ Online information from the CNDC. Viewed at: <http://www.cndc.gov.ar/objetivos.htm>.

Table III.26
Anti-competitive practices

Fixing, agreeing or manipulating, directly or indirectly, the selling or purchase price of goods or services at which they are offered or demanded on the market, and exchanging information for the same purpose or with the same effect
Establishing obligations to produce, process, distribute, purchase or market only a restricted or limited quantity of goods, or to provide a restricted or limited number, volume or frequency of services
Horizontal dividing up of territories, markets, customers and sources of supply
Agreeing or coordinating bids in tender proceedings or competitions
Agreeing to limit or control technical development or investment in the production or marketing of goods and services
Preventing, hampering or obstructing third parties from entering or remaining in a market or excluding them therefrom
Fixing, imposing or manipulating in any way, directly or indirectly, in agreement with competitors or individually, the prices and terms of purchase or sale of goods, provision of services or production
Regulating markets for goods or services, by means of agreements to limit or control research and technological development, the production of goods or the provision of services, or to obstruct investment in the production of goods or services or their distribution
Subordinating the sale of one good to the purchase of another or to the use of a service, or subordinating the provision of one service to the use of another or the purchase of a good
Making a purchase or sale conditional on not using, purchasing, selling or supplying goods or services produced, processed, distributed or marketed by a third party
Imposing discriminatory conditions on the acquisition or disposal of goods or services without reasons founded in commercial practice and custom
Unjustifiably refusing to satisfy specific requests for the purchase or sale of goods or services, made on the terms and conditions prevailing in the market in question
Suspending the provision of a market-dominating monopoly service to a provider of public or public-interest services
Selling goods or providing services at below cost, without reasons founded in commercial practice and custom, for the purpose of driving competition out of the market or harming the image or assets or brand of providers of goods or services

Source: Law No. 25.156, Official Journal of 16 May 2000 (as amended).

Table III.27
Powers of the National Commission for the Defence of Competition

Investigative powers	Interim measures	General powers
Market research	Issuance of a cessation order	Search and attach, with a court order, in general
To seek information from public bodies at all levels of government	Application for the seizure of goods by the court	Search and attach, without a court order, in public places
To summon suspects, witnesses, complainants, experts and others	Prevention of natural persons from leaving the country	Recourse to the aid of law enforcement services
Documentary expertise and control of stocks and goods in general		Appointment of investigative officers
To hold hearings in the presence of the parties in each case		

Source: Online information from the CNDC. Viewed at: <http://www.cndc.gov.ar/facultades.htm>.

183. The CNDC also assists and encourages economic operators to adopt the rules necessary to ensure free competition in the various markets of the Argentine economy. The CNDC pursues policies of consensus and prevention conducive to the conclusion of agreements to modify market-distorting behaviour.²⁶⁵

184. All mergers must be notified if the total business volume of the group of enterprises involved exceeds Arg\$200 million in Argentina.²⁶⁶ Notification should be made to the Competition Court no later than one week after the date of signature of the agreement or publication of the offer of purchase or exchange of shares. This Court has not been set up and according to the authorities there are indications that the legislation that called for it to be created has fallen into disuse. In practice, the CNDC receives notifications and carries out merger investigations. During the review period, the

²⁶⁵ *Idem.*

²⁶⁶ Article 8 of Law No. 25.156 defines what is meant by business volume and explains how to calculate it.

CNDC made 16 decisions concerning mergers, all in 2010 and 2011.²⁶⁷ The following acquisitions, among others, are exempt from the notification requirement: those in which the buyer already owns more than 50% of the shares; acquisitions of company bonds, debentures, non-voting shares or debt securities; the takeover of a single enterprise by an individual foreign firm that does not hold assets or shares in other enterprises in Argentina; and takeovers of enterprises in liquidation that have not recorded any activity in the country in the last year.

185. According to information on the CNDC website, during the review period 14 decisions on anti-competitive practices were handed down, all in 2010 and 2011. The industries and activities concerned include the audiovisual, petroleum, biochemical, gas distribution and cement sectors.²⁶⁸

186. The Law on the Defence of Competition envisages monetary sanctions for anti-competitive practices (Table III.28). CNDC decisions may be appealed within 15 days of notification of the ruling, or as established in the Penal Code. The CNDC forwards its recommendation to the Secretary for Domestic Trade, who is responsible for making the final decision on mergers and anti-competitive practices.²⁶⁹

Table III.28
Sanctions

Practice	Sanction
Legal person	
Prohibited agreements or practices	
Dominant position	Cessation of acts or conduct and, where appropriate, reversal of their effects
Dominant position / concentration and mergers	Fine of between Arg\$10,000 and Arg\$150 million. The amounts may be doubled for a repeat offence
Abuse of dominant position	Potential imposition of conditions to neutralize the distorting effects on competition
Delay in notifying acts of economic concentration or failure to comply with a cessation order	Fines of up to Arg\$1 million per day
Natural person	
Any of the offences mentioned in Law No. 25.156	In addition, natural persons may be subject to supplementary sanctions involving loss of authorization to trade for one to ten years

Source: Law No. 25.156, Official Journal of 16 May 2000.

(ii) Price controls

187. Argentina continues to apply a price regulation and marketing policy aimed at promoting consumption and strengthening domestic production. In the case of so-called mass consumption goods, price control is one of the key components of implementation of the country's policies to improve income distribution. Under the mandate granted by the Law on Supply, the Executive is authorized, *inter alia*: (a) to establish, at any stage of the economic process, maximum prices and/or profit margins and/or to order that prices be frozen at the existing or some previous level; (b) to set minimum and/or support and/or promotion prices; or (c) to fix minimum production quotas, provided the National Congress declares a supply emergency, at general, sectoral or regional level.²⁷⁰ Moreover, the Executive may issue regulations governing marketing, intermediation, distribution and/or production even if no supply emergency has been declared. For this purpose, the Government

²⁶⁷ Online information from the CNDC, *Concentraciones económicas: Dictámenes*. Viewed at: <http://www.cndc.gov.ar/dictamenes.htm>.

²⁶⁸ Online information from the CNDC, *Conductas anticompetitivas: Dictámenes*. Viewed at: http://www.cndc.gov.ar/dictamenes_conductas.htm.

²⁶⁹ WTO (2007).

²⁷⁰ Law No. 20.680 of 20 June 1974 and Article 4 of Decree No. 2.284/91.

has made use of a mechanism for price agreements with producers in various areas of activity and with traders.

188. The 2002 Public Emergency and Exchange Regime Reform Law called for the renegotiation of contracts for the supply of public services.²⁷¹ The MEFP's Public Utility Contracts Renegotiation and Analysis Unit (UNIREN), created in 2003, is responsible for the contract renegotiation process.²⁷² There have been renegotiations in sectors such as transport services, telecommunications, electricity and water.²⁷³ No contracts have been renegotiated since 2006.

189. The Executive may also reach agreements with various trade associations to control the prices of essential or common consumer goods. The purpose of these price agreements is to promote consumption and strengthen production. One such agreement, in effect from 2009 to 2011, was signed between the Government and the pharmaceuticals industry to reduce the prices paid by the public on a list of 600 domestic medicinal products.²⁷⁴ There is also an agreement with the Chambers of Stationery Stores and Bookshops to regulate the prices of a basket of school materials which in 2012 contained 51 articles.²⁷⁵ The Secretariat for Domestic Trade has agreed with several mate marketing companies (Rosamonte, Las Marías, Molinos Río de la Plata and Amanda) the retail price for half-kilogram and kilogram packets of mate. The price agreed varies with the company.²⁷⁶ In 2011, the Secretariat for Energy ratified the third *addendum* to the supplementary agreement with the producers of natural gas to maintain a lower price for 10, 12 and 15 kg cylinders of liquefied petroleum gas (LPG) for low-income residential users (Cylinder for All Programme).²⁷⁷ The purpose of this programme is to ensure the supply of the domestic LPG market.²⁷⁸

190. The State also intervenes to establish or agree with various trade associations the prices of other products, including: the retail price of some cuts of beef (for mass consumption)²⁷⁹; the producer price of tobacco²⁸⁰; the price of some hydrocarbons²⁸¹; electricity tariffs²⁸²; and the tariffs charged for the basic telephone service (SBT) (Chapter IV).

²⁷¹ Law No. 26.729 of 28 December 2011 extends the validity of the Emergency Law (Law No. 25.561 of 30 January 2002) until 31 December 2013.

²⁷² Decree No. 311/2003.

²⁷³ For further details on the renegotiations, see online information from UNIREN. Viewed at: <http://www.uniren.gov.ar/> [August 2012].

²⁷⁴ National Government-Pharmaceuticals Industry Agreement. Viewed at: <http://www.sssalud.gov.ar/index/index.php?cat=medicamentos&opc=pap>, and at: <http://www.consumidor.gov.ar/acuerdo-medicamentos/>.

²⁷⁵ Online information from the Undersecretariat for Consumer Protection, *La Presidenta anunció el acuerdo de precios para la canasta escolar*. Viewed at: <http://www.consumidor.gov.ar/la-presidenta-anuncio-el-acuerdo-de-precios-para-la-canasta-escolar>.

²⁷⁶ For further details, see online information from the Undersecretariat for Consumer Protection, *Precios acordados para la venta de Yerba Mate*. Viewed at: <http://www.consumidor.gov.ar/precios-acordados-para-la-venta-de-yerba-mate/>, and *Acuerdo por precios de yerba Rosamonte*. Viewed at: <http://www.consumidor.gov.ar/acuerdo-por-precios-de-yerba-rosamonte>.

²⁷⁷ Law No. 26.020 of 9 March 2005 (Regulatory Regime for the LPG Industry and LPG Marketing) and Resolution No. 55/2012.

²⁷⁸ Online information from the PMCG. Viewed at: <http://pmcg.minplan.gov.ar/html/gestion/garrafa.php>.

²⁷⁹ Resolution No. 38/2008.

²⁸⁰ To obtain information about the percentage scale of the price structure and the amounts per kilogram paid by the Special Tobacco Fund, see online information from the Ministry of Agriculture, Livestock and Fisheries. Viewed at: <http://64.76.123.202/site/agricultura/tabaco/01=normativa/04-precios/index.php>.

²⁸¹ Resolutions No. 938/2006 and No. 959/2006.

²⁸² Law No. 24.065, Official Journal of 16 January 1992.

191. Another means used to keep domestic prices low is the agricultural compensation scheme (Chapter IV(2)). The application of export duties also has the effect of moderating domestic prices. Moreover, for some agricultural products subject to export taxes official export prices are fixed (Table AIII.2).²⁸³

(iii) Incentives

192. Argentina continues to maintain a series of incentive programmes to encourage investment and production, some applied horizontally at national and regional level and others at sectoral level (Chapters II and IV). Some of these schemes, such as the subsidies for mining and forestry, the free-zone regime and the capital goods, information technology and telecommunications scheme, have been notified to the WTO Committee on Subsidies.²⁸⁴

(iv) State trading and State-owned enterprises

(a) State trading

193. During the review period Argentina notified the WTO that it had no State trading enterprises as defined in Article XVII of the GATT 1994.²⁸⁵

(b) State-owned enterprises and privatization

194. State-owned enterprises are supervised by the ministry or secretariat of state responsible for the activity and by a permanent official appointed by the Executive.²⁸⁶ Several kinds of enterprises and companies may be regarded as "State-owned enterprises", namely: State-owned enterprises; State-owned companies; limited companies in which the State has a majority holding; semi-public companies; "interstate" enterprises; business organizations in which the State has a majority stake in the capital or in corporate decisions; and business entities.²⁸⁷ The participation of private capital in a State-owned company is prohibited.²⁸⁸ An "interstate" enterprise is one controlled jointly by the Federal State and the provinces. During the review period, the Executive created two new State-owned companies in 2008²⁸⁹ and one limited company in 2009.²⁹⁰ Since 2007 six State-owned enterprises have been wound up (Table III.29). In August 2012, the State was controlling 34 enterprises operating mainly in the transport, energy, mining and hydrocarbons, and information and communications technology sectors (Table III.29).

²⁸³ Law No. 21.453 of 5 November 1976 and Circular No. 433/2012. For more historical and current information concerning official f.o.b. prices, see online information from the Ministry of Agriculture, Livestock and Fisheries. Viewed at: <http://www.minagri.gob.ar/new/0-0/programas/dma/index.php#>.

²⁸⁴ WTO documents G/SCM/N/220/ARG, G/SCM/N/186/ARG and G/SCM/N/155/ARG of 10 February 2012, 28 September 2009 and 10 April 2008, respectively.

²⁸⁵ WTO documents G/STR/N/12/ARG, G/STR/N/13/ARG and G/STR/N/14/ARG of 2 September 2008 (first two) and 15 February 2012, respectively.

²⁸⁶ Decree No. 4.053/55, implementing the provisions of Law No. 13.653 of 31 October 1949 on the legal regime governing the operation of State-owned enterprises, Article 3.

²⁸⁷ Law No. 24.156 of 26 October 1992, Article 8 and Decree No. 1.731/04.

²⁸⁸ Law No. 20.705 of 31 July 1974, Article 1.

²⁸⁹ Rail Infrastructure and Rail Operator Administration (Law No. 26.352 of 27 March 2008).

²⁹⁰ Online information from *Fábrica Argentina de Aviones "Brig. San Martín" S.A., Empresa*. Viewed at: <https://www.fadeasa.com.ar/Empresa.aspx>.

Table III.29
State-owned enterprises

Enterprise	State participation (%)	Activity
State-owned companies		
Administración General de Puertos (AGP) S.E.	100	Maritime freight transport
Administradora de Infraestructura Ferroviaria (ADIF) S.E.	100	Rail passenger and freight transport
Casa de Moneda S.E.	100	Currency issue
EDUC.AR S.E.	100	Education services
Lotería Nacional S.E.	100	Games
Operadora Ferroviaria S.E. (OFSE)	100	Rail passenger and freight transport
Radio and Televisión Argentina S.E.	100	Information and communications technology
Telam S.E.	100	Information and communications technology
State-owned enterprises		
Construcción de Viviendas para Armada Argentina (COVIARA)	..	Construction
Limited companies in which the State has a majority holding		
Aerohandling S.A.	..	Airport services
Aerolíneas Argentinas S.A.	99.41	Air transport of passengers, mail and freight
Agua and Saneamientos Argentinos S.A. (AYSA)	..	Provision of water services
Austral Líneas Aéreas Cielos del Sur S.A.	98.12	Air transport of passengers, mail and freight
Correo Oficial de la República Argentina S.A.	100	Information and communications technology
Dioxitek S.A.	99	Energy sector
Emprendimientos Energéticos Binacionales S.A.	99	Energy sector
Empresa Argentina de Soluciones Satelitales S.A. (AR-SAT)	100	Information and communications technology
Energía Argentina S.A. (ENARSA)	..	Energy sector
Fábrica Argentina de Aviones "Brig. San Martín" S.A. (FADEA)	..	Manufacture of civil and military aircraft
Ferrocarriles General Belgrano S.A.	..	Freight transport
Innovaciones Tecnológicas Agropecuarias S.A. (INTEA)	..	R&D
Intercargo S.A.	100	Airport services
Jet Paq S.A.	..	Air transport of passengers, mail and freight
Nucleoeléctrica Argentina S.A. (NASA)	..	Energy sector
Optar S.A.	100	Air transport of passengers, mail and freight
Polo Tecnológico Constituyentes S.A.	..	R&D
Repsol YPF GAS S.A.	51	Hydrocarbons
Servicio de Radio y Televisión de la University de Córdoba S.A.	..	Information and communications technology
Talleres Navales Dársena Norte S.A. (TANDANOR)	100	Shipyards
Vehículo Espacial Nueva Generation S.A.	..	R&D
Yacimientos Petrolíferos Fiscales S.A. (YPF)	51	Hydrocarbons
"Interstate" enterprises		
Corporación Antiguo Puerto Madero S.A.	100	Provision of architectural services
Corporación del Mercado Central de Buenos Aires	100	Provisions market
Yacimientos Mineros Agua de Dionisio (YMAD)	100	Mining
Semi-public company		
EUDEBA	..	Publishing
Other public business entities		
Yacimientos Carboníferos Río Turbio (YCRT)	..	Mining
Enterprises in liquidation or in process of being restructured		
Empresa Nacional de Correos y Telégrafos S.A. (ENCOTESA)		Information and communications technology
Empresa de Cargas Aéreas del Atlántico Sud S.A.(EDCADASSA)		Air freight transport
Argentina Televisora Color S.A. (ATC S.A.)		Information and communications technology
Instituto Nacional de Reaseguros S.E. (INDER)		Reinsurance services
Líneas Aéreas Federales S.A. (LAFSA)		Air passenger transport
TELAM S.A.I.P.		News agency

.. Not available.

Source: Resolution No. 24/11 of the Secretariat for Finance (updating and reorganization of the institutional classification for the national public sector) and Secretariat for Finance (2012), *Boletín Fiscal: Cuarto Trimestre 2011*, July. Viewed at: http://www.mecon.gov.ar/onp/html/ejectexto/bole_trim_dosuno.html?var1=boletrimdosonce.

195. In 2008, to guarantee a public air transport service, the Executive declared of public utility and subject to expropriation the shares of Aerolíneas Argentinas S.A., Austral Líneas Aéreas Cielos del Sur S.A. and the enterprises they controlled²⁹¹, authorizing the transfer of 10% of the shares to the employees.²⁹² Likewise, in 2012, to achieve "hydrocarbon sovereignty", it declared of public utility and subject to expropriation 51% of the shares of Yacimientos Petrolíferos Fiscales (YPF) S.A. and those of Repsol YPF GAS S.A.(Chapter IV(3)(iii)).²⁹³ In addition, in 2007, alleging irregularities in the tendering process, the State took full control of Talleres Navales Dársena Norte S.A. Authorization was given for 10% of the shares to be transferred to the employees.²⁹⁴

196. Since 2007 the State has held minority stakes in private limited companies through the Sustainability Guarantee Fund (FGS) (Table III.30).²⁹⁵ The State can appoint members of the board of directors in those enterprises in which it has a shareholding.²⁹⁶

197. State-owned enterprises may benefit from tax incentives. For example, since 2007 Empresa Argentina de Soluciones Satelitales S.A. (AR-SAT) has been exempt from taxes on imports of consumer goods, from VAT on purchases of goods or services and from income/profits tax when making payments in favour of non-resident beneficiaries.²⁹⁷

198. The privatization regime is governed by Law No. 23.696 of 17 August 1989. During the review period, no enterprises were privatized in Argentina.

Table III.30

State participation in private companies through the Sustainability Guarantee Fund (FGS)

Enterprise	FGS participation (%)	Sector	Enterprise	FGS participation (%)	Sector
Banco Macro S.A.	30.97	Banking	Juan Minetti S.A.	11.31	Cement and concrete
S.A. San Miguel	26.96	Citrus	Capex S.A.	10.73	Energy
Gas Natural BAN	26.63	Energy	Aluar Aluminio Argentino S.A.I.C.	9.31	Aluminium
Consultatio S.A	26.62	Property development	Grupo Clarín S.A.	9.00	Publishing
Distribuidora de Gas Cuyana	26.12	Energy	Metrovias S.A.	8.55	Transport
Telecom Argentina S.A.	24.99	Telecommunications	Metrogás S.A.	8.13	Energy
Transportadora de Gas del Sur S.A.	23.10	Energy	Euromayor S.A.	6.25	Property development
Grupo Concesionario del Oeste	21.56	Transport	Quickfood S.A.	5.27	Food
Mirgor S.A.	21.54	Consumer goods	IRSA Inversiones and Representaciones S.A.	4.48	Property development
Emdersa S.A.	20.96	Energy	Central Puerto S.A.	3.95	Energy
Importadora y Exportadora de La Patagonia S.A.	20.24	Food	Cresud S.A.	3.52	Agricultural goods
Solvay Indupa S.A.	16.71	Plastics	Alto Palermo S.A.	1.38	Shopping centre
Banco Patagonia S.A.	15.29	Banking	Transportadora de Gas del Norte S.A.	0.73	Energy

²⁹¹ Optar S.A., Jet Paq S.A. and Aerohandling S.A.

²⁹² Law No. 26.466 of 22 December 2008.

²⁹³ Law No. 26.741, Official Journal of 7 May 2012 and Decree No. 660/12.

²⁹⁴ Decree No. 315/07.

²⁹⁵ Decree No. 897/07.

²⁹⁶ Online information from the FGS, *Inversiones: Participación en Empresas Privadas*. Viewed at: <http://www.anses.gov.ar/FGS/inversiones/participacion-empresas-privadas.php>, and Casa Rosada online information, *Información: Blog: Están nerviosos por Alicia Kirchner, Ministra de Desarrollo Social*. Viewed at: <http://www.caserosada.gov.ar/informacion/blog/6218-estan-nerviosos>.

²⁹⁷ Laws No. 26.092/06, No. 26.224/07 and No. 26.728/11.

Enterprise	FGS participation (%)	Sector	Enterprise	FGS participation (%)	Sector
Endesa Costanera S.A.	13.40	Energy	Ledesma S.A.	0.38	Sugar
Camuzzi Gas Pampeana S.A.	12.65	Energy	Y.P.F. S.A.	0.01	Energy
Petrobrás Energía S.A.	11.85	Energy	Alpargatas S.A.I.C.	0.01	Footwear

Source: Online information from the FGS, *Inversiones: Participación en Empresas Privadas*. Viewed at: <http://www.anses.gob.ar/FGS/inversiones/participacion-empresas-privadas.php>, and information provided by the authorities.

(v) Government procurement

199. Argentina is not party to the WTO Plurilateral Agreement on Government Procurement, but has had observer status since February 1997 with a view to deciding whether or not to adopt the Agreement.²⁹⁸

200. The National Procurement Office (ONC) oversees the national government procurement system and establishes the policies, rules and procedures applied by the National Government in connection with its purchases and contracts for supplies and services, leases with and without option to buy, barter arrangements, concessions and consultancy agreements.²⁹⁹ The use of the system is mandatory for central government, the decentralized agencies, the national universities and the armed forces and security services. Its scope does not extend to the provinces, the Autonomous City of Buenos Aires or the municipalities or to other entities such as the National Institute of Social Services for Retirees and Pensioners (INSSJP - PAMI) and the AFIP, State enterprises and companies, trust funds with State participation, financial institutions in the national public sector and multilateral credit agencies. The entities not included may voluntarily apply the system and participate in its procedures.

201. The ONC is responsible for the control, supervision and general administration of the procurement system. The various procurement units of the National Government jurisdictions and entities are responsible for managing the procurement processes, under ONC supervision. Public institutions maintain a register of necessary purchases and draw up their procurement programmes within the framework of the development programmes established by the competent ministry or secretariat. State entities are required to transmit all the information obtained from the procurement procedures they carry out to the ONC, using electronic media. In its turn, the ONC develops computer systems for use in electronic purchasing procedures, provides maintenance and support for the procurement units and compiles statistics and information on government procurement, which it publishes on the Internet to ensure the transparency of the process.

202. The ONC maintains a free-access website entitled *Argentina Compra* for the government purchasing and procurement system. This provides institutional data and information on regulations and agreements, together with up-to-date statistics, a catalogue of goods and services, and information about the supplier system, procurement agencies, reference prices, current and past contracts and investment plans. To obtain a government contract it is necessary to be listed in the supplier

²⁹⁸ Online information from the WTO. Viewed at: http://www.wto.org/spanish/tratop_s/gproc_s/gproc_map_s.htm.

²⁹⁹ Online information from the ONC. Viewed at: <https://www.argentinacompra.gov.ar/prod/onc/sitio/Paginas/Contenido/FrontEnd/index2.asp>.

information system (SIPRO), which the various State entities are required to consult before awarding contracts.³⁰⁰

203. The procurement regime of the Argentine National Government was established by Decree No. 1.023/2001 (as amended and updated) and the regulations are contained in Decree No. 1.189/2012, which among other legal provisions repealed Decree No. 436/2000 containing regulations on the procurement, disposal and contracting of goods and services by the Argentine National State. Law No. 25.551 of 28 November 2001 (Buy Argentine Labour) established a system of preferences for goods of domestic origin.

204. Procurements must abide by certain general principles, including protection of the public interest, promotion of participation by the interested parties and competition between bidders, as well as transparency in procedures and guaranteed equal treatment for interested parties and bidders.³⁰¹ The regulations require the contract to be awarded to the bid that is most advantageous for the contracting agency in terms of price, quality, bidder suitability and other conditions of the bid. For standard goods or services, the most advantageous bid will be the one offering the lowest price. Any preference granted will be that for which the relevant regulations provide in each case.³⁰² Procurement can be implemented in digital form with a digital signature, using the appropriate selection procedures and modalities.³⁰³ On the basis of the principle of transparency, bids must always be opened in public, a rule which also applies to electronic government procurement.³⁰⁴

205. In each public entity the bids are evaluated by an evaluation commission, which has five days from receipt of the necessary documents to issue its decision. The Argentine legislation allows for appeals to administrative and legal bodies if a bidder wishes to contest the contract award. Interested parties may challenge decisions, within the corresponding time-limits and following the procedures laid down, before the same public entity that arranged the procurement, with the possibility of subsequently initiating appeal proceedings in court, where the administrative actions may also be questioned.

206. Suppliers may be selected through: (i) open tendering or calls for proposals; (ii) public auction; (iii) selective tendering or calls for proposals; and (iv) direct contracting. As a general rule, the choice is made by open tendering or calls for proposals, depending on the value of the contract. Selecting a contractor by public auction, selective tendering or calls for proposals or direct contracting is permissible only in the cases expressly envisaged (Table III.31). The general rule notwithstanding, in all cases it is necessary to use the procedure best suited to obtaining goods and services with the optimum technology, in good time and at the lowest possible cost, as well as to sell goods to the highest bidder and the one which, being the most economical, efficient and effective in the use of public resources, is the most appropriate in terms of the public interest.³⁰⁵ The Chief of Cabinet may adjust the "module" for determining the values established for defining the type of procedure used for awarding a contract.³⁰⁶ Moreover, if justified by a variation in relative prices or in the functioning of

³⁰⁰ For further details concerning the registration process, see online information from SIPRO at: <http://www.argentina.gob.ar/tramites/353-inscripci%C3%B3n-en-el-sistema-de-informaci%C3%B3n-de-proveedores-del-estado.php>.

³⁰¹ Article 3 of Decree No. 1.023/2001.

³⁰² Article 15 of Decree No. 1.023/2001.

³⁰³ Chapter II of Decree No. 1.023/2001.

³⁰⁴ Article 4 of Decree No. 666/2003.

³⁰⁵ Decree No. 1.023/01 (as amended) and Decree No. 893/12.

³⁰⁶ A "module" is currently equal to Arg\$1,000 (Decree No. 893/2012).

certain markets, special "modules" may be fixed for specific critical goods and services. A selection procedure may not be split up.

207. The tender or call for proposals may be open or selective, national or international. In the case of a selective tender or call for proposals the invitation to participate is sent exclusively to suppliers that are registered in the ONC database; however, bids from persons that have not been invited to participate are also considered.³⁰⁷ Between January 2007 and September 2012 the most used procedure was open tendering (68%), followed by direct contracting (23%) and selective tendering (9%).³⁰⁸

208. Open and selective tendering, like open and selective calls for proposals, may be single-stage or multistage. A tender procedure or call for proposals is single-stage if the bids and the quality of the bidders are compared in a single step. If justified by the specific characteristics of the contract, such as the high degree of complexity of the subject matter or the length of the term, the open or selective tender procedure or call for proposals may be organized on a multistage basis. National invitations to tender and calls for proposals are restricted to bidders domiciled in Argentina or whose principal place of business is located in the country, or who have a branch duly registered in the country. International invitations to tender and calls for proposals are also open to those who have their principal place of business abroad and do not have a branch registered in the country.

209. Law No. 25.551 stipulates that all bidding processes, whatever the selection procedure used, must be published on the ONC website, as must the draft bidding documents for procurements that the competent authority makes publicly available, together with the ground rules and conditions, the tender opening record, the comparison table, the evaluation ruling, contract awards, and purchase orders. International tender procedures and calls for proposals must be advertised in the relevant publications in foreign countries.

Table III.31
Procurement procedures

Procedure	Maximum amount (value defined in "modules") ^a
Tender or call for proposals, open The tender or call for proposals will be open if the invitation to participate is addressed to an indeterminate number of bidders with capacity, without prejudice to compliance with the other requirements of the terms and conditions. The open tender procedure will primarily be used when the procuring agency's selection criteria are based mainly on economic factors. The open call for proposals procedure will primarily be used when the procuring agency's selection criteria are based mainly on non-economic factors, such as technical and scientific, artistic or other such capabilities.	More than 800 "modules"
Tender or call for proposals, selective The tender or call for proposals will be selective when the invitation to participate is addressed exclusively to suppliers listed in the ONC's supplier information system. The selective tender procedure will be used when the procuring agency's selection criteria are based mainly on economic factors. The selective call for proposals procedure will be used when the procuring agency's selection criteria are based mainly on non-economic factors, such as technical and scientific, artistic or other such capabilities.	Up to 800 "modules"
Public auction Public auctions are used for purchasing movables, immovables and livestock, including among the first-mentioned objects of art or historical interest, both in the country and abroad, and for selling goods owned by the National State.	Whatever the amount of the contract
Tender or call for proposals, abridged The tender or call for proposals will be abridged when the invitation to participate is addressed exclusively to suppliers listed in the database to be designed, implemented and administered by the ONC. However, bids from others who have not been invited to participate will also be considered.	

³⁰⁷ Article 26 of Decree No. 1.023/01.

³⁰⁸ Information provided by the authorities.

Procedure	Maximum amount (value defined in "modules") ^a
Direct contracting Direct contracting is used in the following circumstances, namely, if: It is not possible to apply any other selection procedure and the estimated amount of the contract does not exceed the maximum stipulated in the regulations; The purpose is to have carried out or to purchase scientific, technical or artistic works whose execution can be entrusted only to one company, artist or specialist; A tender or call for proposals has been declared void or has failed and a second invitation must be issued, with changes in the basic specifications and special conditions. If the second process is also declared void or fails, then the direct contracting procedure envisaged in this subparagraph may be used; For reasons of urgency ^b or emergency ^c it is not possible to make timely use of another selection procedure. The use of this procedure must be approved by the highest authority of each jurisdiction or entity. The Executive has declared the contractual transaction secret for reasons of national security or defence, an exceptional power that cannot be delegated; Machinery, vehicles, equipment or engines have to be dismantled, moved or pre-inspected in order to determine the repairs that are needed and the adoption of another procurement procedure would prove more expensive. Direct contracting may not be used for ordinary maintenance work on such items.	From 75 to 200 "modules"

a According to Article 34 of Decree No. 893/2012 the value of a "module" is Arg\$1,000.

b Reasons of urgency are pressing and objective needs that could prevent the procuring agency from performing its essential functions normally and on time.

c Emergencies are accidents, weather-related events and other occurrences that create a dangerous situation or disaster requiring immediate action and posing a threat to life, personal safety, health, public security or essential functions of the National State.

Source: Decrees No. 1.023/2001 and No. 893/2012.

210. Argentina continues to implement regimes such as "Buy Argentine Labour" in order to use the purchasing power of the State as a means of promoting and protecting domestic industry, with special emphasis on small and medium-sized enterprises.³⁰⁹ There are also programmes of the "Buy Provincial" and "Buy Municipal" type.³¹⁰

211. The Buy Argentine Labour regime, established in 2001³¹¹, requires the Government, its agencies, departments and self-governing and decentralized entities, State enterprises, public service concession holders and their direct subcontractors, to give preference in their purchases and procurements to buying and leasing goods of domestic origin and contracting for works and services with local suppliers.³¹² Where the purchase of goods is concerned, suppliers of goods of domestic origin receive a preference of 7% on their contracts if the bid is made by an SME, or 5% if the bid comes from an enterprise of another kind. This means that if the price bid for domestic goods is less than 5% or 7%, as the case may be, higher than that bid for foreign goods, the contract should go to the domestic supplier.³¹³

212. Since 2012, the bids of suppliers that export and meet the requirements laid down by the Office of the Chief of Cabinet also benefit from a preference margin of 7% with respect to the highest

³⁰⁹ Viewed at: http://www.instrumentos.mecon.gov.ar/mensajes-ver-mensajes.php?id_prog=1029&order=fecha_desc&cantidad=3.

³¹⁰ WTO (2007).

³¹¹ Law No. 25.551.

³¹² Law No. 25.551 defines goods of domestic origin as those produced or extracted in Argentina, provided the cost of the raw materials, inputs and materials imported for release into free circulation does not exceed 40% of the gross production value.

³¹³ Buy Argentine Regime. Viewed at: http://www.instrumentos.mecon.gov.ar/mensajes-ver-mensajes.php?id_prog=1029&order=fecha_desc&cantidad=3.

bid.³¹⁴ Moreover, likewise since 2012, to support domestic suppliers it has been stipulated that: air tickets for the public sector must be bought from the national carrier (Aerolíneas Argentinas S.A. and Austral Líneas Aéreas Cielos del Sur S.A.); motor vehicles required for institutional tasks must be acquired by signing leasing agreements with Nación Leasing S.A. Excepciones; YPF S.A. will be the supplier of fuel and lubricants for the fleet of official vehicles, vessels and aircraft; and public sector employees must be paid through the BNA.³¹⁵

213. Argentina continues to apply a control system based on reference prices administered by the Office of the Auditor-General (SIGEM).³¹⁶ The system involves the determination of a reference value which SIGEM provides for evaluating bids when the estimated amount of the purchase or contract is equal to or greater than Arg\$1.3 million, regardless of the procedure used for selecting the contractor. This system does not apply to public works contracts and concessions, the purchase or rental of immovable property, direct contracting with exclusivity, direct contracting between State agencies, and purchases of goods and contracts for services that do not meet the conditions "standardized or with uniform characteristics" or "standardized or commonly used".³¹⁷ Where the ONC fixes a maximum price which the procuring agencies may pay for the necessary goods or services a reference price report will not be required.³¹⁸

(vi) Intellectual property protection

(a) General framework

214. Argentina is a member of the World Intellectual Property Organization (WIPO) and party to various treaties administered by WIPO. Since 2007, it has acceded to three international classification agreements: the Strasbourg Agreement (patents), the Nice Agreement (trademarks) and the Locarno Agreement (industrial designs). All three have been approved by law³¹⁹ and have entered into force in Argentina (Table III.32). During the review period, Argentina has continued to sign multilateral intellectual property treaties. For example, it has signed the Convention on the Protection of the Underwater Cultural Heritage (19 October 2010), the International Agreement on Olive Oil and Table Olives, 2005 (8 May 2009) and the Convention on the Rights of Persons with Disabilities (2 October 2008).³²⁰ Argentina is also party to the International Convention for the Protection of New Varieties of Plants (UPOV) (1994).

Table III.32
Participation in WIPO treaties

Treaty	Date of entry into force
Locarno Agreement	9 May 2009
Strasbourg Agreement	13 September 2008
Nice Agreement	24 January 2008
Performances and Phonograms Treaty	20 May 2002
Copyright Treaty	6 March 2002

³¹⁴ Decree No. 893/2012.

³¹⁵ Decrees No. 1.191/2012, No. 1.188/2012, No. 1.189/2012 and No. 1.187/2012.

³¹⁶ The reference price is an average market value, under the conditions proper and specific to the procurement examined, on the price proposal opening date.

³¹⁷ Resolution of the Office of the Auditor-General No. 122/2010.

³¹⁸ Decree No. 893/2012.

³¹⁹ Laws No. 26.229 of 25 April 2007 (Strasbourg Agreement), No. 26.230 of 26 April 2007 (Nice Agreement) and No. 26.402 of 12 September 2008 (Locarno Agreement).

³²⁰ Online information from WIPO, Resources: WIPO Lex: Argentina: Treaty Membership. Viewed at: <http://www.wipo.int/wipolex/en/profile.jsp?code=AR#a6>.

Treaty	Date of entry into force
Rome Convention	2 March 1992
Nairobi Treaty	10 January 1986
WIPO Convention	8 October 1980
Phonograms Convention	30 June 1973
Berne Convention	10 June 1967
Paris Convention	10 February 1967

Source: Online information from WIPO, WIPO: Treaties and Contracting Parties: Summary Table of Membership of the Treaties Administered by WIPO. Viewed at: <http://www.wipo.int/treaties/en/summary.jsp>.

215. The legal framework for intellectual property rights has not changed substantially since 2007 (Table III.33). The National Industrial Property Institute (INPI, a decentralized agency attached to the Ministry of Industry), the National Copyright Directorate (DNDA, attached to the Ministry of Justice and Human Rights), the MAGyP, the INV and the National Seeds Institute (INASE) apply the intellectual property rights legislation (Table III.33).

Table III.33
Laws governing intellectual property rights

Legislation	Coverage	Term of protection	Comments	Implementing authority
Copyright and related rights				
Law on Intellectual Property (Law No. 11.723, OJ of 30 September 1933) and amendments thereto. Decree No. 41.223/34	Literary, artistic and scientific works including computer programs and databases Rights of performers Rights of phonogram producers	Lifetime of the author + 70 years Anonymous works: 50 years from date of publication Photographs: 20 years from date of publication Films: 50 years from death of last collaborator Phonograms: 70 years from year following publication	Obligation to register a work published in Argentina Possibility of free use	DNDA
Patents				
Law on Patents and Utility Models (Law No. 24.481, OJ of 23 March 1996) and amendments thereto. Decree No. 260/96	Inventions of products or processes provided they are new, involve an inventive step and are capable of industrial application	20 years from filing of the application, non-extendable	Average processing time for registration: 7 years Use without authorization of the holder if the invention has not been worked within 3 years of the patent being granted or 4 years of the application being filed	INPI
Utility models				
Law on Patents and Utility Models (Law No. 24.481) and amendments thereto. Decree No. 260/96	Any new arrangement or shape obtained or introduced in tools, work instruments, utensils, devices, equipment or other known objects which improves their use for their intended purpose. Must be new and capable of industrial application	10 years from filing of the application, non-extendable	Average processing time for registration: 3 years May not be granted within the domain of protection of an existing patent	INPI

Legislation	Coverage	Term of protection	Comments	Implementing authority
Trademarks				
Law on Trademarks and Designations (Law No. 22.362, OJ of 2 January 1981). Decrees No. 558/81 and amendments thereto. Law on Collective Trademarks (Law No. 26.355, OJ of 27 March 2008). Decree No. 1.384/08	Any sign capable of distinguishing one product or service from another, including names and commercial slogans	10 years from registration, indefinitely renewable for further 10-year periods	Average processing time for registration: 12 months Obligation to establish legal domicile in the Autonomous City of Buenos Aires in order to register a trademark Use of the trademark is not compulsory but non-use may give rise to an action for forfeiture	INPI
Industrial designs				
Decree-Law No. 6.673/63 and amendments thereto. Law No. 16.478, OJ of 30 September 1964. Decree No. 5.682/65	Shapes or aspects incorporated in an industrial product for ornamental purposes	15 years divided up into three consecutive 5-year periods, from the date of presentation of the design	Average processing time for registration: 4 working days	INPI
Geographical indications, indications of provenance and appellations of origin				
Law No. 25.380, OJ of 12 January 2001 and amendments thereto. Decree No. 556/09	Agricultural and food products excl. wine and spirituous beverages obtained from wine	Unspecified	Voluntary registration	Ministry of Agriculture, Livestock and Fisheries
Law No. 25.163, OJ of 8 October 1999 and amendments thereto. Decree No. 57/04	Wine and spirituous beverages obtained from wine	Unspecified	Indication of provenance: only for table wines containing 80% of grapes produced in the area from which the name comes Geographical indication: used exclusively for quality wines Appellation of origin: used exclusively for select varieties of wines	INV
New plant varieties				
Law on Seeds and Phytogenetic Creations and amendments thereto (Law No. 20.247, OJ of 16 April 1973). Decree No. 2.183/91. Law No. 24.376, OJ of 6 October 1994 and Decree No. 2.817/91	New plant varieties	20 years (from being granted) for all species	Protection through breeder's right	INASE

Source: Online information from InfoLEG. Viewed at: <http://infoleg.mecon.gov.ar/default1.htm>, and online information from INPI. Viewed at: <http://www.inpi.gov.ar/templates/index.asp>, and online information from the DNDA. Viewed at: <http://www.jus.gob.ar/derecho-de-autor/>, and information provided by the authorities.

(b) Copyright and related rights

216. The Law on Intellectual Property was amended in 2007 to exempt from the payment of copyright the reproduction and distribution of scientific or literary works in special systems for the blind and other people with perceptual disabilities.³²¹ In addition, the period of protection of the

³²¹ Law No. 26.285, Official Journal of 3 July 2007.

rights of performers whose performance is fixed in phonograms and of phonogram producers was established in 2009.³²²

217. In 2006, Argentina recognized the Argentine Performers Management Society (SAGAI) and, in 2009, the Civil Association of Argentine Film Directors (DAC) which represent actors, dancers and author-directors of cinematographic and audiovisual works, both Argentine and foreign. The Secretariat for the Media, in collaboration with SAGAI and the DAC, fixes the fees for actors, dancers and author-directors. SAGAI and the DAC collect and distribute these fees. The fees generated in Argentina by foreign performers, whether actors or dancers, or by the cinematographic and audiovisual works of foreign author-directors are collected and distributed only if there is reciprocity of treatment.³²³

(c) Industrial property

218. During the review period there were no significant changes to the 1996 Law on Patents and Utility Models. However, there was a change in the regulations. In 2012, Argentina approved rules on the examination of patentability for chemical-pharmaceutical patent applications.³²⁴

219. In 2008, Argentina adopted legislation to protect collective trademarks, according to which only a group of producers and/or service providers listed in the National Register of Local Development and Social Economy Agents may own a collective trademark. The applicants do not pay INPI charges.³²⁵

220. In 2009, the Executive issued implementing regulations for Law No. 25.380, Official Journal of 12 January 2001, which established the regime for geographical indications and appellations of origin for agricultural and food products.³²⁶ During the review period, the Ministry of Agriculture, Livestock and Fisheries granted appellations of origin to Tandil salami (*salame de Tandil*) (in 2011) and to Creole goat from the north of the province of Neuquén (*chivito criollo del Norte Neuquino*) (in 2010).³²⁷

221. Argentina does not have a law for protecting layout-designs of integrated circuits, but these layouts can be protected by registering industrial designs.³²⁸

222. Argentina permits the transfer, assignment or licensing of technology or trademarks by persons domiciled abroad in favour of natural or legal persons in Argentina.³²⁹ Registration of the technology transfer contracts with INPI is not compulsory. However, registration brings tax benefits for the party residing in Argentina, by allowing deduction of the sum paid as expenses, and for the party residing abroad, by enabling it to benefit from a reduction in the taxable component on which income/profits tax must be paid.³³⁰

³²² Law No. 26.570, Official Journal of 14 December 2009.

³²³ Decrees No. 1.914/06 and No. 124/09.

³²⁴ Joint Resolution MI No. 118/12, MS No. 546/12 and INPI No. 107/12.

³²⁵ Law No. 26.355, Official Journal of 27 March 2008, and Decree No. 1.384/08.

³²⁶ Decree No. 556/09.

³²⁷ MAGyP Resolutions No. 986/11 and No. 950/10.

³²⁸ Information provided by the authorities.

³²⁹ Law No. 22.426, Official Journal of 23 March 1981, Article 1.

³³⁰ Online information from INPI. Viewed at: <http://www.inpi.gov.ar/templates/index.asp>.

223. During the review period, the National Industrial Property Institute (INPI) increased the fees for the registration services it provides.³³¹ Moreover, INPI has implemented a computer system to streamline procedures and facilitate the payment of fees.³³²

(d) Enforcement

224. Infringements of intellectual property rights are sanctioned by law.³³³ The Law on the Promotion of Books and Reading specifically sanctions reproduction without the consent of the author or publisher.³³⁴ The federal courts have jurisdiction over industrial property rights cases; where new plant varieties are concerned, the federal courts are competent only in cases involving administrative offences. The ordinary civil or commercial courts consider cases of infringement of copyright and related rights and violation of breeder's rights between holders and third parties.³³⁵ The agency responsible for applying sanctions for violation of breeder's rights is INASE (the courts are competent only in the event of an appeal).

225. Since 2004 Argentina has prohibited the importation and exportation of goods with counterfeit trademarks and illegal copies. If during customs inspection doubts arise as to the authenticity of the goods, the customs services may suspend release for a period of up to seven working days to consult the right-holder and for the latter, where appropriate, to go to court.³³⁶ Regulations implementing the law establishing this prohibition were issued in 2006 when the AFIP provided the customs services with operational and control measures for detaining counterfeit goods.³³⁷ To intensify the campaign against the traffic in counterfeit articles, in 2007 the AFIP implemented the warning system *Sistema de Asientos de Alerta*.³³⁸ The system is intended for trademark holders and for holders of copyright or related rights but at the moment is available only to trademark holders.³³⁹ The system makes it possible to suspend the import/export process for three days, if the goods are found to bear the trademark of a holder listed in the system, and to carry out an inspection in the presence of the holder. If the inspection indicates that there is or could be trademark fraud, the appropriate legal and administrative measures are taken.³⁴⁰ Listing in the system, for a period of two years, renewable, is voluntary and free of charge.³⁴¹

³³¹ MI Resolution No. 1/11. The fees charged by INPI up to July 2011 are contained in Decree No. 260/96.

³³² INPI Resolution No. 202/09.

³³³ Infringements of intellectual property rights are sanctioned by Laws No. 11.7234 (copyright and related rights), No. 24.481 (patents and utility models), No. 22.362 (trademarks), No. 25.380 (geographical indications and appellations of origin of agricultural and food products), No. 25.163 (indications of provenance, geographical indications and appellations of origin for wine and spirituous beverages obtained from wine) and No. 20.247 (new plant varieties), Decree-Law No. 6.673/63 (industrial designs) and Decree No. 1.384/08 (collective trademarks).

³³⁴ Law No. 25.446, Official Journal of 26 July 2001.

³³⁵ WTO document IP/N/6/ARG/1 of 4 December 2002, and information provided by the authorities.

³³⁶ Laws No. 26.458, Official Journal of 16 December 2008, and No. 25.986 of 15 September 2003.

³³⁷ AFIP External Note No. 53/06.

³³⁸ AFIP General Resolution No. 2.216/07.

³³⁹ AFIP General Resolution No. 2.216/07. Viewed at: http://www.afip.gob.ar/genericos/guiavirtual/directorio_subcategoria.aspx?id_nivel1=556&id_nivel2=925, and UNESCO (undated).

³⁴⁰ AFIP General Resolution No. 2.216/07 and online information from AFIP, *Sistema de Asientos de Alerta*. Viewed at: http://www.afip.gob.ar/genericos/guiavirtual/directorio_subcategoria.aspx?id_nivel1=556&id_nivel2=925.

³⁴¹ AFIP General Resolution No. 2.216/07, Articles 1 and 3. The registration form can be found in AFIP Resolution No. 83/08.

226. In addition, to protect copyright, various public and private associations conduct anti-piracy and awareness-raising campaigns.³⁴² In particular, in 2006, the Argentine Chamber of Phonogram and Videogram Producers (CAPIF) published a "Guide to good practice in the area of intellectual property rights and data security for businesses and organizations" to promote good practice and inform and raise awareness about the consequences of illegally sharing music through the Internet and illegally reproducing music within a business environment.³⁴³ Digital File Check software, which tells people whether the use of music, video and image files on the Internet is safe and legal, is available to all on the CAPIF web page, free of charge.³⁴⁴ In addition, phonogram producers can obtain from CAPIF the hologram "IFPI 2000", which certifies the authenticity of CDs and DVDs. The hologram is a non-erasable and unique image, impossible to duplicate because of the incorporation of cloaked technology, which can only be verified by forensic means.³⁴⁵

³⁴² Online information from Lucha contra la Piratería en América Latina, *Diagnóstico*. Viewed at: <http://www.luchacontralapirateria.com>, and WIPO online information, *IP Outreach in Practice: Communication Campaigns Database*. Viewed at: <http://www.wipo.int/ip-outreach/en/tools/practice>.

³⁴³ CAPIF (2006).

³⁴⁴ UNESCO (undated).

³⁴⁵ UNESCO (undated).