WORKING PARTY ON ACCESSION OF ARGENTINA

Information on Argentine Commercial Policy and Regulations

The Working Party submits in Annex A hereto the replies of the Argentine delegation to questions, written and oral, put by its members. Annex B contains a list of Argentina's bilateral agreements. This exercise was conducted by the Working Party with the full collaboration of the Argentine delegation which had also submitted a memorandum illustrating Argentine commercial policy (W.17/1). As soon as possible the Working Party will meet again to consider the recommendations it wishes to make to the CONTRACTING PARTIES.

The Argentine delegation has submitted the following documentation (in Spanish) which may be consulted at the secretariat offices (rue de Lausanne):

1. Customs tariff at present in force.
2. Customs legislation at present in force.
3. Foreign trade statistics.
ANNEX A

I. Tariffs

Question 1

When will new tariffs be introduced?

Reply

The new tariff is now in an advanced stage of preparation. It is hoped to complete it as soon as possible, and it will be brought into force after the necessary parliamentary approval.

Question 2

Could copies be made available of: (a) new and old tariff (in English) and (b) tariff legislation?

Reply

(a) The tariff at present in force, in Spanish, is available to those interested for consultation. The new tariff is being prepared and when it has been completed and approved it will be communicated to the CONTRACTING PARTIES.

(b) The Argentine customs legislation is available to the contracting parties for consultation in our delegation's offices and will in due course be transmitted to the GATT secretariat (see cover note).

Question 3

Will the new tariff contain specific duties?

Reply

The general principle governing the preparation of our new tariff is that of ad valorem duties. Subsequently, to the extent that monetary stability allows, we hope to convert the ad valorem duties to specific duties.
Question 4

Will Argentina be prepared to participate in the tariff negotiations to be held in 1961 between contracting parties and other governments desiring to accede to the General Agreement?

Reply

No, we consider that it will not be ready to do so.

Question 5

Is the new Argentine tariff which is being prepared in accordance with the Brussels Nomenclature going to serve as a basis for the negotiations concerning the accession of Argentina to GATT?

Reply

The Argentine Republic will negotiate in GATT, once its new tariff - at present being prepared - is in force, and as soon as possible.

Question 6

In the event of the accession of Argentina to GATT, what customs systems would be maintained?

Reply

For the present it is considered that, as long as the new customs tariff has not been agreed, it is difficult to judge of this; the Government will therefore study in due course the attitude to adopt.

Question 7

In the memorandum submitted by the Argentine observer at the sixteenth session (document L/1242) it was stated that the new Brussels Nomenclature tariff would be put into effect shortly and would replace the present system of exchange surcharges. When, in fact, will Argentina be ready with the new tariff and what will be its main features? When will the pre-accession negotiations on the new tariff take place? Will this be before or after congressional approval?

Reply

As regards the date by which the new tariff will be ready, its features, and the negotiations in relation to definitive accession to GATT, we think we have made these points clear in our general statement. Legislative approval will be required before the said negotiations can take place.
Question 8

Are changes in the import duties tariff submitted to parliamentary approval?

Reply

The bringing into force of the new tariff will require parliamentary approval. As regards changes in the import tariff, the Government is authorized to make these, giving due account to the National Congress. The Government is obliged to give account to the Congress of any change in the import tariff.

Question 9

What are the procedures envisaged for any changes in the customs tariff?

Reply

The procedures in question have been laid down in Decree Law No. 5168, ratified by Law 14, 467.

Question 10

Are there in existence official or other bodies with responsibility for fixing the level of the duties or recommending their adoption, either by sector, or by product?

Reply

In respect of the current tariff, the Government is authorized by the Law to take such action. As soon as the new tariff is in force, a Customs Commission will be established under the said national Law to advise the Government on those matters.

Question 11

When the new Argentine tariff enters into force will all the exchange surcharges be eliminated, and will Argentina be prepared to agree in the tariff negotiations that no new charges, other than those permitted by Article II:2, will be imposed on products on which it negotiates tariff concessions?

Reply

Charges under the new tariff will include customs duties, surcharges and other dues. As regards the second part of the question, it is not the Argentine Republic's intention to impose surcharges on products on which it negotiates contrary to GATT rules.
Question 12

In view of the extent to which Argentina has recently reduced the exchange surcharges, will the new tariff embody protection to the full extent of all the surcharges in effect as of a particular date or somewhat less than such full protective effect?

Reply

The answer to this question is contained in the previous answer and in the general statement.

Question 13

What is the intention of the Argentine administration with respect to the present system of surcharges on imports?

Reply

That point is clarified in the general statement.

Question 14

Are the surcharges non-discriminatory?

Reply

The surcharges are not discriminatory.

Question 15

In view of the time which will elapse before the new tariff enters into force, will the Argentine Government make further reductions in the surcharges?

Reply

Hitherto, the general tendency has been to reduce the surcharges.

What is done in the future will depend on developments in the balance-of-payments position and the general situation of the country. We cannot therefore advance an opinion on the subject.

Question 16

To what extent have the current exchange surcharges been approved by the International Monetary Fund?

Reply

Current surcharges have not given rise to objections on the part of the IMF.
Question 17

Is the incidence of the 8 per cent tax on imports the same as its incidence on domestic products, whether consumed domestically or exported? At what level of the various stages of production and distribution is it imposed (wholesale sales of consumer goods or some other level)?

Reply

The incidence is the same as the tax is only levied once. It is always imposed on the first sale, i.e. always at the same stage.

Question 18

Are there, or will there be, besides the customs duties, also fiscal consumption taxes, excise duties or other taxes of equivalent effect, and if so how are they applied?

Are the said non-tariff taxes applied preferentially in respect of certain countries of Latin America, and if so to what extent?

Reply

At present, there are surcharges on importation which are imposed as an addition to the customs duty.

It is a taxation principle in our country to consider on an equal footing the imported product and the national product, with the exception of the tax on importation of timber and iron, which is levied for development purposes.

The surcharges on imports are suspended or reduced temporarily for limitrophe countries - including Peru - in respect of the products which form the main traditional trade with such countries.

Question 19

Are the other excise and luxury taxes imposed uniformly on imports and domestic production?

Reply

Yes, imposition is uniform.

Question 20

What is the purpose of the 1 per cent consular fee in relation to imports in the light of Article VIII:1 of the General Agreement?

Reply

It is a charge in respect of consular service.
Question 21

Is there provision for anti-dumping and countervailing duties? If so, mandatory or permissive?

Reply

There are at present no anti-dumping laws or countervailing duties in connexion with customs duties.

Question 22

How is value determined for customs purposes in Argentina?

Reply

Customs duty is determined in accordance with value c.i.f. In the case of surcharges, on the other hand, the general principle applied is that they should be calculated on the basis of cost plus freight.

Question 23

Do there exist in Argentina special import systems for certain regions (e.g. south of latitude 42°), free zones, or free ports? If so, what system applies?

Reply

Yes: the free zone of Tierra del Fuego and the special system in the zone south of latitude 42°.

In the National Territory of Tierra del Fuego, Antartida and the South Atlantic Islands a free zone system has been set up.

In the provinces of Chubut and Santa Cruz (situated south of latitude 42°) exemption from customs duties is granted to goods intended for consumption or use within their jurisdiction. The Government is authorized to limit such exemption, which is at present applied only to machinery, raw materials and stocks for industries established there. Such industries also benefit by a reduction in the surcharges in respect of such raw materials as are not produced in the country.

Question 24

Are the same customs duties applicable to all territory under Argentine administration or are there some portions of such territory where different duties apply? If the latter, how do the tariffs and other regulations applicable to trade between Argentina and such territories differ from the tariffs and other regulations applicable to trade between Argentina and such territories respectively on the one hand, and other countries, on the other hand?
Reply

Customs duties are the same throughout the whole national territory. In the territories south of latitude 42°, there is customs exemption for development purposes.

Question 25

Can Argentina supply a comparative table of the old and new tariffs?

Reply

We think that once the new tariff has been approved, the Argentine will be in a position to supply such a table.

Question 26

Can the Argentine indicate the incidence (on the basis of imports in 1958) of the specific duties which may still remain in the new tariff?

Reply

That incidence cannot yet be indicated.

Question 27

Does the Argentine Government intend to adhere to the Brussels Customs Co-operation Council?

Reply

This matter will be considered but it is not possible to say at present what decision will be taken.

II. Export Charges

Question 28

How does the export "aforo" system of valuation operate, particularly in the light of the provisions of Article VII of the General Agreement?

Reply

The "aforos" (price indices) are fixed in relation to the f.o.b. value of the goods in the international market.

Question 29

Has the export retention system been approved by the International Monetary Fund, and, if so, has the Fund approval extended to the "aforo" method of valuation?
Reply

Neither the retentions nor the "aforas" (price indices) have given rise to objection on the part of the IMF.

Question 30

How are the export retention percentages determined and to what extent do they fluctuate?

Reply

Within the two indices established, retentions are fixed according to the conditions for each product. They are fixed, subject to occasional modification.

III. Preferential Arrangements

Question 31

It is understood that Argentina maintains preferential arrangements which apply to the products of certain countries. Will these arrangements be continued? If so, what are they and how do the Argentine representatives envisage they can be reconciled with the GATT?

Reply

The only preferential arrangement which the Argentine Republic maintains at present is that in force with Paraguay. Argentina intends to respect that agreement.

Question 32

Are there tariff agreements with other countries of Latin America, in particular with countries which are parties to the Montevideo Treaty? (Preferential rights, frontier trade, etc..?)

Reply

Yes, they exist with Brazil, Chile, Paraguay and Cuba.

Question 33

Does Argentina accord tariff or other trade preferences to imports from any other country which is not a party to the Montevideo Treaty? If so, how are these preferences determined and what is their extent?

Reply

Yes, from Bolivia, because it is treated as a limitrophe country. It benefits by the temporary suspension of import surcharges.
IV. Quantitative Restrictions

Question 34

Import licensing was abolished in 1959. Are there any measures other than surcharges to regulate flow of imports?

Reply

There do not exist, apart from surcharges, any measures regulating the flow of imports, and it is the intention of my Government to maintain as far as possible this general import policy. At present there is only a prohibition on the import of tractors up to 85 h.p.

Question 35

Can Argentina supply a statement on its import and export policy indicating, in particular, the various systems of aid (direct or indirect) to imports and exports, and of quantitative restrictions and levies affecting goods imported or exported?

Reply

The Argentine delegation believes that this question has been answered by the general statement made. Nevertheless, with reference to this question, it would state that in general the export and import system does not include quantitative restrictions or direct aids for exports or imports.

V. Bilateral Agreements

Question 36

What bilateral agreements are still current? Could detail be made available to the secretariat for circulation to contracting parties?

Reply

A list of the agreements in force will be transmitted to the secretariat.

Question 37

Does Argentina have any bilateral agreements? Is it intended that such agreements will terminate at the time of accession?

Reply

Yes, it does. In this connexion Argentina intends that its policy should meet the special requirements of each case.

Question 38

In light of IMF recommendation, when will Argentina terminate bilateral agreements with non-Latin American countries?
Reply

In the light of IMF recommendations bilateral payment agreements have been terminated, with the exception of those in force with Russia and Spain, the maintenance of which has been agreed until such time as the special circumstances which gave rise to them shall no longer exist.

Question 39

What is future of L.A. agreements? Will they be superseded by LAFTA?

Reply

We intend that the trade agreements should be superseded by LAFTA. As regards payment agreements, no system has been agreed in LAFTA, the payment agreements with Brazil, Uruguay, Chile and Peru remaining in force. Negotiations have started with a view to terminating those with the two last-mentioned countries.

Question 40

What commitments are given under bilateral agreements? (As import licences were abolished in 1959, seems difficult to control imports under bilateral agreements unless such commitments take the form of undertaking to buy by State Trading Agency. Other possibility is undertaking on surcharges. Either way would involve discrimination vis-à-vis third countries.)

Reply

No bilateral agreement in force contains commitments to buy or sell.

Question 41

United Kingdom/Argentina Trade Agreement provides for binding of landing charges on coal. This has resulted in discriminatory charge on Australian coal. Will this practice continue? If so, how does Australia ensure m.f.n. treatment in Argentina?

Reply

We intend that the accession of the Argentine Republic to GATT should ensure most-favoured-nation treatment for Australia in this respect.

VI. State Trading

Question 42

State trading through LAPI was abolished in 1955. Is there any State trading in Argentina at present? If so, in what commodities? What systems are followed? And is there any discrimination as to source?
Reply

In general, there is no State-trading in the Argentine Republic. The sole exceptions are tungsten, beryl and the nuclear minerals, of which the sale abroad is the responsibility of State concerns, for reasons of development and national security.

VII. Agricultural Policy

Question 43

Could the Argentine representative give an outline of any internal price support schemes or consumer subsidies in operation in Argentina?

A detailed answer specifying products affected and the level of supports, subsidies etc. would be appreciated.

What is the policy in regard to imports of these items, i.e. quantitative restrictions, import duties, surcharges?

Are there any internal taxes; if so, are they applied to the locally produced goods as well as to imports?

Reply

Argentine trade policy has always been orientated in such a way as not to provide artificial means of promoting sales. Our country has opposed such means of promotion at any international conferences in which it has participated.

Argentina is an efficient producer of cereals, flax and meat. Although production per hectare is lower than that in the other countries of the world, very few can compete with it when it comes to costs of production.

System in the agricultural sector

Some cereals have guaranteed minimum prices in our country, rather than price supports. Specifically, there are minimum guaranteed prices for wheat, maize, flax, caroline rice, bright rice, oats, barley for fodder, malting barley, Oye, sunflowers and groundnuts.

The prices fixed by the Department of Agriculture are calculated on the basis of international prices in the internal equivalent and are always below the latter prices.

The purpose of the fixed prices is to ensure that the producer receives some minimum return for his costs of production.

Given the fact that the minimum prices are lower than the international prices, the State generally does not purchase any produce. Thus production is commercialized both internally and externally through private activity, in free competition.
Exports of cereals are not only not subsidized, but are actually subjected to heavy charges.

The export of cereals has to bear the burden of the 8 per cent sales tax, a retentive duty of 20 per cent (which was recently reduced to 10 per cent for maize, millet and sorghum) and some small development dues.

Apart from these charges, the agricultural producer pays surcharges, directly or indirectly, when he purchases fertilizers, insecticides, weedkillers, machinery and spare parts, sacking, etc.

Cattle policy

For exports of beef there is a similar system to that for exports of cereals. Producers of young cattle for the export trade count on a minimum price which is guaranteed to them by the National Meat Board, but external trade is carried out freely through individual meat-packing concerns.

In the case of meat, there is a sales tax of 4 per cent on exports and a retentive duty of 10 per cent, as well as some small dues for specific purposes.

The prices for meat in the internal market are the equivalent of those in the international market, although local victuallers compete with exporting meat-packing concerns at the fairs for the purchase of animals.

Exports of mutton and pork get no subsidies or guaranteed minimum prices, but are freely exported, mutton paying 10 per cent retentive duty, 4 per cent sales tax and other minor dues. Pork is not liable to any retentive duty or sales tax when exported.

Future policy

As we stated in the general memorandum, the retentive duties are provisional; they were established for the purpose of collecting funds for the budget and rendering more smooth the transfer of income to the agricultural sector, after the foreign exchange reform of 1958.

Our Government has announced the gradual elimination of retentive duties and has taken appropriate action so that there are good grounds for assuming that such duties will entirely disappear in the future. Our country does not subsidize the production of meat, cereals or flax, but, on the contrary penalizes it with export charges.

The traditional policy of Argentina is to have recourse to revenue from the export of agricultural produce so as to use it to promote development or finance the budget.

Import policy

Imports of cereals, flax, meat and other agricultural produce are in general subject to a 150 per cent surcharge.
When the surcharges were fixed at the end of 1958, imported goods were subjected to surcharges varying from nil to 300 per cent. All goods of which the import was not considered necessary as they were manufactured in the country were included in the 300 per cent list, which was reduced a few months ago to 150 per cent. Cereals, flax and meat were subjected to a surcharge of 150 per cent because of the fact that local production was entirely adequate for internal consumption.

In cases where climatic or other factors made the import of foodstuffs necessary, the surcharge was abolished for a certain period. In such cases no quotas were fixed, but free importation without any quantitative limit was allowed for the period during which the surcharge was suspended.

Up to the present, there has been no case recorded of importers having requested the abolition of the surcharge on imports of foodstuffs. A few months ago the surcharge of 150 per cent was abolished in the case of imports into Argentina of vegetables and poultry from limitrophe countries, in order to encourage sales of such produce to our country. So far there has been no indication that any action of the kind will take place.

Consumer subsidies

In Argentina there are no consumer subsidies.

Imports of agricultural produce

Argentina imports some forms of agricultural produce. It is a large exporter of others. Among the more important agricultural products as far as the volume of imports is concerned are coffee, long-fibred cotton, cocoa, fruit, timber, etc.

As such produce generally comes from limitrophe countries it is not subject to any tax, with the exception of timber, which is subject to the tax for forestry development. When these products come from countries which are not limitrophe they are subject to surcharges which vary from 20 to 150 per cent.

Imports of agricultural products, like those of any other product, are not subject to quotas or permits of any kind.
VIII. Subsidies and Price Support Measures

Question 44

Does the Argentine Government have any measures in effect which constitute subsidization of exports? If so, what are they?

Reply

No, it has no such measures.

Question 45

In document L/1242 reference is made to an intensive programme to promote exports. Can further information be given on the measures to be taken, especially on "the establishment of financing facilities for exports of manufactured goods" and on "tax exemption for exports not included in the withholding system"?

Reply

The statement contained in document L/1242 is an indication of Argentina's legitimate desire to increase exports, and appropriate means to that end are being studied. The Central Bank has authorized the discounting of bills for financing exports of manufactured goods; and there is exemption from all taxes for exports not included in the withholding system.

IX. General and Other Questions

Question 46

Are there any discriminatory measures taken or to be taken against any contracting party of GATT?

Reply

The present economic policy of our country is not discriminatory.

This delegation does not consider that there is at present any reason to suppose that there will be a change in that policy.

Question 47

Can the Argentinian delegation state whether an exhibition tax is still applied to foreign films which is not borne by domestic films. If so, do they intend on accession to comply with the provisions of Article IV of the GATT?
Reply

As regards the first part of the question, there is in force a tax on the showing of foreign films which does not apply to the countries with which there are agreements of reciprocity, such as the Federal Republic of Germany, Austria, Spain, France, the United Kingdom, Italy, Mexico, Poland, Sweden, and the Soviet Union; a similar agreement with Japan is under consideration.

With regard to the second part, up to the present a change in the existing system has not been envisaged.

Question 48

What is the system of privileges benefiting Argentine ships as regards the transport of goods between Argentina and other countries?

Reply

This delegation considers that there are no privileges for Argentine ships in the transport of overseas cargoes. There are in force bilateral agreements between Argentina and Brazil and between Argentina and Chile with preferential freight-carrying clauses on a fifty-fifty basis. These agreements are not discriminatory but represent an option and are based on balance-of-payments difficulties.

Question 49

Do the bilateral agreements with Brazil and with Chile allow the use of ships of third countries? If so, how are freights paid?

Reply

We believe these agreements are not discriminatory because:

(1) the ships in question are not given special terms or freight to the detriment of third countries, and

(2) if there is no space available in the ships of the countries parties to the agreement within a minimum period, the shippers can load in ships of other flags.

As regards the mode of payment, this is effected freely and in the appropriate currency.

Question 50

What is the nature of the discriminatory method of valuation of "low-price imports" provided for in the circular dated 28 September 1960 under Decree No. 2052/60?
Reply

The circular of 28 September 1960 under Decree No. 2062/60 is aimed at avoiding the importation of goods at prices which bear no relationship to those actually prevailing for such goods in the international market, which would result in disturbing local trade and industry, as in the case of obsolete goods, surpluses, promotional sales, etc.

The circular of 28 September is also aimed at fixing "aforos" for exports in order to expedite the onward despatch of the goods.

Our delegation is of the opinion that the circular is not discriminatory, nor was it drafted in a discriminatory spirit, for it does not differentiate as between one or more countries specifically.

Nevertheless, in view of the concern expressed in Buenos Aires by a foreign mission, the Argentine Government is considering the said circular with a view to insuring that its interpretation and application should not lead to any inequitable result.

Question 51

Does the circular cover obsolete goods, surpluses, promotional sales, only; or does it extend to goods in general?

Reply

As just indicated, in addition to the goods mentioned, the circular covers all types of goods, since it reflects the desire for greater speed in customs clearance formalities.

Question 52

Will this circular be interpreted so that it does not conflict with the provisions of Article VII of the General Agreement.

Reply

We have already mentioned that "in view of the concern expressed in Buenos Aires by a foreign mission, the Argentine Government is considering the said circular to ensure that its interpretation and application should not lead to any inequitable result".

We believe that we have thereby made it clear that the Argentine Government is taking fully into account every consideration in this connexion - as the Japanese representative said - in order to proceed in the most equitable manner.
Question 53

How is the valuation carried out? Is the "aforo" fixed for long periods? And by whom?

Reply

The length of the period depends on general price variations in the international market.

The "aforo" is fixed by a commission under the chairmanship of the National Director of Customs comprising officials, importers and private industrialists.

When there are complaints that the "aforo" is unfair, the Director of Customs has to submit the problem to the Under-Secretary of the Treasury.

Question 54

Is the surcharge on imports of timber and iron different from the internal tax on these products when produced domestically?

Reply

It is not a matter of a different surcharge, but of a special charge on iron and timber as a contribution to the furtherance of the Argentine plans for the iron and steel industry and for afforestation, respectively.

Question 55

Are these taxes applied only to imports of timber and iron and not to domestic production?

Reply

Yes.

Question 56

Are these charges of a permanent character?

Reply

As indicated, these charges are not permanent but transitional, as they will cease when the plans for the development of the iron and steel industry and for afforestation have been brought to a conclusion.

We have already mentioned that the new tariff is to cover all duties, charges and surcharges. There is nothing to indicate that the procedure will be different in this particular case,
Question 57

When will 1959 statistics be available?

Reply

The 1959 statistics are available to members of the Working Party.
## ANNEX B
### LIST OF ARGENTINA'S BILATERAL AGREEMENTS
#### AGREEMENTS IN FORCE WITH LIMITROPHE COUNTRIES AND PERU

<table>
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<td></td>
<td>- Agreement on fruit</td>
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<td>&quot;&quot;</td>
<td>Distribution of cargoes in vessels of both flags, to stimulate the development of both merchant navies, without excluding participation by third countries.</td>
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<td>Adapts the system of payments to the free exchange system existing in both countries.</td>
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<td>- Exchange of notes</td>
<td>2. 6.59</td>
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