



Bi-Weekly Report – EU Market Access

Update of relevant trade-related legislation published from 16 to 31 October 2020¹

Contract FWC FPI PSF 2015 - 408258

Technical support to EU Market Access Team and Trade Analysis in Argentina²

TABLE OF CONTENT

1.	COVID-19 related measures	2
1.1	Extension of the Lockdown and Social Distancing Measure	
1.2	Maximum prices for essential products	
2.	Tariffs and customs procedures	2
2.1	Import licensing scheme modification	
2.2	Export duty exemption for hides and skins	
2.3	Registration of agricultural export operations	
3.	Taxes and fiscal measures	2
3.1	Postponement in the payment of export duties for SMEs	
3.2	Fiscal recess due to COVID-19	
3.3	Suspension of precautionary measures	
4.	Competition and state aid measures (subsidies)	3
4.1	Modification to the Law on Knowledge Economy	
4.2	Production Programme for the Knowledge Economy	
4.3	Emergency assistance to labour and production	
5.	Standards and technical regulations	4
5.1	Technical regulation on metrological control of fish	
6.	Government Procurement	4
7.	Sanitary and Phytosanitary (SPS) measures and agriculture	4
8.	Foreign Direct Investments (FDI)	4
9.	Intellectual Property Rights (IPR)	4
9.1	Patents and utility models' registration certificates – digital file	
10.	Financial regulations	5
10.1	Regulation on securities transactions	
10.2	Regulation on the access to the foreign exchange market	
11.	Trade and Sustainable Development	5
12.	Trade-related agreements	5
13.	Agenda	5
ANNEX - TBT and SPS notifications of Argentina		5

¹ This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of Eurosupport Srl, in consortium with WTI Advisors Ltd., and do not necessarily reflect the views of the European Union.

² The team implementing the project is composed of: Augusto Vechio, Facundo Perez Aznar and Camila Corvalán.



Bi-Weekly Report – EU Market Access

1. SANITARY EMERGENCY – COVID 19 RELATED MEASURES

1.1 Extension of the Lockdown and Social Distancing Measure. [Decree No. 814/2020](#) extends the Lockdown and Social Distancing Measure established in Decree No. 520/2020 and 297/2020 until 8 November 2020.

As several cities are experiencing an increase in the number of infections, the jurisdictions currently under the Lockdown Measure are the Metropolitan Area of Buenos Aires, and several departments and cities of other 16 provinces. As mentioned in previous reports, the jurisdictions subject to the Lockdown Measure may vary according to their epidemiological situation.

1.2 Maximum prices for essential products. [Resolution No. 473/2020](#) issued by the Secretariat of Domestic Trade extends until 31 January 2021 the validity of the provisions established by Resolution No. 100/2020 issued by the same Secretariat. This latter Resolution had fixed maximum prices applicable to retailers, hypermarkets, supermarkets and small shops that commercialize certain food, health and cleaning products detailed in the Resolution, that are deemed essential for the population in the framework of the COVID-19 pandemic.

2. TARIFFS AND CUSTOMS PROCEDURES

2.1 Import licensing scheme modification. Dispositions [No. 29/2020](#) and [No. 30/2020](#) issued by the Under Secretariat of Policy and Trade Management modify the list of products subject to Non Automatic Import Licensing (NAIL). As a result, products classified under 116 tariff positions were excluded from the NAIL scheme, such as hairdryers, TV receptors, videogame consoles, certain steel and iron manufactures, certain mechanical machines and devices, pig meat, certain propylene polymers, styrene polymers, vinyl acetate polymers, ethylene terephthalate, and certain devices for medical use, among others.

In addition, the tariff positions that now require NAILs are the following: 0407.90.00; 0408.11.00; 0408.91.00; 1604.14.10; 1604.20.10; 3105.59.00; 3502.11.00; 3506.91.20; 3506.91.90; 4011.80.90; 4703.21.00; 4802.55.92; 4802.55.99; 4802.56.10; 4802.57.93; 4804.21.00; 4805.19.00; 4805.91.00; 4805.93.00; 4807.00.00; 4810.29.90; 4810.92.90; 4819.30.00; 4823.90.99; 8509.40.10; 8509.40.20; 8509.40.50; 8506.10.10; 9306.21.00 (corresponding mostly to bird's eggs, fish, adhesives, certain articles or paper and paperboard, and certain electro-mechanical domestic appliances among others).

2.2 Export duty exemption for hides and skins. [Decree No. 812/2020](#) extends until 31 December 2020 the export duty exemption for hides and skins established by Decree No. 549/2020, due to a strong decrease in their exports leading to accumulation at the meat processing establishments, caused by the outbreak of the COVID-19 pandemic.

The tariff positions benefiting from the exemption are the following: 4101.20.00, 4101.50.10, 4101.50.20, 4101.50.30, 4101.90.10, 4101.90.20, 4101.90.30 (bovine and equine raw hides and skins); 4102.10.00 (sheep and lambs raw skin with wool on); 4103.90.00 (raw hides and skins n.e.c.).

2.3 Registration of agricultural export operations. [General Resolution No. 4,837/2020](#) issued by the AFIP (Tax Authority) extends the application of General Resolution No. 4,653/2019 to exports of



Bi-Weekly Report – EU Market Access

all agricultural goods with public and notorious prices (as define by Decree No. 862/2019 regulating the Income Tax Law).

It is worth recalling that General Resolution No. 4,563/2019 had established that the “*Declaracion Jurada de Venta al Exterior – DJVE*” (Foreign Sale Affidavit) is a valid way to comply with the registration of export operations of agricultural goods required by the Income Tax Law.

3. TAXES AND FISCAL MEASURES

3.1 Postponement in the payment of export duties for SMEs. [General Resolution No. 4,843/2020](#) issued by AFIP (Tax Authority) extends until 30 November 2020 the provisions of Resolution No. 4,728/2020. This latter Resolution had authorized SMEs to postpone the payment of export duties, by allowing them to use the guarantee of "Sworn declaration of the exporter" provided in General Resolution No. 3,885, even when they have not complied with the payment of these duties.

3.2 Fiscal recess due to COVID-19. [General Resolution No. 4,840/2020](#) issued by AFIP (Tax Authority) establishes an extraordinary fiscal recess between 26 October and 8 November 2020 under the conditions of General Resolution No. 1,983/2020. Consequently, as a general rule, during the fiscal recess the procedural terms shall not be computed.

3.3 Suspension of precautionary measures. [General Resolution No. 4,847/2020](#) issued by AFIP (Tax Authority) extends until 30 November 2020 the suspension of the Tax Authority's right to request to the Courts precautionary measures (for example: the seizure of property) against taxpayers registered as SMEs. This measure is taken with the purpose of helping SMEs to fulfil their tax obligations in the context of the economic crisis caused by the COVID-19 pandemic.

4. COMPETITION AND STATE AID MEASURES (SUBSIDIES)

4.1 Modification to the Law on Knowledge Economy. [Law No. 27,570](#) introduces some modifications to Law No. 27,506 on Knowledge Economy (which had established a programme aimed at the promotion of software, IT, biotechnology, professional services, and creative industry companies, among others, that produce or export services and technology). As such, Law No. 27,570:

- (i) Defines the professional services that may be benefited by the programme. The modified law may only be applicable to: a) legal, accounting, auditing services; b) translation and interpretation services; c) advertising services; d) web, industrial, textile, graphic, editorial design services; e) architectural and engineering services.
- (ii) Establishes stricter requirements to be able to access the programme. Now, the applicant shall prove that 70% of its annual turnover is generated by any of the promoted activities (previously it was only 13%), and comply with at least 2 of the following requirements: a) prove continuous improvements in the quality of its products, services or processes; b) prove investments in employee training or research and development; c) prove exports of goods or services related to the promoted activities of at least 13% of its annual turnover in case of big enterprises (10% in case of SMEs and 4% in case of micro enterprises).



Bi-Weekly Report – EU Market Access

- (iii) Broadens the causes for revocation, incorporating section 15 bis in Law No. 27,506 that sets forth that companies shall lose its benefits for any of the following reasons: a) employee reductions; b) unregistered employees; c) inclusion in the Public Registry of Employers with Labour Sanctions; d) fraudulent practices in order to obtain the benefit or its application.

4.2 Production Programme for the Knowledge Economy. [Resolution No. 240/2020](#) issued by the Secretariat of Industry, Knowledge Economy and Foreign Trade Management creates a “Knowledge Economy Collaborative Production Programme”, with the objective to provide financial assistance to the projects that involve at least two knowledge economy activities included in Law No. 27,506.

The benefited projects may ask for subsidized interest rates or non-reimbursable contributions according to the regulations provided in the Annex of the Resolution.

4.3 Emergency assistance to labour and production. [Decree No. 823/2020](#) extends until 31 December 2020 the validity term of the “Emergency Assistance to Labour and Production Programme”.

It is worth recalling that this programme was created to face the difficulties generated by the COVID-19 outbreak and the extraordinary measures taken by the Government, and provides different financial benefits that affected companies may require.

5. STANDARDS AND TECHNICAL REGULATIONS

5.1 Technical regulation on metrological control of fish. [Resolution No. 451/2020](#) issued by the Secretariat of Domestic Trade incorporates Resolution No. 9/2019 issued by Mercosur’s Common Market Group. This resolution approves the technical regulation on the methodology to perform the metrological control of fish, crustaceans and molluscs, in order to determine the net content.

6. GOVERNMENT PROCUREMENT

No relevant updates to report on.

7. SANITARY AND PHYTOSANITARY (SPS) MEASURES AND AGRICULTURE

No relevant updates to report on.

8. FOREIGN DIRECT INVESTMENT (FDI)

No relevant updates to report on.

9. INTELLECTUAL PROPERTY RIGHTS (IPR)

9.1 Patents and utility models’ registration certificates – digital file. [Resolution No. 168/2020](#) issued by the National Institute of Industrial Property establishes that the certificates of registration that recognize the granting of patents and utility models, the priority documents, and the certificates



Bi-Weekly Report – EU Market Access

that prove the status of a patent and utility model process, will be issued, digitally signed, and incorporated into a digital file.

10. FINANCIAL REGULATIONS

10.1 Regulation on securities transactions. [Resolution No. 862/2020](#) issued by the National Securities Commission modified the holding period (parking) of securities.

In this sense, the parking period is reduced to 3 days for (a) sale transactions of securities with settlement in foreign currency (i.e. “Exit MEP” transactions); (b) transfer of securities with settlement in local currency to offshore depository entities (i.e., “outflow of blue-chip swap transactions”), except for the primary placement of securities issued by the National Treasury, shares and/or CEDEARs; (c) the settlement of transactions of the transferable securities which were transferred from depository entities abroad to depository entities in the country –(i.e. “inflow of blue-chip swap transactions”) in local currency in the local market.

10.2 Regulation on the access to the foreign exchange market. [Communication A 7151](#) issued by the Central Bank of Argentina establishes that the provisions of Communication A 7030 and complimentary regulations on the access to the foreign exchange market shall be in force until 31 December 2020.

11. TRADE AND SUSTAINABLE DEVELOPMENT

No relevant updates to report on.

12. TRADE-RELATED AGREEMENTS

No relevant updates to report on.

13. AGENDA

No relevant updates to report on.

ANNEX - TBT AND SPS NOTIFICATIONS OF ARGENTINA

TBT Notifications

1. [G/TBT/N/ARG/374/Add.3](#) – Notifies the entry into force of Resolution No. 834/2019 on performance and energy efficiency labelling of dishwashers for household use.

2. [G/TBT/N/ARG/373/Add.3](#) – Notifies the entry into force of Resolution No. 795/2020 on energy efficiency labelling for LED lights.

SPS Notifications

No relevant notifications to report on.