**Update of relevant trade-related legislation published from 1 to 15 June 2020[[1]](#footnote-2)**

Contract FWC FPI PSF 2015 - 408258

Technical support to EU Market Access Team and Trade Analysis in Argentina[[2]](#footnote-3)

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# SANITARY EMergency – COVID 19 RELATED MEASURES

**1.1 Extension of the Lockdown Measure.** [Decree No. 520/2020](https://www.boletinoficial.gob.ar/detalleAviso/primera/230245/20200608?busqueda=2) extends the Lockdown Measure established by Decree No.297/2020 until 28 June 2020 in the Metropolitan Area of Buenos Aires (i.e. the City of Buenos Aires and 40 surrounding departments in the Province of Buenos Aires); the department of San Fernando in the Province of Chaco; the departments of Bariloche and General Roca in the Province of Río Negro; the department of Rawson in the Province of Chubut; and the city of Córdoba.

For the rest of the country, the Decree establishes a mandatory Social Distancing Measure, provided that certain conditions are fulfilled. Further to that measure, all the population shall maintain a minimum distance of 2 meters between them, wear face masks, wash their hands regularly, and comply with all current sanitary regulations. Each jurisdiction shall monitor the epidemiological situation and, if the conditions described in the Decree are not met, it shall return to the Lockdown Measure.

In addition, the following activities continue to be forbidden in the entire country:

1. In-person classes in all the levels and modalities of education.
2. Public and private events (social, cultural, sporting, and religious, among others).
3. Opening of shopping malls, cinemas, theatres, gymnasiums, libraries, museums, restaurants, bars, and every other public or private establishments that involve the gathering of people.
4. Public passenger transport services, except for workers exempted from the Lockdown Measure.
5. Tourist activities and opening of public parks.

At the same time, the Decree allows the Ministerial Chief of Staff to authorise new exceptions to the lockdown and social distancing measures in order to resume industrial, services, commercial, sports or recreational activities.

**1.2** **Double compensation for dismissed workers.** [Decree No. 528/2020](https://www.boletinoficial.gob.ar/detalleAviso/primera/230406/20200610) extends for 180 additional days the labour emergency declared by Decree No. 34/2019, during which workers dismissed without cause are entitled to a double compensation.

However, it should be noted that Decree No. 487/2020 (included in the previous report) has extended for 60 days the prohibition to dismiss workers without cause.

**1.3** **Emergency protocol for the transport of goods.** [Joint Resolution No. 4/2020](https://www.boletinoficial.gob.ar/detalleAviso/primera/230540/20200611?busqueda=2), issued by the Ministries of Transport; Home Affairs; Agriculture, Livestock and Fisheries; Security; Health; and the National Migration Directorate, creates the “COVID-19 Emergency Plan for the Transport of Goods and Dangerous Cargoes”. This emergency plan includes hygiene and prevention requirements that shall be met by transporters and control agents in order to minimize the spread of the coronavirus.

# Tariffs and customs procedures

**2.1** **Exemptions to the Composition Affidavit.** [Resolution No. 149/2020](https://www.boletinoficial.gob.ar/detalleAviso/primera/230119/20200603?busqueda=2) issued by the Secretariat of Domestic Trade extends the validity term of Resolution No. 107/2020 for 120 additional days. This latter Resolution exempts some products from the mandatory submission of the “*Declaración Jurada de Composición de Producto -* Composition Affidavit”, in order to facilitate their import in the framework of the COVID-19 pandemic.

The products exempted are those classifiable under the following tariff positions:

1. 6210.10.00: clothing items, made of products classifiable under tariff positions 5602 and 5603.
2. 6307.90.10: textile items n.e.c., of un-woven fabric.
3. 6307.90.90: textile items n.e.c.
4. 6505.00.22: hats, made of synthetic fibres.

**2.2** **Mercosur: special treatment for imported goods.** [Directive No. 20/2020](https://www.mercosur.int/documentos-y-normativa/normativa/) issued by the Mercosur Trade Commission updates the list of imported products that shall be treated as of Mercosur origin, according to Decision No. 37/05 issued by the Mercosur Council. This latter Decision establishes that imported products shall be granted said treatment provided that they comply with Mercosur´s common tariff policy, that is:

1. Products subject to a Common External Tariff of 0%, applicable in all Member States.
2. Products that benefit from a tariff preference of 100% by means of a Trade Agreement, applicable in all Member States.

It should be noted that Decision No. 37/05 issued by the Mercosur Council intends to avoid multiple taxation regarding the application of the Common External Tariff and facilitate the intra*-*Mercosur transit of goods.

# Taxes and fiscal measures

**3.1** **Fiscal recess due to COVID-19**. [General Resolution No. 4,736/2020](https://www.boletinoficial.gob.ar/detalleAviso/primera/230369/20200609) issued by AFIP (Tax Authority) establishes an extraordinary fiscal recess between 8 June 2020 and 28 June 2020 with the conditions of General Resolution No. 1983/2020. Consequently, as a general rule, during the fiscal recess the procedural terms shall not be computed.

**3.2** **Suspension of tax executions.** [General Resolution No. 4,730/2020](https://www.boletinoficial.gob.ar/detalleAviso/primera/230179/20200604?busqueda=2) issued by AFIP (Tax Authority) suspends tax executions until 30 June 2020 in order to facilitate the taxpayers’ compliance with tax obligations. This measure is taken due to the adverse economic situation caused by the COVID-19 pandemic.

**3.3** **Fiscal benefits for essential workers.** [Law No. 27,549](https://www.boletinoficial.gob.ar/detalleAviso/primera/230243/20200608) exempts certain workers from the Income Tax on the salaries earned between 1 March 2020 and 30 September 2020 relating to on-call duty or overtime due to the COVID-19 pandemic.

In this sense, the workers benefited are:

1. Health System´s doctors, technicians, auxiliary and operational personnel.
2. Armed Forces and Police Forces personnel.
3. Migration Activity personnel.
4. Customs personnel.
5. Firefighters and waste collection workers.

In addition, the law created a lifelong pension for the relatives of the workers mentioned above whose death occurs between 1 March 2020 and 30 September 2020 due to COVID-19.

# Competition and state aid measures (subsidies)

**4.1** **New digital procedure for AD investigations**. [Resolution No. 77/2020](https://www.boletinoficial.gob.ar/detalleAviso/primera/230357/20200609) issued by the Secretariat of Industry, Knowledge Economy and External Trade Management establishes a digital procedure for antidumping investigations due to the circulation restrictions of the Lockdown Measure. In this sense, the interested parties shall register a digital domicile to be notified of any resolutions taken during the investigations, and shall send the written submissions to the email addresses mentioned in the Resolution.

# Standards and technical regulations

**5.1** **Suspension of technical regulations**. [Resolution No. 156/2020](https://www.boletinoficial.gob.ar/detalleAviso/primera/230445/20200610?busqueda=2) issued by the Secretariat of Domestic Trade suspends for 180 days the application of the technical regulations on flexible aluminium tubes, steel cables, industrial valves, LED lamps, electric pumps, and dishwashers. This measure is taken due to the lack of certified laboratories capable of testing these products.

# Government Procurement

No relevant updates to report on.

# Sanitary and Phytosanitary (SPS) measures and agriculture

No relevant updates to report on.

# Foreign Direct Investments (FDI)

**8.1 Intervention of agro-export company.** [Decree No. 522/2020](https://www.boletinoficial.gob.ar/suplementos/2020060901NS.pdf) establishes the intervention of the agro-export company VICENTIN S.A.I.C. for 60 days in order to maintain the activities of the company, protect the workers’ positions and preserve its assets.

In addition, the Government has announced that it will send a draft bill to Congress to expropriate the company. The expropriation of the company would imply the active participation of the Government in the agro-export market.

It should be noted that VICENTIN S.A.I.C. is one of the most important agro-export companies in the country. In February 2020, it started a judicial procedure intended to reach a restructuring agreement with its creditors, due to the difficulties it was facing to meet its obligations. Accordingly, the Argentine Government has ordered this intervention as a preventive measure in order to bail out the Company from an eventual bankruptcy or a take-over by a foreign acquiror/ investor. It is likely that the constitutionality of this Decree will be analysed and challenged by the private parties involved.

# Intellectual Property Rights (IPR)

No relevant updates to report on.

# Financial regulations

**10.1 Extension of term to exchange Government Bonds**. [Resolution No. 282/2020](http://servicios.infoleg.gob.ar/infolegInternet/anexos/335000-339999/338801/norma.htm) issued by the Ministry of Economyextends until 19 June 2020 the expiration date of the offer to exchange Government Bonds for the new bonds created by Decree No. 391/2020. The purpose of the measure is to increase the participation of bondholders and to try to achieve the restructuration of the public debt’s sustainability.

It should be noted that the expiration date of the offer has already been extended three times before, by Resolutions No. 221/2020, 243/2020 and 266/2020 issued by the Ministry of Economy.

**10.2** **Regulations on the access to the foreign exchange market**. [Communication A 7042](https://www.bcra.gob.ar/Pdfs/comytexord/A7042.pdf) issued by the Central Bank of Argentina modifies some provisions on the access to the foreign exchange market established in Communications A 7001 and A 7030. Among the most relevant modifications, the following are worth mentioning:

(i) In order to acquire foreign currency, the interested party shall have the prior authorization of the Central Bank, unless all its foreign currency holdings are deposited in local bank accounts and it does not possess more than USD 100,000 worth of liquid external assets available. Previously, Communication A 7030 had established that in order to avoid such prior authorization, the interested party should have all of its foreign currency holdings deposited in local bank accounts and not possess any liquid external assets available.

(ii) Communication A 7030 established that, until 30 June 2020, in order to acquire foreign currency to pay for the import of goods, the interested party shall have the prior authorization of the Central Bank, unless it submits an affidavit stating that the amount of the payments associated with its imports does not exceed the actual amount that the importer would be entitled to, according to the SEPAIMPO System. Now, this restriction shall not be applicable to the payment of imports of goods classifiable under Chapters 30 and 31 of the Mercosur Common Nomenclature, and of inputs destined to the production of medicines.

# Trade and Sustainable Development

**11.1** **Energy efficiency label for automobiles.** [Resolution No. 193/2020](https://www.boletinoficial.gob.ar/detalleAviso/primera/230356/20200609) issued by the Ministry of Environment and Sustainable Development extends for 6 months the implementation periods of several provisions of Resolution No. 85/2018 issued by the former Secretariat of Environment and Sustainable Development. This later Resolution establishes, among other minor provisions, that manufacturers and importers of automobiles shall exhibit them with an Energy Efficiency Label according to Standard IRAM-AITA 10274.

# Trade-related agreements

No relevant updates to report on.

# Agenda

No relevant updates to report on.

# ANNEX - TBT and SPS notifications of Argentina

**TBT Notifications**

**1.** [G/TBT/N/ARG/392](https://www.epingalert.org/en#/details/80825) – Notifies a draft resolution, prepared by the National Food Commission (CONAL), that updates existing requirements concerning the treatment and labelling of foods preserved in both vinegar and oil.

**2.** [G/TBT/N/ARG/393](https://www.epingalert.org/en#/details/80849) – Notifies a draft resolution, prepared by the National Food Commission (CONAL), which includes processing and labelling requirements for maize (corn) flour made from varieties that are grown and marketed in the country.

**3.** [G/TBT/N/ARG/394](https://www.epingalert.org/en#/details/80850) – Notifies a draft resolution, prepared by the National Food Commission (CONAL), that incorporates the *kombucha* beverage to the Food Code. The draft text defines the beverage and establishes manufacturing and labeling requirements.

**4.** [G/TBT/N/ARG/397](https://www.epingalert.org/en#/details/80851) – Notifies a draft resolution, prepared by the National Food Commission (CONAL), that incorporates other types of mushrooms and truffles to the list of edible mushrooms described in the Food Code.

**5.** [G/TBT/N/ARG/395](https://www.epingalert.org/en#/details/80852) – Notifies a draft resolution, prepared by the National Food Commission (CONAL), that modifies the list of bitter substances forbidden in the food industry. In this sense, wormwood, aloe and rue are eliminated from the list of forbidden substances.

**6.** [G/TBT/N/ARG/396](https://www.epingalert.org/en#/details/80853) – Notifies a draft resolution, prepared by the National Food Commission (CONAL), that includes the following substances as ingredients that may be use in dietary supplements: lutein, zeaxanthin, resveratrol, Q10 coenzyme and lycopene.

**SPS Notifications**

**1.** [G/SPS/N/ARG/237](https://www.epingalert.org/en#/details/80877) – Notifies a project that establishes phytosanitary requirements for ships that have sailed from or stayed in areas with presence of *lymantria dispar japonica* and *lymantria dispar asiatica* in the last 24 months, counted from the arrival of the ship to the Argentine port. The project states that the ships shall posses a Certificate of “Free of *lymantria dispar japonica* and *lymantria dispar asiatica*”, issued by the Phytosanitary Authority of the country where they last sailed from or stayed.

**2.** [G/SPS/N/ARG/238](https://www.epingalert.org/en#/details/80925) – Notifies the addition of new pests to the phytosanitary import requirements for grains intended for consumption of certain plant species, coming from countries where the pests detailed there are present. The added pests are Callosobruchus chinensis, Callosobruchus maculatus, Callosobruchus phaseoli, Corcyra cephalonica, Prostephanus truncatus and Trogoderma granarium.

**3.** [G/SPS/N/ARG/239](https://www.epingalert.org/en#/details/80948) – Notifies the phytosanitary requirements agreed with the Phytosanitary Authority of Spain regarding the imports of vegetative propagating material of the species Dianthus spp, Gerbera spp y Limonium spp, originating in Spain.

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.* [↑](#footnote-ref-2)
2. *The team implementing the project is composed of: Augusto Vechio, Facundo Perez Aznar and Camila Corvalán.* [↑](#footnote-ref-3)