

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

VAL/1/Add.22/Suppl.3

24 May 1993

Special Distribution

Committee on Customs Valuation

Original: Spanish

INFORMATION ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

Legislation of Argentina

Supplement

The following communication, dated 3 May 1993, has been received from the Permanent Delegation of Argentina.

I have the pleasure to transmit herewith several legislative texts adopted in the Argentine Republic which concern the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade.

These texts are of interest to the Committee on Customs Valuation and are transmitted for examination in the normal manner.

The following documents are attached hereto:*

National Customs Administration Resolutions Nos. 1166/92, 1649/92 and 1790/92.

* English and Spanish only

RESOLUTION NO. 1166/92 (ANA)

Import Clearance for Home Use

Approval of Criteria for Selective Physical Inspection and
Checking of Documentation

Buenos Aires, 20 July 1992

HAVING REGARD to Resolution No. 2439/91 (BANA 84/91) and to Circular Telex 632/91, and,

WHEREAS:

Until the definitive computerized selection criteria for the physical inspection and checking of documentation of imported goods are established, it is expedient to implement a transition, global system of physical verification and inspection of documents using random and/or systematic codes.

To that end, an overriding consideration has been the need to initiate the adaptation of existing structures in order to gear them towards the future implementation of the "MARIA" computerized system.

It is considered necessary for such inspections to be conducted by a single customs official, who shall be fully responsible for the approval or otherwise of the customs clearance operation, with the supervision and support of his superiors.

Reliability of customs clearance also being a principal consideration underlying the system of selectiveness, it is also necessary to increase monitoring of goods and their importation subsequent to release from customs, by installing more customs facilities outside the Primary Zone.

Despite the comprehensive nature of this Resolution, it is deemed necessary that goods shipped from abroad subsequent to the date of registration of the import clearance document should additionally be subjected to a system of selectivity based on the arrival of the means of transport.

Based on the concept established by the Customs Cooperation Council in its HANDBOOK ON CUSTOMS VALUATION CONTROLS, the Technical Valuation Department shall constitute the central system for the valuation of goods and shall assume overall responsibility for valuation and verification subsequent to importation for valuation purposes, to which end it shall identify and select dubious customs declarations and verify the declared value. Based on this and mindful of the need to ensure flexibility and to avoid delays in commercial operations, the Technical Unit for Verification and Valuation (UTVV) shall make a summary check of the value declared for import clearance to see whether it is in line with business practices in the branch of the industry concerned and with the value of identical or similar goods.

In the exercise of the powers conferred by Article 23 (f) of
Law No. 22415,

The National Customs Administrator

Decides the Following:

Article 1 - The criteria for selective physical inspection and checking of documents for the customs clearance of imports contained in ANNEX 1 of this Resolution, are hereby approved.

Article 2 - Import clearance operations shall be guided by the provisions of paragraph 5 of ANNEX 1 of Resolution 2439/91.

The functions of the UTVV shall be vested in a Verifying Officer, who shall be responsible for physical inspection and verification of documents in customs clearance operations. For these purposes, the Technical Import Services shall be merged with the Import Verification Division to form the UTVV, which shall carry out all the functions connected to the aforementioned. Classification and valuation officers of the technical services shall assume the functions of the UTVV, assisted by cross-checkers.

Customs Administrators shall take the requisite measures in terms of personnel, facilities and physical location within their respective jurisdictions to enable the UTVVs to process import clearances in one day. Such measures shall therefore be conceived bearing in mind the aim of assigning a reasonable daily number of clearances to each UTVV so as to make possible a thorough inspection of each shipment.

The UTVVs shall be deployed as necessary within the different sections, supervised by a Head of Section (or by a Head of Division at local customs offices).

Article 3 - (1) GREEN CHANNEL: In the case of clearances which, by virtue of selectivity, are not subject to mandatory inspection and verification of documents, the second copy (parcial 2) together with the payment voucher shall be handed directly to the party concerned, who will submit it to the officer responsible for delivery and withdraw the goods from customs.

(2) AMBER CHANNEL: "Inspection of documents only".

Shipments involving special circumstances such as quotas, special permits, security requirements, etc. or those declaring tariff levels different from those of the general régime shall be subject to the relevant documentary check before the copies are detached from the main customs clearance document. Under this procedure, once the clearance documents have been photocopied, they shall be addressed to the pertinent UTVV documents inspection section which will ascertain the presence of all supplementary documentation and that it reliably corroborates the accuracy

of the declared tariff level. The UTVV will also take the appropriate action in cases of special permits, securities, etc.

Once it has completed its work, it shall deliver to the interested party Copy No. 2 (parcial 2) of the original clearance document together with a payment voucher and shall then forward the file to the Registry.

(3) RED CHANNEL: Customs clearance documents that require physical inspection and verification of documents shall be photocopied and transmitted to the UTVV of the section concerned, (if various sections are concerned, that with the highest documented f.o.b. value shall be chosen), which shall thereafter be entirely responsible for the inspection of documents and physical verification of all the merchandise.

To carry out its functions, a UTVV may call on auxiliary personnel who will be detailed to it, for the inspection of documents and for physical verification (counting, weighing, measuring), and may also request the signatures of other UTVVs if it so deems necessary. Nevertheless, it shall remain responsible for the clearance operation.

The Heads of Section shall decide on the means necessary for handling additional clearance operations directed to them, bearing in mind the provisions of Article 2 aimed at an improved distribution of clearance operations among the UTVVs available. They shall likewise endeavour to hold weekly meetings of sections in order to share information among the UTVVs.

UTVV intervention in the form of inspection of documents shall be noted on copies 1 and 2 (parciales 1 and 2) of the customs clearance document. Once the documents have been checked and the correct payment verified, the UTVV shall detach parcial 2 with the payment voucher and proceed to the physical inspection of the goods. If satisfied, it shall authorize the release of the goods as provided for in paragraphs 8 and 9 of Annex 1 of Resolution 2439/91.

(4) DESTINATION OF THE ENVELOPE CONTAINING THE CUSTOMS CLEARANCE DOCUMENT

After detaching parcial 2 for physical verification, the UTVV shall direct the envelope containing the clearance document as follows:

4.1 - Buenos Aires Customs

After physical verification, the UTVV shall cross-check with the bill of lading where applicable, and shall then transmit the envelope with the clearance document to the Technical Valuation Department - Analysis and Information Division, with any observations it may have concerning documented values.

4.2 - Other customs offices

The envelope containing the clearance document shall be kept by the UTVV until receipt of parcial 2 with the certificates of delivery, which it

shall cross-check with the bill of lading if appropriate. Upon receipt of the parcial 2, it shall transmit the envelope with the clearance document to the Technical Valuation Department. Customs Administrators shall take the steps necessary so that files may be transferred on the first working day of the week following the release of the goods.

In cases where the UTVV arranges for verification outside of the primary zone in accordance with sub-paragraph 7(c) of Annex I of Resolution 2439/91, the goods shall be released under cover of an application for transfer, though remaining in customs custody, except where it is possible to affix a seal on the container or on the means of transport, to remain in place up to and while at the point of storage. In such a case the importer becomes the bona fide bailee without right of use, effectively assuming the obligations arising from Articles 261 and 263 of the Criminal Code. Verification shall be carried out within twenty-four hours.

In all customs jurisdictions, the principal UTVV offices shall make a record of the verifications to be done outside of the primary zone, showing the particulars of the officer responsible for verification, clearance operation, goods, importer, customs officer and place, date and time of the verification to be done, for the information of the Secretariat for Inspection, Customs Police Department. Should computerized facilities be available for this purpose, they may be used, subject to harmonization with the Information Analysis and Processing Division of the Customs Police Department. Parcial 2, together with certificates of verification shall be placed in the envelope containing the clearance document, prior to its transmission to the Analysis and Information Division of the Technical Valuation Department.

The UTVVs shall make up a daily sheet containing the information required by the Information Analysis and Processing Division of the Customs Police Department, for submission to the latter by the Administrator of each customs office.

The Customs Offices shall in all cases forward the processed parcial 2 forms to the Registry.

The main Registry shall supervise the weekly transfer of customs clearance files to the archives and shall report through the appropriate channels to the Information Analysis and Processing Division of the Customs Police Department, on files for which receipt of the processed parcial 2 forms is more than thirty days overdue. The main Registry shall also keep an up-to-date record of files that are currently outside the section because of guarantee requirements or for other reasons.

Article 4 - The Secretariat for Inspection shall be empowered to order the inspection of customs clearance operations as it deems fit, and may circumvent pre-established codes, within or outside of the primary customs area, irrespective of the clearance channel used.

Article 5 - The customs official responsible for documenting the goods mentioned in Annex I, paragraph 3, shall place in the appropriate section of Form. OM 680 "A", cover page, the words "MANDATORY VERIFICATION" Code 09. On the envelope, Form. OM 1000, he shall also place the words "MANDATORY VERIFICATION" in a highly visible manner, either handwritten or in the form of a stamp, in the lower right-hand section (under the title "additions").

Failure to do this shall be sanctioned under Articles 47 and 100 of Law 22,415. Nevertheless, such failure may be corrected by the person submitting the documentation, before the Customs Service authorizes the release of the goods. Should the goods be released without due inspection by the Technical Verification and Valuation Unit, the provisions of Article 864 of the Customs Code shall apply.

Where goods not covered under Annex I, paragraph 3 are documented, the Verification Code 00, in accordance with Table 5 of Annex IV of Resolution 2203/82, shall be affixed to the cover page, Form. OM 680 A.

Where foodstuffs prepared for direct sale to the public and food additives are documented, the requirements set out in Annex II shall be met.

Article 6 - Verification and inspection of documents shall be conducted in keeping with the guidelines set out in paragraph 7, Annex I of Resolution 2439/91, and the UTVV shall take responsibility, which may not be delegated, for the entirety of the shipment as regards approval of the tariff heading, kind, quality, weight, quantity and any other criterion envisaged in Article 234 of the Customs Code, without exception. As regards value, the UTVV shall carry out a brief check of the value declared in the clearance document, observing the following procedure:

- (a) Value without observations: Release approved.
- (b) Value with observations: Without halting the customs clearance procedure, it shall place on parcial 2 the inscription "Value with observations", handing it to the party concerned and shall then place its observations on parcial 1, sending the envelope containing the customs clearance documentation to the Technical Valuation Department, together with a note setting out the grounds for the observations made concerning declared value. If on the basis of those observations the Department makes a challenge under Article 1080 et seq. of the Customs Code, the UTVV shall be co-complainant under the terms of Law 23,993.
- (c) Founded suspicion of fraudulent value:

When the inspecting official has sufficient evidence to suspect fraud, he shall suspend the clearance procedure, based on the provisions of Article 1080 et seq. of the Customs Code, and shall report the matter to the Technical Valuation Department.

Within five days of receipt of the customs clearance file, this Department must take one of the following measures:

1. Approve the documented value, in which case it shall remit the customs clearance file to the Registry.
2. Suspend determination of value, and, if appropriate, require a guarantee for the difference between the amounts payable ensuing from the difference in the observed value, and carry out the relevant enquiries to determine the definitive value. To that end it may reach an understanding with the importer under the terms of the Agreement on Implementation of Article 7 of GATT.
3. Determine the value, establish the pertinent charges and forward the customs clearance file to the Assessment Section of the Import Division or its equivalent in local customs offices for the purpose of notification and collection of the relevant sums.
4. File a complaint under the terms of Article 1080 et seq. of the Customs Code in regard to any presumed irregularities.

Article 7 - The customs official - Head of Section - who designates the dispatching officer, shall follow one of the procedures hereunder:

- (a) In the case of mandatory verification, he shall check parcial 2 for evidence of UTVV intervention, before the onward transmission of the clearance document.
- (b) When he must transmit customs clearance documents that by virtue of selectivity, were not subject to UTVV intervention, he shall note that fact by listing the payments and entering the words "NO VERIFICATION", together with his seal and signature, when transmitting parcial 2 to the dispatching officer.

In both cases, the dispatching officer intervening in the primary customs area shall confine himself solely to issuing the certificate of release, checking only the number of packages, without need of opening them and without responsibility for their content and weight. If the clearance operation did not involve UTVV intervention, the despatching officer shall enter the words "NO VERIFICATION" on the certificate of release, without prejudice to the powers conferred upon him by Article 1080 et seq. of the Customs Code.

1. Nevertheless, for customs clearance documents covering the goods indicated in sub-paragraphs 1.1 and 1.2 hereunder, in the absence of UTVV verification, the dispatching officer shall proceed as follows:

- 1.1 When he must dispatch foodstuffs put up for direct sale to the public and food additives, he shall perform the function of the verifying officer by placing a seal on the external packaging of up to 2 per cent of the packages covered by Annex II, taking the appropriate precautions to that end; and
 - 1.2 In all cases of imports of products of animal or vegetable origin, or their by-products or derivatives, not put up for direct sale to the public or products that require special treatment, such as fumigation for example, he shall require evidence of action by SENASA, IASCAV or the authorized body, prior to their release. Once the parcial 2 has been processed by the dispatcher and the other relevant formalities have been completed, it shall be transmitted to the relevant customs office for the formalities set out in Article 3.
2. When the dispatcher must clear goods requiring identification by means of stamps, he shall proceed as follows:
 - 2.1 If the UTTV has intervened in the clearance operation, the dispatching officer shall indicate on parcial 7 the result of verification of the presence of the required number of stamps.
 - 2.2 In the absence of UTVV intervention, the number of units declared in the clearance document shall be used as the basis. For that purpose, the subsequent verification of the stamps provided for in Resolution 2522/87 shall take the form of a meticulous inspection of quantities.
3. In the case of goods arriving from bordering countries by air, river or land, as well as for those that have been shipped from abroad subsequent to the date of registration of the customs clearance document, and when by virtue of selectivity no mandatory physical verification (red channel) has been required, the dispatching officer shall conduct a general inspection of the goods, based on the following procedure:
 - 3.1 He shall inspect the lorries of which the final digit of the licence-plate number of the cargo container coincides with the customs codes of the day of submission of the clearance document and of the day of actual arrival of the lorry.
 - 3.2 Entry by rail truck: The same procedure as in sub-paragraph 3.1 shall be followed, based on the final digit of the rail truck's number.

- 3.3 Entry by river: The same procedure outlined in sub-paragraph 3.1 shall be observed, based on the final number of the bill of lading.
- 3.4 Entry by air: The procedure outlined in sub-paragraph 3.1 shall be followed based on the final digit of the way bill number.

For the above purpose, the customs administrator in the jurisdiction of the Buenos Aires and Ezeiza Customs shall establish a daily code which shall also be used in the other customs offices for verification based on selectivity (Annex I). The Administrators shall arrange for daily double-checking.

Article 8 - The present system of selective verification shall become effective on a trial basis in the jurisdiction of the Ezeiza Customs as of 1 September 1992 and in the remaining customs offices as of 1 October 1992.

Customs Administrators shall take the appropriate steps to implement the present Resolution and shall transmit to the Secretariat for Inspection, Information Analysis and Processing Division of the Customs Police Department, prior to its effective date, any relevant instructions for the adaptation of the system. In the case of customs offices where import clearance documents are not registered, the Administrator may request, through the Secretariat for Local Customs Offices, that they be exempted from the use of the daily import codes indicated in Annex I.

The Committee of Secretaries mentioned in Annex I shall examine and decide on the request.

The Secretariat for Inspection shall determine on the data to be requested of all customs offices for the purpose of evaluating the changes necessary, in the light of the number of customs clearance documents presented, the number of verifications and of any other new elements arising in regard to classification, valuation, infringements, etc., for the specific purposes of the Information Analysis and Processing Division of the Customs Police Department. In respect of local customs offices, this task shall be carried out in co-ordination with the Secretariat for Local Customs Offices.

Article 9 - The Organization and Methods Division shall effect the changes to the Organizational Structure arising from the procedural regulations approved by the present Resolution, by deploying activities and staff to the relevant departments.

Article 10 - The Informatics Department shall make the necessary arrangements so that tariff rates can be monitored in the case of direct entry of customs clearance documents, and the Technical Department of Nomenclature and Tariff Classification shall be responsible for updating them on an ongoing basis.

Article 11 - ANA Resolutions Nos. 1244/83, 2641/87 and all provisions contrary to the present Resolution shall be repealed as of the effective dates of this Resolution set forth in Article 8 above.

Article 12 - Existing application forms for customs clearance of goods under the DIS and DIRE systems may continue in use until 31 December 1992.

Article 13 - Usual closing formulae.

Note: The above Resolution No. 1166/92 (ANA) was published in the Official Gazette of 24 July 1992.

ANNEX I

1. Random selection

In the Customs jurisdictions of Buenos Aires and Ezeiza and those which in future may be linked to the central computerized system for the purposes of the issue of Payment Certificates, the system shall select the appropriate channels, in accordance with the data contained on the aforementioned Payment Certificates.

In such cases, the customs official processing the clearance documentation shall affix a stamp with the wording: RED CHANNEL - "MANDATORY VERIFICATION" or AMBER CHANNEL - "INSPECTION OF DOCUMENTS" -, together with a stamp indicating which of the channels is to be taken.

In the Buenos Aires Customs jurisdiction, the computerized system shall also select some Customs clearance documents that will appear with the title "MANDATORY VERIFICATION" on the payment schedule sent to the port areas, although that inscription did not appear on the Payment Certificate itself.

In anticipation of such cases, the party concerned should check the Payments Schedule before arranging for the release of the goods.

If at the time of release the Payment Schedule indicates mandatory verification, the Customs agent shall request the UTVV to provide a verifying officer from the relevant section who will proceed in accordance with paragraph 16 of Annex I of Resolution 2439/91, conducting a subsequent inspection of documents.

The same procedure shall be followed when, for reasons of urgency, the customs agent requests permission to disperse with the requisite twenty-four hour period and to release the goods without the Payment Schedule. The authorizing customs official shall enter on parcial 2 the words "MANDATORY VERIFICATION PARAGRAPH 16 ANNEX I RES. 2439/91", and deliver it to the party concerned. The UTVV responsible for carrying out the physical verification of the goods shall conduct a subsequent inspection of the Customs clearance documents.

In Customs jurisdictions that have no link-up to the computerized Customs system but which must apply the present system of selection, the Secretariat for Inspection shall determine an algorithmic formula for each Customs office, confidential to that office and modifiable only by the above Secretariat for Inspection. Under this formula, the Administrator of each Customs office shall determine a daily code number between 0 and 9 (both numbers inclusive).

At the end of each day, the Customs Administrator shall deposit with the Registry a sealed envelope containing the code to be used for Customs clearance documents processed on the following day, those whose final digit coincides with the day's code being subject to verification. At the start of the following day the Registry shall deliver the envelope to the Main UTVV Office which will note the code in a book kept for that purpose. On the first working day of each week, the Customs Administrator shall, through the Secretariat for Local Customs Offices, transmit the daily codes used for the preceding week to the Information Analysis and Processing Department of the Customs Police Department for monitoring.

The wording "RED CHANNEL - MANDATORY VERIFICATION" - shall be affixed by the UTVV customs official on the envelope (FORM. OM 1000) containing the Customs clearance document and on the cover page of the Customs clearance document, with a signature and seal, before it is photocopied. In Customs offices that have no photocopying facilities, the title shall be placed on the cover page of the clearance document and on parcial 1 and parcial 2.

The UTVV Head Office shall submit the other Customs clearance documents not channelled via the Red Channel to the appropriate documentary inspection (Amber Channel).

Customs Administrators may take special measures for the delivery of goods when release may be hampered by a breakdown in the computer system, in which case they will request instructions as to selection from the Information Analysis and Processing Division of the Customs Police Department.

2. Selection by tariff position

A Commission shall be set up, composed of the Secretaries for Inspection, Local Customs Offices, the Metropolitan Area and Technical Services, assisted by the Information Analysis and Processing Division of the Customs Police Department.

The Secretaries or their alternates shall meet weekly in order to decide on the appropriate tariff items to be entered into the computerized system and on the changes to be made, and shall submit these for the consideration of the National Administrator.

The first entry of tariff items into the computerized system shall be decided by the Commission based on information received to date from the different technical and operational areas.

Until the Information Analysis and Processing Division of the Customs Police Department has the means of directly inputting information to the computerized system, the decision of the Commission shall be transmitted confidentially to the Informatics Department for entry into the system.

Modifications shall be carried out based on an evaluation of suggestions and comments submitted by the Information Analysis and Processing Division of the Customs Police Department and by any of the

Secretariats. The list of additions and deletions that must be entered into the computerized system shall be kept on record.

For reasons of urgency, the Secretariat for Inspection may, on its own responsibility or at the request of other Secretariats, decide on new additions and may enter them into the system. The first meeting of Secretaries shall decide on the continued application of such additions, and shall thereafter act accordingly.

To arrive at the percentage for selective verification set by higher authority with a view to streamlining operations with the computerized system (MARIA), the Secretaries shall decide on the gradual deletion of tariff items as appropriate.

After the first decision as to additions and deletions, subsequent decisions shall be taken in weekly meetings of the Secretaries, although the Secretary for Inspection will retain the emergency powers indicated above.

In keeping with its terms of reference, the Information Analysis and Processing Division of the Customs Police Department shall gather all necessary information from the other areas of the National Customs Administration via the pertinent channels and shall also receive from third parties any information deemed relevant.

Once the information has been processed, the Division shall draw up a list of the additions and deletions of tariff items for submission to the Secretary for Inspection, who will make an appraisal in respect of urgent additions, submitting his findings to the next weekly meeting of Secretaries.

He shall indicate the percentage of mandatory verification corresponding to each customs office in accordance with the total number of customs clearance operations submitted.

He shall report on any new developments emerging from verifications, with reference to the number of verifications and infringements reported.

He shall also report on the importation of unusual goods into local customs offices, which may be subject to special surveillance.

Lastly, he shall implement and subsequently monitor the decisions of the Commission, making the arrangements necessary for that purpose.

In the customs jurisdictions of Buenos Aires and Ezeiza and those which in future may be linked to the central computerized system for the purposes inter alia of the issue of Payment Certificates, the wording "MANDATORY VERIFICATION" shall appear on the Payment Certificates.

In such cases, the customs official processing the clearance documentation shall affix the wording - "MANDATORY VERIFICATION" - together with his signature and stamp, to the envelope cover page containing the clearance document (Form OM 1000) and shall transmit the clearance operation to the UTVV.

In customs jurisdictions that are not linked to the above-mentioned computerized system but which must apply the present method of selection, the Commission will communicate the tariff items subject to mandatory verification and these shall be kept confidentially at the Main UTVV Offices for day-to-day use.

At the other customs offices, the UTVV customs agent shall affix the wording "MANDATORY VERIFICATION" on the envelope (Form OM 1000) and on the cover page of the customs clearance document, together with his signature and seal, before photocopies are made. At customs offices that have no photocopying facilities, the inscription shall be made on the cover page of the clearance document and on parciales 1 and 2.

3. Selection based on goods and special treatment

1. Manufacturing residues and waste in general

ANNEX II

In keeping with Articles 22, 23, 31 and 32 of Decree 2284/91, the following inspection procedures apply to:

- (a) the importation of foodstuffs put up for direct sale to the public and food additives.

The Customs Service shall authorize the delivery of goods from the means of transport or from the warehouse where they are stored once the importer has made the following sworn declaration in the customs clearance document:

"I undertake to be bona fide bailee of the goods declared, without right of use, and to prevent the deterioration or contamination, until such time as the health authority authorizes their consumption, these goods being stored at the following address:

Street _____
No. _____ in the city of _____
Province _____ P.O. Box _____

I further undertake to present documentary evidence of such authorization to the Customs Service, within five (5) days of its issue."

On this basis, the intervening officer shall, in lieu of taking samples, seal the external packagings of up to 2 per cent of the packages in such a way that the content cannot be removed without breaking the seal, which must show the number, year and customs office and shall be signed by the responsible verifying officer and by the dispatching official concerned. Together with the rest of the shipment, those packages shall remain at the disposal of the health authority at the address declared in the customs clearance document.

For each clearance operation, the importer shall store separately those goods awaiting health clearance; arrange directly with the health authority for its intervention on its own terms, to carry out the checks in respect of hygiene, health and fitness for consumption; and bear all costs arising in this connection. To that end, he shall present the documentation mentioned in Article 4, Section V, of Decree 2126/71, as amended by Decree 2092/91 (O.G. 15.10.91), to the health authority.

When the goods show obvious signs of deterioration, the verifying officer shall arrange for their transfer to a bonded warehouse.

- (b) Imports withdrawn without the right of use prior to the present Resolution shall be subject to its provisions. Consequently, importers shall arrange directly for the intervention of the relevant health authority, and withdraw from their current place of storage the samples taken previously.
- (c) For the importation of products of animal or vegetable origin, and their by-products or derivatives, that are not put up for direct sale to the public, the intervention of SENSA or of LASCAV shall be required without exception, prior to the release of the goods.
- (d) The taking of samples for the purposes of classification and valuation shall be done in accordance with the rules in force.

RESOLUTION NO. 1649/92 (ANAU)

Valuation (Imports). Amendment of Rules

Buenos Aires, 10 September 1992

HAVING REGARD to Resolution No. 1166/92 (GUIA 427, page 13357) (RG) BANA No. 46/92, and

WHEREAS:

It is necessary to establish the mechanisms by which the Technical Valuation Division shall carry out its work of verifying and determining the value of goods being imported for consumption.

The regulations in force to date must therefore be harmonized with and adapted to the rules concerning the verification of value, based on the criteria of selectivity contained in Resolution No. 1166/92.

In the exercise of the powers conferred in Article 23, (i) of Law 22,415

The National Customs Administrator

Decides the Following:

Article 1 Annex VII to Resolution No. 2778/87 (GUIA 371, page 10830) (BANA No. 207/87), amended by Resolution No. 2779/90 (GUIA 407, page 12431) (BANA No. 162/90) and 468/91 (BANA No. 025/91) shall be replaced by the following:

ANNEX VII

Once the customs clearance files have been received by the Analysis and Information Division of the Technical Valuation Department, in keeping with the provisions of Article 6 of Resolution 1166/92, it shall:

- 1.1 Register the respective files by customs clearance document number, name of importer, registration number, the intervening customs office and the number of the channel followed.
- 1.2 Direct the files to the respective valuation services based on their specialization by branch, and record this fact in the register mentioned in paragraph 1.1
- 1.3 Once the customs clearance file has been received by the corresponding valuation service, it shall, within five (5) working days, adopt one of the following measures, which shall also be noted in the register mentioned in sub-paragraph 1.1
 - 1.3.1 Approve the documented value: This shall then be recorded on the clearance document (cover page and parcial 1 and 2), in the form of a signature and stamp indicating the verifying officer on the back of the documents mentioned, under the heading "Value Approved". It shall subsequently transmit the file to the Buenos Aires Customs Registry or to its equivalent at local customs offices.
 - 1.3.2 Suspend the documented value: a security may be requested to cover the difference in value observed. This shall be noted by stamping the back of the cover page of the customs clearance document and parciales 1 and 2, together with a justificatory report concerning the reason for suspending the value and for requesting a security, where applicable.

If the suspension does not require a security, the customs clearance file shall be sent to the Analysis Division for examination.

If the cause of suspension is based solely on the existence of a relationship between the importer and the exporter within the meaning of Article 15:4 of the General Agreement on Tariffs and Trade (Law 23,311) the Division shall not request a security but shall merely indicate that fact without making the report mentioned above, and forward the customs clearance file to the Valuation Division for examination.

If as a result of the suspension a security is required, the percentage of that security and the basis for its calculation will be recorded by the intervening service on the main import clearance document and on parciales 1 and 2. The file shall then be transmitted to the Imports Division - Assessment Section, of the Buenos Aires Customs or to equivalent departments at local customs offices so that they may proceed with the calculation of the security and request its deposit in one of the forms authorized by law, in keeping with the system established by Resolution No. 4744/81 (BANA No. 236/81) within five days of such notification.

Once the security has been lodged, the import clearance file, with documentation of this fact shall be returned to the Analysis and Information Division of the Technical Valuation Department for the relevant study.

Should the importer fail to provide the security required within the above-mentioned period, the import clearance file shall then also be forwarded to the Analysis and Information Division which, without prejudice to the continued investigation of documented value, shall take the necessary steps in the relevant areas with a view to the suspension of the importer from the Register of Importers and Exporters, and initiate the relevant enquiries in keeping with Articles 100 and 994(b) of the Customs Code. It shall so inform the Commission created under Resolution No. 1166/92.

In cases where value has been suspended, the Technical Valuation Department shall assess the desirability of action by the Revenue Department.

Likewise, the Analysis and Information Division shall keep a register of securities lodged and their expiry dates.

Such securities shall be deposited for a period of 180 days from the date of payment, although this period may be extended once by the above Division on its own initiative for a further 180 days, if necessary for the purposes of the enquiry. The party submitting the clearance documents shall be notified accordingly. If the security has not been extended by the Division, it shall be automatically released and made available to the parties concerned, who may request its refund by submitting the relevant form OM 1190 "A" to the Division of Analysis and Information.

1.3.3 Adjust the value as appropriate, establishing the relevant charges in such cases, based on the provisions of Article 6, sub-paragraph 3 of Resolution No. 1166/92.

1.3.4 File a complaint under Article 10.82 and other relevant provisions of the Customs Code concerning presumed irregularities observed based on available studies of

identical or similar goods and/or when there are grounds for considering the declared values to be manifestly at variance with economic reality and to be unacceptable as a reflection of the real transaction value, in the light of the nature, kind, quality, quantity, origin, etc., of the goods.

In such cases, the complaint shall be filed by the Main Technical Valuation Department, which shall transmit to the Disputes Section of the Secretariat for Metropolitan Areas (for import clearance documents registered at the Buenos Aires and Ezeiza customs), or to the Administrator of the customs office where the clearance document is registered (files registered at local customs offices) for the purposes of the application of Article 1087 of the Customs Code, on grounds or presumed infringement of Article 954 of that same Code. In cases where Article 864 of the Customs Code applies, the complaint shall be addressed to the Secretariat for Inspection, Customs Police Department.

- 1.3.5 Intervention of the Directorate-General for Revenue: The Head of the Disputes Section, the Administrator of the Local Customs Office or, as appropriate, the Secretariat for Inspection (in preventive enquiries) in cases where investigations are initiated, shall, within forty-eight hours and observing the prescribed procedures, send a copy of the Customs clearance document to the branch of the Directorate-General for Revenue in the relevant customs jurisdiction so that it may note the values declared by the importer and determine the implications of those values for the amounts payable to it and, where appropriate, initiate the enquiries it deems necessary under the Criminal Tax Law (Law 23,771).

Despite the initiation of an enquiry, the importer may apply to the authority receiving the complaint for the release of the goods subject to security, in conformity with Article 13 of Law 23,311 and Article 453 of Law 22,415. The request may be granted, except where the enquiry has been initiated on account of presumed irregularities as provided for and punished under Article 864 of the Customs Code.

- 1.3.6 Publication of measures concerning import clearance documents by the Technical Valuation Department: The Analysis and Information Division shall, within the five-day period stipulated in Article 6 of Resolution 1166/92 publish on a daily basis the measures taken concerning each Customs clearance document received, for the information of the interested parties. This will be done by means of lists displayed in a visible place in the Technical Valuation Department and in the Customs Agents' Room, on the ground floor of the main building of the National Customs Administration.

With regard to operations registered at local customs offices, the Analysis and Information Division shall, on a weekly basis, compile the relevant information which it shall send to these offices through the Secretariat for Local Customs Offices, to be displayed at the customs office concerned.

Article 2 - The text of Annex XIII of Resolution No. 2778/87, amended by Resolutions Nos. 2779/90 and 468/91, shall be replaced by the following:

ANNEX XIII

- (a) For the purpose of Annex VII to this Resolution, the Technical Valuation Department shall carry out the enquiries referred to in Article 17 of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade and paragraph 7 of its Protocol, adopted in Law No. 23,311.
- (b) For this purpose the importer shall be requested to provide all the elements necessary to establish the accuracy of the values declared, as it is up to the party submitting the documentation to provide such information, pursuant to Advisory Opinion No. 19.1, given by the Customs Co-operation Council at the fifteenth meeting of the Technical Valuation Committee.
- (c) In adopting any of the measures provided for in Article 6 of Resolution No. 1166/92, the Valuation Services of the Analysis and Information Division may seek the full co-operation of the Importer by requiring him to submit quotations, catalogues, brochures, price lists and commercial technical publications, etc.
- (d) If necessary, they may:
 - (1) Submit for the signature of the National Administrator, through the Technical Valuation Department, a request to the Customs Service of the country from which the goods are shipped for an authenticated copy of the customs document by which it authorized the exportation of the goods to our country, seeking the assistance of the Argentine Foreign Service for that purpose.
 - (2) Request the foreign Customs Service and/or the Argentine Foreign Service to furnish information on the export prices prevailing in the foreign market concerned for the goods that are the subject of the enquiry.
 - (3) Request the National Administrator to carry out investigations abroad in keeping with Article 23(r) of Law 22,415.

When the investigation has been concluded and the definitive value determined, this should be notified to the party submitting the documentation as well as to the Directorate-General for Revenue when the latter has taken action under sub-paragraph 1.3.5 of Annex VII.

Article 3 This Resolution shall enter into force as of 1 September 1992.

Article 4 Article 1 of Resolution No. 3141/87, Resolution No. 2779/90 and Articles 1, 2 and 3 of Resolution No. 468/91 and any other rule and/or provision that may be contrary to the present Resolution are hereby repealed.

Article 5 Usual closing formulae.

Note: The above Resolution No. 1649/92 (ANA) was published in the Official Gazette of 28 September 1992.

RESOLUTION NO. 1790/92 (ANA)

Import Clearance. Amendment of Customs Regulations

Buenos Aires, 29 September 1992

HAVING REGARD to Resolution No. 1166/92 (Guía 427, p. 13357); and,

WHEREAS:

Experience at the Ezeiza customs office has revealed the need for adjustments and clarifications to enhance the system and to improve understanding of it by its various users.

Special provisions need to be made for shipments entering by truck in split shipments.

In the exercise of the powers vested in him by Article 23(i) of Law 22,415,

The National Customs Administrator

Decides the Following:

Article 1 Article 2 of Resolution No. 1166/92 shall be replaced by the following:

"Article 2 Import clearance operations shall be guided by the provisions of paragraph 5 of Annex I of Resolution 2439/91 (Guía 420, p. 12945).

The functions of the UTVV shall vest in a Verifying Officer who shall be solely responsible for physical inspection and verification of documents in customs clearance operation.

For these purposes, the Technical Import Services shall be merged with the Import Verification Division to form the UTVV, which shall carry out all the functions connected to the aforementioned.

Classification and valuation officers of the technical services shall assume the functions of the UTVV, if they discharge the duties of verifying officers or if such duties have been assigned to them by the National Customs Administrator or by the Customs Administrator, in the exercise of the powers conferred on him under Paragraph 4, Annex V"B" of Resolution 008/89 (Guía 385, p. 11494), as amended by Resolution 1610/92 (Guía 492, p.).

The cross-checkers of the technical services shall assist the UTVV.

The UTVVs shall be deployed as necessary within the different sections, supervised by a Head of Section (or by a Head of Division at local customs offices).

Customs Administrators shall take the requisite measures in terms of personnel, facilities and physical location within their respective jurisdictions to enable the UTVVs to process import clearances in one day. Such measures shall therefore be conceived bearing in mind the aim of assigning a reasonable daily number of clearances to each UTVV so as to make possible a thorough inspection of each shipment, and the procedure shall be adapted to methods specific to each customs office."

Article 2 Article 3 of Resolution No. 1166/92 shall be replaced by the following:

"Article 3 for the purposes of applying random and systematic selection criteria, imports for consumption shall be processed by the GREEN, AMBER or RED channels as appropriate, in keeping with the "MARIA" computerization project.

The intervening customs official shall stamp the appropriate channel on the cover page of the main customs clearance document (Form OM 680 A) and on the envelope containing the clearance document (Form OM 1000), prior to photocopying it.

At customs offices where there is no computerized selection of channels, once the selection has been made by the head, the processing of the customs clearance document may proceed before it is photocopied and taken apart, in accordance with the procedures of each customs office.

1. GREEN CHANNEL: In the case of clearances which by virtue of selectivity are not subject to mandatory inspection and verification of documents, the second copy (parcial 2) together with the payment voucher shall be handed directly to the party concerned who will submit it to the officer responsible for delivery, and withdraw the goods from the customs.

At customs offices where lanes are not selected by computer, GREEN channel clearance operations will be provisionally routed via the AMBER channel for inspection of documents until the computer system has been installed.

2. AMBER LANE: "Inspection of documents only".

Shipments involving special circumstances such as quotas, special permits, security requirements, etc. or those declaring tariff levels different from those of the general régime shall be subject to the relevant documentary check before the copies are detached from the main customs clearance document. Under this procedure, once the clearance documents have been photocopied, they shall be addressed to the pertinent UTVV documents inspections section which will ascertain the presence of all supplementary documentation and that it reliably corroborates the accuracy of the declared tariff level. The UTVV will also take the appropriate action in cases of special permits, securities, etc.

Once it has completed its work, it shall deliver to the interested party Copy No. 2 (parcial 2) of the original clearance document together with a payment voucher and shall then forward the file to the Registry.

If the documentary inspection reveals incomplete, conflicting or ambiguous declarations or errors of assessment which requires more detailed processing of the clearance operation, as soon as the party submitting the documentation has corrected the declarations, the clearance operation will continue via the RED channel, with physical verification of the goods.

Where a check reveals differences in value, the provisions of Article 6(b) shall apply without suspension of documentary or physical inspection and the clearance file shall be forwarded to the Technical Valuation Department. If the situation warrants, Article 6(c) shall be applied.

3. RED CHANNEL: Customs clearance documents that require physical inspection and verification of documents shall be photocopied and transmitted to the UTVV corresponding to the section concerned, (in case various sections are concerned, that with the highest documented f.o.b. value shall be chosen), which shall thereafter be entirely responsible for the inspection of documents and physical verification of all the goods.

To carry out its functions, a UTVV may call on auxiliary personnel who will be detailed to it, for the inspection of documents and for physical verification (counting, weighting, measuring), and may also request the signatures of other UTVVs if it so deems necessary. Nevertheless, it shall remain responsible for the clearance operation.

The Heads of Section shall decide on the means necessary for handling additional clearance operations directed to them, bearing in mind the provisions of Article 2 aimed at an improved distribution of clearance operations among the UTVVs available. They shall likewise endeavour to hold weekly meetings of sections in order to share information among the UTVVs.

UTVV intervention in the form of inspection of documents shall be noted on copies 1 and 2 (parciales 1 and 2) of the customs clearance document. Once the documents have been checked and the correct payment verified, the UTVV shall detach parcial 2 with the payment voucher and proceed to the physical verification of the goods. If satisfied, it shall authorize the release of the goods as provided for in paragraphs 8 and 9 of Annex I of Resolution 2439/91.

4. Destination of the envelope containing the customs clearance documents

After detaching parcial 2 for physical verification, the UTVV shall direct the envelope containing the clearance document as follows:

4.1 Buenos Aires Customs

After physical verification, the UTVV shall cross-check with the bill of lading where applicable and shall then remit the envelope with the clearance document to the Technical Valuation Department - Analysis and Information Division, with any observations it may have concerning documented values.

4.2 Other customs offices

The envelope containing the clearance document shall be kept by the UTVV until receipt of parcial 2 with the certificates of delivery, which it shall cross-check with the bill of lading if appropriate. Upon receipt of the parcial 2, it shall transmit the envelope with the clearance document to the Technical Valuation Department. Customs Administrators shall take the steps necessary so that files may be transferred on the first working day of the week following the release of the goods.

5. Verification outside the primary zone

In cases where the UTVV arranges for verification outside of the primary zone in accordance with subparagraph 7(c) of Annex I of Resolution 2439/91, the goods shall be released under cover of an application for transfer, though remaining in customs custody, except where it is possible to affix a seal to the container or on the means of transport, to remain in place up to and while at the point of storage. In such a case the importer becomes the bona fide bailee without right of use, effectively assuming the obligations arising from Articles 261 and 263 of the Criminal Code. Verification shall be carried out within twenty-four hours. In all customs jurisdictions, the principal UTVV offices shall make a record of the verifications to be done outside of the primary zone, showing the particulars of the officer responsible for verification, clearance operation, goods, importer, customs officer and place, date and time of the verification to be done, for the information of the Secretariat for Inspection, Customs Police Department. Should computerized facilities be available for this purpose, they may be used, subject to harmonization with the Information Analysis and Processing Division of the Customs

Police Department. Parcial 2, together with certificates of verification shall be placed in the envelope containing the clearance document, prior to its transmission to the Analysis and Information Division of the Technical Valuation Department. The UTVV shall also intervene by placing an attestation of the release of the goods on the copy of the clearance document meant for the interested party.

The UTVVs shall make up a daily sheet containing the information required by the Information Analysis and Processing Division of the Customs Police Department, for submission to the latter by the Administrator of each customs office.

Customs Offices shall in all cases forward the processed parcial 2 forms to the Registry which, at local customs offices, shall route them in accordance with the channel assigned to them.

The main Registry shall supervise the weekly transfer of customs clearance files to the archives and shall report through the appropriate channels to the Information Analysis and Processing Division of the Customs Police Department, on files for which receipt of the processed parcial 2 forms is more than thirty days overdue. The main Registry shall also keep an up-to-date record of files that are currently outside the section because of guarantee requirements or for other reasons.

6. Shipments arriving in different batches by truck

In the case of split shipments subject to red channel inspection and where the goods arrive by truck over several days and at different times, making it impossible for a single UTVV to carry out the physical verification of all parts of the split shipment, the procedure indicated hereunder should be followed. The administrators may adapt it to the operational modalities of each customs office, though at all times adhering to the objectives of selectivity established in Resolution No. 1166/92.

6.1 Buenos Aires customs

The customs agent submitting the documentation shall present the notice of physical verification to the head of section upon arrival of each part of the split shipment. Should the UTVV that carried out the inspection of documents not be operating, the head of section shall direct the clearance operation to another UTVV so that it may physically verify the split shipment, repeating that procedure until the full shipment has arrived.

Each UTVV shall note its intervention on parcial 2 and subsequently on parcial 1. The UTVV intervening when the totality of the shipment has arrived shall carry out the procedure specified in paragraph 4.1 of this article.

6.2 Other customs offices

The head of section shall direct shipments destined for the red channel to a UTVV which shall carry out the inspection of documents as envisaged. If the trucks arrive outside of the working hours of that UTVV, the physical verification shall be done by another UTVV on duty, to be designated by the official in charge.

Each UTVV will note its intervention on parcial 2 for each part of the split shipment as it arrives, until the full shipment has arrived.

The envelope containing the customs clearance document shall be kept in the UTVV section until the full shipment has arrived and parcial 2 has been received, whereupon the procedure indicated in paragraph 4.2 of this article will be carried out.

7. Destination of the main customs clearance document

The main customs clearance document shall be kept separately from the customs clearance file. Therefore, once the appropriate channel for selective verification (red, amber or green) has been noted on the main customs clearance document with the signature and stamp of the official concerned and photocopies have been made, the relevant forms will be detached from the main document and filed in numerical order, as prescribed by the law.

The main documents corresponding to the clearance of the different parts of the shipment shall be subject to the same procedure, and the original declaration shall be added before they are filed.

Customs administrators shall take the appropriate steps to ensure the safe filing of the main documents.

8. Verifications outside the primary zone in border customs posts

In the case of imports arriving overland which are assigned to the red channel and documented in border customs posts, but whose point of unloading is within the jurisdiction of other customs offices, if in the judgement of UTVV the nature of the goods is such that the physical verification cannot be undertaken directly and must therefore take place in a warehouse outside of the primary zone, the customs agent submitting the documentation may choose one of the following procedures:

8.1 Transfer to an adequate location for verification within the jurisdiction of the same customs office.

8.2 Transfer to an adequate location for verification within the customs jurisdiction of destination. In this case he shall submit the request for transfer together with copies of the customs clearance document which will serve as removal certificate and arrival certificate. The UTVV will note on the

copy serving as the arrival certificate the request for physical verification at the customs office of destination and will forward the cargo under seal or, if this is not possible, under customs custody and shall notify its action to the customs office of destination.

When the cargo arrives at said customs office, the physical verification will be carried out and, in case of approval, the goods shall be delivered and the arrival certificate, together with the evidence of verification and delivery, returned to the customs office of origin.

The UTVV of the customs office of origin shall transcribe the evidence of verification to parcial 2, following the procedure prescribed under paragraph 4.2 of this article.

9. Used Goods

The UTVVs shall note on parcial 2 (and subsequently on parcial 1 in the Buenos Aires customs office) its observations concerning the state of the goods for the purposes of subsequent valuation by the Technical Valuation Department, without suspending the clearance procedure and taking samples of goods where possible."

Article 3: Article 5 shall be replaced by the following:

"Article 5 - The customs agent submitting the documents relating to the goods mentioned in Annex I "A", paragraph 3, shall enter the words "MANDATORY VERIFICATION" Code 09 in the appropriate section of Form OM 680 "A", cover page, as well as on the envelope, Form OM 1000, in the lower right-hand section (under the title "additions").

He shall furthermore write to section BD07 of Form OM680 (continuation sheet) at the end of the sworn declaration the following text, also under oath:

"After release, the goods shall be deposited at street(s) _____
No.(s) _____, in the District(s) of _____".

Failure to do this shall be punished under Articles 47 and 100 of Law 22,415. Nevertheless, such failure may be corrected by the persons submitting the documentation, before the Customs Service authorizes the release of the goods. Should the goods be released without due inspection by the Customs Service, the terms of Article 864 of the Customs Code shall apply.

Where the documents refer to goods not covered under Annex I "A", paragraph 3 the Verification Code 00, in keeping with Table 5 of Annex IV of Resolution 2203/82, shall be affixed to the cover page, Form OM 680 A.

Where the documents refer to foodstuffs put up for direct sale to the public and food additives, the requirements set out in Annex II shall be met.

Where the clearance operation involves securities, quotas, special licensing, deferral of duties or suspension of value, this shall be noted at the centre of the upper section of the envelope containing the document (Form OM 1000) so that the Customs Service may route the operation accordingly".

Article 4 - The following shall be substituted for Article 7:

"Article 7 - The customs official - Head of Section - who designates the dispatching officer, shall follow one of the procedures hereunder:

- (a) In the case of mandatory verification, he shall check parcial 2 for evidence of UTVV intervention, before the onward transmission of the clearance document.
- (b) When he must transmit customs clearance documents that by virtue of selectivity were not subject to UTVV intervention, he shall note that fact by listing the payments and by entering the words "NO VERIFICATION", together with his stamp and signature, when transmitting parcial 2 to the dispatching officer.

In both cases, the dispatching officer intervening in the primary customs areas shall confine himself solely to issuing the certificate of release, checking only the number of packages, without need of opening them and without responsibility for their content and weight. If the clearance operation did not involve UTVV intervention, the despatching officer shall enter the words "NO VERIFICATION", on the certificate of release, without prejudice to the powers conferred upon him by Article 1080 et seq. of the Customs code.

- 1. Nevertheless, for customs clearance documents covering the goods indicated in sub-paragraphs 1.1 and 1.2 hereunder, in the absence of UTVV verification, the despatching officer shall proceed as follows:
 - 1.1 When he must despatch foodstuffs put up for direct sale to the public and food additives, he shall perform the function of the verifying officer by placing a seal on the external packaging up to 2 per cent of the packages covered by Annex II, taking the appropriate precautions to that end; and
 - 1.2 In all cases of imports of products of animal or vegetable origin, or their by products or derivatives, not put up for direct sale to the public or products that require special treatment, such as fumigation for example, he shall require evidence of action by SENASA, IASCAV or the authorized body, prior to their release.

Once the parcial 2 has been processed by the dispatcher and the other relevant formalities have been completed, it shall be transmitted to the relevant customs office for the formalities set out in Article 3.

2. When the dispatcher must clear goods requiring identification by means of stamps, motor vehicles, motorbikes and motorcycles, he shall proceed as follows:

Stamps

- 2.1 If the UTTV has intervened in the clearance operation, the dispatching officer shall indicate on parcial 7 the result of verification of the presence of the required number of stamps.
- 2.2 In the absence of UTVV intervention, the number of units declared in the clearance document shall be used as the basis. For that purpose, the subsequent verification of the stamps provided for in Resolution 2522/87 shall take the form of a meticulous inspection of quantities with a view to removing surplus stamps as appropriate.

Motor vehicles, motorbikes and motorcycles

- 2.3 In the cases of motor vehicles, motorbikes and motor cycles, the intervening customs officer will check the chassis, frame and engine number. For goods routed via the red channel, this will be done either in the primary customs zone or in a warehouse under permanent guard. In all cases, goods entering via the amber or green channels will be inspected within or outside the primary zone.

Additional code

3. In the case of goods arriving by air, river or land, shipped from abroad either in total or in split shipments subsequent to the date of registration of the customs clearance document, and when by virtue of selectivity they are being cleared via the amber or green channels, the dispatching officer shall, by means of an additional code conduct a general inspection to ensure that the containers tally with the declarations made on the customs clearance document. Should doubts arise, he may request the intervention of the duty officer in charge. This additional inspection shall proceed as follows:
 - 3.1 He shall inspect the lorries of which the final digit of the licence-plate of the cargo container coincides with the customs codes of the day of submission of the clearance document and of the day of actual arrival of the lorry.
 - 3.2 Entry by railtruck: the same procedure as in sub-paragraph 3.1 shall be followed, with verification of the final digit of the railtruck's number.
 - 3.3 Entry by river: the same procedure outlined in sub-paragraph 3.1 shall be observed, based on the final number of the bill of lading.
 - 3.4 Entry by air: the procedure outlined in sub-paragraph 3.1 shall be followed and the final digit of the way bill number ascertained.

For the above purpose, the customs administrator in the Buenos Aires and Ezeiza Customs jurisdiction shall establish a daily code which shall also be used in the other customs offices for selective verification (Annex 1 "A"). The Administrators shall arrange for daily double-checking which, at frontier border posts, could take the form of surprise codes added when the transporter enters customs territory.

Attestation of delivery

The intervening officer shall document his intervention on parcial 2 and on the copy of the clearance document destined for the party concerned by placing on both forms the number of the corresponding exit certificate.

Article 5 - Annex I "A" to this Resolution superseding Annex I of Resolution No. 1166/92 shall be approved.

Article 6 - Annex I to Resolution 1166/92 is repealed.

Article 7 - This amendment shall enter into force upon publication in the Official Gazette.

Article 8 - Usual closing formulae.

Note: The above Resolution No. 1790/92 (ANA) was published in the Official Gazette of 6 October 1992.

ANNEX I "A"

1. Random selection

In the customs jurisdictions of Buenos Aires and Ezeiza and those which in future may be linked to the central computerized system for the purposes of the issue of Payment Certificates, the system shall select the appropriate channels, in accordance with the data contained on the aforementioned Payment Certificates.

In such cases, the customs official processing the clearance documentation shall affix a stamp with the wording: RED CHANNEL - "MANDATORY VERIFICATION" or AMBER CHANNEL - "INSPECTION OF DOCUMENTS" -, together with a stamp indicating which of the channels is to be taken.

In the Buenos Aires customs jurisdiction, the computerized system shall also select some customs clearance documents that will appear on the payment schedule sent to port areas with the title "MANDATORY VERIFICATION" although that inscription did not appear on the Payment Certificate itself.

In anticipation of such cases, the party concerned should check the Payments Schedule before arranging for the release of the goods.

If at the time of release the Payment Schedule indicates mandatory verification, the customs agent shall request from the UTVV the intervention of the verifying officer from the section who will proceed in

accordance with paragraph 16 of Annex I of Resolution 2439/91, conducting a subsequent inspection of documents.

The same procedure shall be followed when, for reasons of urgency, the customs agent requests permission to disperse with the requisite twenty-four hour period for the release of goods without the Payment Schedule. The authorizing customs official shall enter on parcial 2 the words "MANDATORY VERIFICATION PARAGRAPH 16 ANNEX I RES. 2439/91", and deliver it to the party concerned. The UTVV responsible for carrying out the physical verification of the goods shall conduct a subsequent inspection of the customs clearance documents.

In customs jurisdictions that have no link-up to the computerized customs system but which must apply the present system of selection, the Secretariat for inspection shall determine an algorithmic formula for each customs office, confidential to that office and modifiable only by the above Secretariat for inspection. Under this formula, the Administrator of each customs office shall determine a daily code number between 0 and 9 (both numbers inclusive).

At the end of each day, the Customs Administrator shall deposit with the Registry a sealed envelope containing the code to be used for customs clearance documents processed on the following day, those whose final digit coincides with the day's code being subject to verification. At the start of the following day the Registry shall deliver the envelope to the main UTVV office which will note the code in a book kept for that purpose. On the first working day of each week, the Customs Administrator shall, through the Secretariat for Local Customs Offices, transmit the daily codes used for the preceding week to the Information Analysis and Processing Department of the Customs Police Department for monitoring.

The wording "RED CHANNEL - MANDATORY VERIFICATION" - shall be affixed by the UTVV customs official on the envelope (Form OM 1000) containing the customs clearance document and on the cover page of the customs clearance document, with a signature and seal, before it is photocopied. In customs offices that have no photocopying facilities, the title shall be placed on the cover page of the clearance document and on parcial 1 and parcial 2.

The UTVV Head Office shall submit the other customs clearance documents not channelled via the Red Channel to the appropriate documentary inspection (Amber Channel).

Customs Administrators may take special measures for the delivery of goods when release may be hampered by a breakdown in the computer system, in which case they will request instructions as to selection from the information Analysis and Processing Division of the Customs Police Department.

2. Selection by tariff position

A Commission shall be set up composed of the Secretaries for Inspection, Local Customs Officers, the Metropolitan Area and Technical Services, assisted by the Information Analysis and Processing Division of the Customs Police Department.

The Secretaries or their alternates shall meet weekly in order to decide on the appropriate tariff items to be entered into the computerized system and on the changes to be made, and shall submit these for the consideration of the National Administrator.

The first entry of tariff items into the computerized system shall be decided by the Commission based on information received to date from the different technical and operational areas.

Until the Information Analysis and Processing Division of the Customs Police Department has the means of directly inputting information to the computerized system, the decision of the Commission shall be transmitted confidentially to the Informatics Department for entry into the system.

Modifications shall be carried out based on an evaluation of suggestions and comments submitted by the Information Analysis and Processing Division of the Customs Police Department and by any of the Secretariats. The list of additions and deletions that must be entered into the computerized system shall be kept on record.

For reasons of urgency, the Secretariat for Inspection may, on its own responsibility or at the request of other Secretariats, decide on new additions and may enter them into the system. The first meeting of Secretaries shall decide on the continued application of such additions, and shall thereafter act accordingly.

To arrive at the percentage for selective verification set by higher authority with a view to streamlining operations with the computerized system (MARIA), the Secretaries shall decide on the gradual deletion of tariff items as appropriate.

After the first decision as to additions and deletions, subsequent decisions shall be taken in weekly meetings of the Secretaries, although the Secretary for Inspection will retain the emergency powers indicated above.

In keeping with its terms of reference, the Information Analysis and Processing Division of the Customs Police Department shall gather all necessary information from the other areas of the National customs Administration via the pertinent channels and shall also receive from third parties any information deemed relevant.

Once the information has been processed, the Division shall draw up a list of the additions and deletions of tariff items for submission to the Secretary for Inspection, who will make an appraisal in respect of urgent additions, submitting his findings to the next weekly meeting of Secretaries.

He shall indicate the percentage of mandatory verification corresponding to each customs office in accordance with the total number of customs clearance operations registered.

He shall report on any new developments emerging from verifications, with reference to the number of verifications and infringements reported.

He shall also report on the importation of unusual goods into local customs offices, which may be subject to special surveillance.

Lastly, he shall implement and subsequently monitor the decisions of the Commission, making the arrangements necessary for that purpose.

In the Customs jurisdictions of Buenos Aires and Ezeiza and those which in future may be linked to the central computerized system for the purposes *inter alia* of the issue of Payment Certificates, the wording "MANDATORY VERIFICATION" shall appear on the Payment Certificates.

In such cases, the customs official processing the clearance documentation shall affix the words "MANDATORY VERIFICATION", together with his signature and stamp, to the envelope-cover page containing the clearance document (Form OM 1000) and shall transmit the operation to the UTVV.

In customs jurisdictions that are not linked to the above-mentioned computerized system but which must apply the present method of selection, the Commission will communicate the tariff headings subject to mandatory verification and these shall be kept confidentially at the Main UTVV Offices for daily application.

At the other customs offices, the UTVV customs official shall enter the words "MANDATORY VERIFICATION" on the envelope (Form OM 1000) and on the cover page of the customs clearance document, together with his signature and stamp, before photocopies are made. At customs offices that have no photocopying facilities, the inscription shall be made on the cover page of the clearance document and on parciales 1 and 2.

3. Selection by type of goods and special treatment

1. Manufacturing residues and waste in general.
2. Used goods, whether reconditioned or not.
3. Non-standard goods, second- or third-rate goods with defective materials or factory faults.

4. Selection by import clearance document submitted after 22.00 hours at the Ezeiza Customs Office

Customs clearance documents submitted after 22.00 hours, and only in cases where the goods are highly perishable and cannot be preserved in the Ezeiza Customs Office, shall be registered manually with the corresponding number, starting from 001, and subsequently entered into the computer database with that same number.

In this case, the selection procedure provided for in section 1 of this Annex shall be applied for customs offices that have no link-up to the computerized customs system.

Entry in the database and photocopying shall be done after the release of the goods and the envelope containing the clearance document shall be routed as laid down in Article 2 of this Resolution.

The monies collected, in cash only and against delivery of a receipt shall be lodged with the bank on the first working day following the date of registration of the import clearance document, to the account of the number originally assigned under the procedure prescribed in the first paragraph of this section.

At local customs offices, when similar cases arise strictly in respect of goods arriving by air, the same procedure will be followed, adapted to the specific modalities of each customs office.

THE ORIGINAL OF THIS ANNEX WAS APPROVED BY RESOLUTION NO. 1166/92,
THIS IS THE FIRST AMENDMENT APPROVED BY RESOLUTION NO. 1790/92.