

**Resolution SC No. 3/2018****RESOL-2018-3-APN-SECC # MPYT**

HAVING SEEN the File No. EX-2018-29616459- -APN-DGD # MP, Laws Nros. 22.802 and its modifications, and 24,425, Decree No. 357 dated February 21, 2002 and its modifications, Resolutions Nros. 799 dated October 29, 1999 from the former SECRETARIAT OF INDUSTRY, COMMERCE AND MINING of the former MINISTRY OF ECONOMY AND WORKS AND PUBLIC SERVICES, 237 dated October 23, 2000 of the former SECRETARIAT OF DEFENSE OF THE COMPETITION AND THE CONSUMER OF THE EX-MINISTRY OF ECONOMY, 197 dated December 29, 2004 of the former SECRETARIAT OF TECHNICAL COORDINATION of the former MINISTRY OF ECONOMY AND PRODUCTION and 685 dated December 3, 2015 of the SECRETARIAT OF COMMERCE of the former MINISTRY OF ECONOMY AND PUBLIC FINANCE, Y

**CONSIDERING:**

That the enactment of Law No. 24,425 imports the approval of the Final Act that includes the results of the Uruguay Round of Multilateral Trade Negotiations, Decisions, Declarations and Ministerial Understandings, and the Marrakesh Agreement for which establishes the WORLD TRADE ORGANIZATION (WTO).

That the aforementioned Agreement contains, in its Annex 1A, the Agreement on Technical Obstacles to Trade, which recognizes that no country should be prevented from adopting the measures necessary to ensure the quality of their exports, national security, protection of the health of people and animals, the protection of the environment, the preservation of the vegetables and the prevention of practices that can be misleading.

That, by virtue of this, it is the function of the NATIONAL STATE to seek to achieve said objectives legitimate through the issuance of technical regulations and their corresponding revisions.

That Article 12 of Law No. 22,802 empowers the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION AND LABOR, in its capacity as Application Authority, to establish the minimum security requirements that products or services must meet that are not governed by other laws; to determine the place, form and characteristics of the indications to place on the fruits and products that are commercialized in the country or about their containers; and to oblige those who offer services to clearly inform the consumer about its characteristics.

That, for such purposes, it is necessary to approve a Technical Regulation that establishes the requirements quality and safety technicians who must comply with the aluminum flexible pipes used for the packaging of products, which are marketed in the territory of the REPUBLIC ARGENTINA.

That to achieve the objectives of quality and safety is practiced internationally It is recognized to refer to national technical standards such as those developed by the ARGENTINE INSTITUTE OF NORMALIZATION AND CERTIFICATION (IRAM), or those international and regional standards adopted by the ARGENTINE REPUBLIC.

That the certification system by third-party organizations, recognized by the NATIONAL STATE, constitutes a suitable mechanism to verify compliance with said technical standards.

That Resolutions Nros. 799 dated October 29, 1999 of the former SECRETARIAT OF INDUSTRY, TRADE AND MINING of the former MINISTRY OF ECONOMY AND WORKS AND PUBLIC SERVICES and 197 dated December 29, 2004 of the former SECRETARIAT OF

TECHNICAL COORDINATION of the former MINISTRY OF ECONOMY AND PRODUCTION approved the symbols that should be applied in the products reached by the regimes of

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mandatory certification.

That, in turn, Resolution No. 197/04 of the former SECRETARIAT OF TECHNICAL COORDINATION provides for the certification systems that must be used in order to fulfill the requirements established in the mandatory certification regimes.

It is convenient that the SECRETARIAT FOR INTERNAL TRADE SECRETARIAT OF THE MINISTRY OF PRODUCTION AND LABOR, award recognition for act in the present regime to technical actors who so request and who comply with the current provisions to that effect.

That Resolution No. 237 dated October 23, 2000, of the former SECRETARIAT OF DEFENSE OF COMPETITION AND THE CONSUMER of the former MINISTRY OF ECONOMY, provided that recognized certification bodies may be able to rely for certification of products by conformity mark required in any of the existing regimes, in reports of type tests issued by laboratories belonging to the respective processing plants of the products in question, complying with the conditions there planned.

That only free circulation for internal trade of flexible tubes should be allowed aluminum, also called aluminum knobs, that meet the requirements quality and safety technicians.

That since these requirements are the minimum required to guarantee the safety of the people and the quality of the products, compliance will not exempt those responsible for compliance with the regulations in force in other areas.

That it is convenient to identify the products that have certification, for a Appropriate orientation of consumers, users and marketers.

That by Resolution No. 685 of December 3, 2015 of the SECRETARIAT OF TRADE of the former MINISTRY OF ECONOMY AND PUBLIC FINANCE, the requirement for printed graphic products that are used in the National Territory, of certify that they do not exceed the established limits for the migration of all heavy metals indicated in Table 1 of IRAM Standard NM 300-3, included in the mentioned norm, as the tariff position of the Common Nomenclature of MERCOSUR (NCM) 7612.10, to products identified as printed aluminum flexible tubes.

That, upon reaching the aforementioned products by this measure, remaining protected the safety and quality objectives thereof, it becomes necessary to eliminate of Annex I of Resolution No. 685/15 of the SECRETARIAT OF COMMERCE the position tariff of the MERCOSUR Common Nomenclature (NCM) 7612.10.

That, it is conducive to grant powers of interpretation and implementation of the present measure to the UNDER-SECRETARIAT FOR INTERNAL TRADE, within which the will monitor compliance with it.

That the General Directorate of Legal Affairs of the MINISTRY OF PRODUCTION AND LABOR He has taken the intervention that is his responsibility.

That this measure is issued in exercise of the powers conferred by Law N ° 22.802 and its amendments and by Decree No. 357 dated February 21, 2002 and its modifications.

Thus,

THE SECRETARY OF COMMERCE

RESOLVES:

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ARTICLE 1.- Approve the Technical Regulations that establish the technical requirements of quality and safety that must be met by the aluminum flexible tubes used for the packaging of products, which are marketed in the territory of the ARGENTINE REPUBLIC.

ARTICLE 2.- The national manufacturers and importers of the products reached by the Article 1 of this measure, must guarantee compliance with the requirements technicians that are detailed in Annex I that, like IF-2018-36335913-APN-DRTYPC # MP, forms an integral part of this resolution, through a product certification granted by a certification body that, for this purpose, is recognized by the SUBSECRETARIAT OF INTERNAL TRADE of the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION AND WORK, in accordance with the provisions in force.

This certification will be implemented following the procedure established in Annex II which, as IF-2018-36336509-APN-DRTYPC # MP, forms an integral part of this measure.

ARTICLE 3.- The distributors, wholesalers and retailers of the products reached by the Article 1 shall demand from its suppliers the certification established in Article 2, both of this resolution, for which they must have a simple copy of the certificate, in paper or digital format, to be displayed when required.

ARTICLE 4.- With the fulfillment of the requirements foreseen in this measure, the Commercial Loyalty Directorate under the SUBSECRETARIAT OF INTERNAL TRADE of the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION AND LABOR, will issue a proof of presentation or permission of commercialization, to be exhibited before the General Directorate of Customs, dependent on the FEDERAL ADMINISTRATION OF INCOME PUBLICS, an autarchic entity within the MINISTRY OF FINANCE, for the purposes of the officialization of the dispatch of the products reached by the present regime.

ARTICLE 5°.- The obtained certification does not exempt those responsible for the products of the compliance with current regulations in other areas, or their responsibility for the compliance with the requirements provided for in this measure.

ARTICLE 6.- Grant to the SUBSECRETARIAT OF INTERNAL TRADE to dictate the measures that are necessary in order to interpret, clarify and implement the provisions of the present resolution.

ARTICLE 7.- Infractions to the provisions of this resolution shall be sanctioned in accordance with the provisions of Law No. 22,802 and its amendments.

ARTICLE 8.- Eliminate Resolution No. 685 dated December 3, 2015 from the SECRETARIAT OF COMMERCE of the former MINISTRY OF ECONOMY AND PUBLIC FINANCE products reached by Article 1 of this measure, identified under position of the Common Nomenclature of MERCOSUR (NCM) 7612.10, based on the ONE HUNDRED TWENTY (120) days running from the date of entry into force of this resolution.

ARTICLE 9.- This measure will become effective as of the day following that of its publication in the Official Gazette, and will be implemented according to the deadlines established in the Annex II of the present resolution.

ARTICLE 10.- Communicate, publish, give to the NATIONAL REGISTRY ADDRESS OFFICIAL and archive. Miguel Braun

ANNEX I  
TECHNICAL QUALITY AND SAFETY REQUIREMENTS  
FOR FLEXIBLE ALUMINUM PIPES

1. TECHNICAL REQUIREMENTS

The technical requirements will be considered fully insured if the established requirements are met by IRAM Standard 6768, or the one that in the future replaces it, and that provided for by this measure.

1.1. RAW MATERIAL.

In addition to what is established in section 4.1 of Chapter 4 of the IRAM 6768 standard, flexible hoses Aluminum can be manufactured from aluminum shingles for impact extrusion according to UNE-EN 570

2. MARKING AND LABELING.

In addition to the data established by the reference technical standard, it must be placed in the body of the product or in its primary packaging, directly and indelibly, or by means of an adhesive label, the

Next information:

- a) Name and / or brand of the manufacturer and / or importer.
- b) Country of origin.
- c) Security Seal, as determined by Resolutions Nr. 799 dated October 29, 1999 of the former SECRETARIAT OF INDUSTRY, COMMERCE AND MINING of the former MINISTRY OF ECONOMY AND WORKS AND PUBLIC SERVICES and 197 dated December 29, 2004 of the former SECRETARIAT OF TECHNICAL COORDINATION of the former MINISTRY OF ECONOMY AND PRODUCTION. In the lower part below of the cited stamp will be incorporated the legend "Res. SC N ° xx / yyyy "(where" xx "is the number of the present resolution and "yyyy" the year of issue of the same).

All other product information may be included on labels, stamps, labels, stickers, stamps, stamped or similar, provided that this does not cause confusion or could mislead the consumer.

## ANNEX II

## PROCEDURE AND DEADLINES FOR THE EVALUATION OF THE CONFORMITY OF THE PRODUCTS

## 1. GENERAL PROCEDURE

1.1. Compliance with the requirements established in this resolution shall be made effective through the presentation, before the Commercial Loyalty Office, dependent on the SUBSECRETARIAT OF COMMERCE INTERIOR of the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION, of a product certificate, awarded by a recognized certification body, in accordance with Certification System No. 4 (Type Test), No. 5 (Mark of Conformity), or No. 7 (Lot), as established in Resolution No. 197 dated December 29, 2004 from the former SECRETARIAT OF TECHNICAL COORDINATION of the former MINISTRY OF ECONOMY AND PRODUCTION.

1.2. The recognized certification bodies can be based, for the certification of products by brand of conformity, in report of type tests issued by laboratories belonging to the respective processing plants of the products in question, in accordance with Article 6 of Resolution No. 237 dated October 23, 2000, of the former SECRETARIAT OF DEFENSE OF COMPETITION AND OF THE CONSUMER ex MINISTRY OF ECONOMY, or the one that in the future will replace it.

1.3. Recognized national certification bodies may validate foreign certificates, always compliance with the provisions of Articles 7 and 8 of Resolution No. 237/00 of the former SECRETARIAT OF DEFENSE OF THE COMPETITION AND THE CONSUMER, or the one that in its future replaces it.

1.4. For the purpose of assessing the conformity of the requirements established in this measure, no The inspection and reception procedures provided in Annex A of the IRAM standard will be considered 6768.

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1.5. The fulfillment of the requirements established in sections 4.1. "Raw Material" and 4.2. "Inks and Varnishes" of Chapter 4 of the IRAM 6768 standard shall be accredited to the certifier by the presentation of an affidavit accompanied by technical supporting information.

## 2. IMPLEMENTATION STAGES

For all the products reached by this measure, the national manufacturer, prior to its commercialization, or the importer, prior to the officialization of the dispatch of the products, must present to the Loyalty Office Commercial, through the platform "Procedures at Distance (TAD)" approved by Decree No. 1,063 dated 4 October 2016, or the digital system that replaces it in the future, the following documentation:

### 2.1. PROOF OF START OF CERTIFICATION PROCESS

From the ONE HUNDRED TWENTY (120) days running from the date of entry into force of this resolution, a certificate of initiation of the certification process, issued by the intervening certification body, in which must include the identification of the product and technical characteristics.

### 2.2. CERTIFICATION

As of the TWELVE (12) months from the date of entry into force of this resolution, a copy of the certificate issued by the recognized certification body.

## 3. CONSTANCE OF PRESENTATION OR MARKETING PERMIT.

With the presentations made according to points 2.1. and 2.2. of this Annex II, the Loyalty Office Commercial will issue a proof of presentation or permission of commercialization with which the products achieved may be marketed in the market.

In the case of imported products, the provisions of Article 4 of this resolution shall apply.

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#### 4. COMPLIANCE OF THE CERTIFICATION.

The intervening certification bodies must deliver to the Directorate of Internal Trade Policies and

Competence of the SUBSECRETARIAT OF INTERNAL TRADE of the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION, at the start date of the stage foreseen in point 2.2. of this Annex, through the platform TAD, or the digital system that replaces it in the future, the information referred to all the applications of certification for which the certification process has not yet been completed.

#### 5. CERTIFICATE OF CONFORMITY.

5.1. Verified compliance with the requirements established in this measure, the certification body

The intervener will issue to the applicant a certificate that will contain, in national language, the following information:

- a) Corporate name, legal address and the complete production plant and tax identification of the manufacturer national or importer.
- b) Complete data of the certification body.
- c) Certificate number and date of issue.
- d) Complete identification of the certified product.
- e) Reference to the present resolution and reference to the applied standard.
- f) Laboratory responsible for the tests and number of test reports.
- g) Signature of the responsible party by the certification body.
- h) Country of origin.

5.2. The certificate holder, who must be the national manufacturer or the importer, has the technical responsibility, civil and criminal law relating to the products manufactured, imported or marketed, as well as all documents referring to the certification, not being able to transfer this responsibility.

5.3. When the certificate holder holds a catalog, commercial or advertising prospectus, the references of the Certification identification can only be made for certified products, so that there can be no doubt between certified and non-certified products.

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5.4. Family of products: For the issuance of the corresponding certificates, the certification bodies they will take into consideration the family of products. Belonging to a certain family implies its coincidence in the following characteristics:

- a) Same manufacturer.
- b) Same manufacturing plant.
- c) Same production process.

#### 6. SURVEILLANCE.

As of the entry into force of this resolution, the surveillance controls of certified products, in accordance with the provisions, they will be in charge of the respective intervening certification bodies. For each surveillance, the representative samples will be selected by the respective certification body and will be taken for the products of national origin of the shops and / or the deposit of finished products of fabric.

For products of foreign origin they will be taken from the shops and / or from the importer's warehouse.

For Certification System No. 4 (Type Test) these controls will consist of:

At least ONE (1) evaluation, every EIGHTEEN (18) months from the date of issuance of the certificate, of the requirements established in Annex I, through complete tests carried out by a recognized laboratory, on ONE (1) sample of at least ONE (1) representative product.

For Certification System No. 5 (Mark of Conformity) said controls shall consist of:

- a) At least ONE (1) evaluation, every THIRTY-SIX (36) months from the date of issuance of the certificate, of the production control system or quality system of the production plant verifying maintenance of the initial conditions on the basis of which the certification was granted. Likewise, the records of systematic controls made in the reception of components and inputs of the manufacturing process.

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- b) At least ONE (1) verification, every THIRTY-SIX (36) months from the date of issuance of the certificate, of the requirements established in Annex I, through complete tests carried out by a laboratory recognized, on ONE (1) sample of at least ONE (1) representative product.

#### 7. HIGHS AND LOWS OF CERTIFIED PRODUCTS.



In all cases, the intervening certification bodies must inform the Policy Directorate of Domestic Trade and Competition, through the TAD platform, or the digital system that replaces it in the future, the highs and lows of certified products.

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