

SC Resolution No. 338/2018

SEEN the File EX -2018-22721900- -APN-DGD # MP, Laws Nr. 22,802 and 24,240, and their modifications, Resolution No. 282 of December 29, 2014 SECRETARIAT OF COMMERCE of the MINISTRY OF ECONOMY AND PUBLIC FINANCE, Resolutions No. 171 of date July 5, 2016, 207 dated March 17, 2017, 169 dated March 27, 2018, all of the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION, and

CONSIDERING:

That, subsection b) of Article 12 of Law No. 22,802 empowers the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION, in its capacity as Enforcement Authority, to establish the minimum security requirements that must be met by products or services that are not they are governed by other laws.

That Article 5 of Law No. 24.240 establishes that, "things and services must be supplied or provided in such a way that, used under foreseeable or normal conditions of use, do not present any danger to the health or physical integrity of consumers or users. "

That, by means of Resolution No. 169 of March 27, 2018 of the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION, Resolution No. 171 of July 5 was repealed of 2016 of the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION and the new electrical safety regime for low-voltage electrical equipment that is commercialize in the ARGENTINE REPUBLIC.

That, Article 12 of Resolution No. 169/18 of the SECRETARIAT OF COMMERCE, purports facilitate and reduce the costs resulting from the transfer of security certificates of product, foreseeing the requirements to be met for that assumption.

That, on the other hand, by Resolution No. 169/18, Resolution No. 207 of date was repealed March 17, 2017 both of the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION, which authorized the use of public and private instruments with certain date as requirement for the validity of the transfers of the certificates issued by the agencies of certification recognized by the then National Directorate of Internal Commerce dependent of the SUBSECRETARIAT OF INTERNAL COMMERCE of the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION.

That, in view of the foregoing, it is necessary to re-establish a similar wording in such a way that the repeal of Resolution No. 207/17 of the SECRETARIAT OF COMMERCE, does not affect the Regime Simplified Transfers and Certificate Extensions.

That Resolution No. 282 of December 29, 2014 of the SECRETARIAT OF COMMERCE of the former MINISTRY OF ECONOMY AND PUBLIC FINANCE, establishes that, within the framework of certification regimes established by the SECRETARIAT OF COMMERCE pursuant to subsections b) and c) of Article 12 of Law No. 22,802, transfers of ownership of certificates

issued by the certification bodies recognized by the then National Directorate Internal Commerce, so that they have legal effect must be done by public deed, which must be presented by the new owner to the Commercial Loyalty Office, dependent on the SECRETARIAT OF INTERNAL TRADE of the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION, for its intervention, at the time of submitting the form "C" or its equivalent, which enables it to import and market the products certificates.

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That, with regard to the transfer and extension of certificates, it is convenient that Resolution No. 169/18 refers to Resolution No. 282/14 both of the SECRETARIAT OF TRADE, as modified by this measure, since the latter is applicable to all the certification regimes of the SECRETARIAT OF COMMERCE, thus achieving homogeneity in the treatment of these subjects.

That it is necessary to clarify what effects will be generated by the surveillance of the extended certificate by of the holder of said certificate with respect to the third beneficiaries of the extension.

That subsection a) of Article 33 of Resolution No. 169/18 of the SECRETARIAT OF COMMERCE, Regarding Transitory Provisions provides for the way in which the new monitoring deadlines for certificates for those certificates in force at the time of entry into force of the aforementioned resolution.

That it is convenient to modify the wording of the aforementioned article in such a way that the transition between the monitoring regime provided in Resolution No. 171/16 to the new regime foreseen in Resolution No. 169/18, both of the SECRETARIAT OF COMMERCE, is the most harmonious and simple possible.

That the Department of Legal Affairs of the MINISTRY OF PRODUCTION has taken intervention that is his responsibility.

That the present measure is issued in exercise of the powers conferred by the Nros Laws. 24,240, and 22,802 and Decree No. 357 dated February 21, 2002 and its amendments.

Thus,

THE SECRETARY OF COMMERCE

RESOLVES:

ARTICLE 1.- Replace Article 12 of Resolution No. 169 of March 27, 2018 of the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION, which will be drafted as follows:

"ARTICLE 12.- Transfer or extension of product safety certificate. For the cases of transfer or extension of the product safety certificate, will be applicable The provisions of Articles 1 and 2 of Resolution No. 282/14 of the SECRETARIAT OF COMMERCE.

Without prejudice to this, in the case of extensions, the surveillance procedure of the certified electrical equipment may be completed only by the certificate holder, provided that the low voltage electrical equipment is of the same commercial brand, that Certification System No. 5 is used and that it is provided in the instrument where it appears

the extension".

ARTICLE 2.- Subparagraph a) of Article 33 of Resolution No. 169/18 of the SECRETARIAT OF COMMERCE, which will be drafted as follows:

"ARTICLE 33.- Transitory Provisions:

a) The provisions of Article 10 of this resolution regarding equipment monitoring certified electrical equipment, shall also apply to electrical equipment included in the Article 8 of this measure, which as of the date of entry into force of this resolution and is certified In such cases, the monitoring periods provided for in Article 10

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of this resolution will be applicable as of the next activity of monitoring said equipment".

ARTICLE 3°.- Article 1 of Resolution No. 282 of December 29, 2001, is hereby substituted. 2014 of the SECRETARIAT OF COMMERCE of the former MINISTRY OF ECONOMY AND PUBLIC FINANCE, which will be written as follows:

"ARTICLE 1 - It is established that within the framework of the Certification Regimes established by the SECRETARIAT OF COMMERCE of the MINISTRY OF PRODUCTION, according to clauses b) and c) of Article 12 of Law No. 22,802, transfers of ownership of certificates issued by the Certification Bodies recognized by the competent authority, may be carried out through a public or private instrument with a certain date, for which purpose the date of certification of signatures by a notary public or by a bank, and should be presented by the new owner to the Commercial Loyalty Directorate of the SECRETARIAT OF INTERNAL TRADE of the MINISTRY OF PRODUCTION, through the Paperwork Platform to Distance (TAD) approved by Decree No. 1,063 dated October 4, 2016, at the moment to process the marketing authorization or similar certificate that authorizes the importation and marketing of certified products.

The transfer of ownership of the certificate carried out as indicated in paragraph above, must include the transfer of the existing "extensions" of the certificate transferred, indicating all the data that identifies / n the receiver (s) of the same / s and their scope.

Where appropriate, and when required to exhibit the product safety certificate, compliance of said obligation shall be credited with the current certificate granted in favor of the transferor and the instrument referred to in the preceding paragraphs, without the need for the issuance of a new certificate in its place".

ARTICLE 4.- Article 2 of Resolution No. 282/14 of the SECRETARIAT DE COMMERCE, which will be written as follows:

"ARTICLE 2.- It is established that, within the framework of the Certification Regimes established by the SECRETARIAT OF COMMERCE, pursuant to subsections b) and c) of Article 12 of Law No. 22,802, the "extensions" of rights granted by the owner in favor of another physical person (s) of the certificates issued by the Certification Bodies recognized by the competent authority, must be carried out by means of a public or private instrument dated certain, for which the signature certification date will be considered valid by a notary

public or by a banking entity, which must be presented by the recipient of the "Extension" before the Commercial Loyalty Directorate, through the Processing Platform to Distance (TAD) approved by Decree No. 1,063 / 16 at the time of processing the permit for marketing or similar certification that enables the importation and marketing of certified products.

Where appropriate, and when required to exhibit the product safety certificate, compliance of said obligation shall be credited with a copy of the current certificate granted in favor of the transmitter and the instrument referred to in the previous paragraph, without the need for issuance of a new certificate as replacement. "

ARTICLE 5°.- Of form.

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