

Resource Guide for Industry

ARGENTINA: SENASA RESOLUTION 693-E/2017



Overview

PRE-LOADING INSPECTIONS OF VESSELS EXPORTING GRAIN PRODUCTS AND BYPRODUCTS FROM ARGENTINA

After three years of public-private collective action efforts, a modernizing, integrity-driven regulatory reform has been adopted by Argentina's phytosanitary control authority (SENASA) for the process of inspecting holds/tanks for loading grain, as well as its products and byproducts.

The new regulatory framework, approved by [SENASA Resolution 693-E/2017](#) on October 19, 2017, modernizes the inspections system in line with international standards, balancing the government's responsibility to ensure the cleanliness of vessels exporting agricultural products with the necessary conditions for integrity in the context of foreign trade relations.

The new regulation went live on November 1, 2017 for a testing period of one year.

THE NEW SYSTEM: KEY POINTS

The new inspections system has the following key points. On the following pages, these points are explored in greater detail. This guide also provides information under each point for actions that you can take.

- 1. INSPECTIONS ARE PRIVATE-LED, UNDER SENASA'S SUPERVISION**
- 2. INSPECTIONS WILL BE PROCESSED THROUGH A NEW E-GOVERNANCE SYSTEM**
- 3. PRIVATE SURVEYORS MUST REGISTER BEFORE SENASA AND CAN BE DISBARRED**

Key Point 1: Inspections Are Private-led, under SENASA's Supervision

- The inspection of vessels' holds (and tanks, when it is required)¹ is carried out by the private surveyors appointed by the commercial parties.
- A new supervisory team created by SENASA oversees the inspections conducted by private surveyors to ensure compliance, with on a risk-based approach. The supervisory team is empowered to overturn the surveyors' decisions as well as to promote the application of sanctions, including disbarment.
- SENASA supervisors can also be requested, either in advance on a preventative basis or to settle a dispute among the private surveyors carrying out the inspection.
- SENASA supervisors can also be requested to conduct an inspection if there is an official requirement thereof from the cargo's country of destination.

HOW TO REQUEST SUPERVISION OR AN INSPECTION FROM SENASA

Supervisions of private inspections by Senasa, or inspections by Senasa when it is required by the country of destination of the cargo, can be requested by the maritime agent through the e-governance system of the Tax Administration Authority (AFIP) once the IT system goes live at:

https://auth.afip.gob.ar/contribuyente_/login.xhtml.

The agent can also make the request by contacting directly:

- Coordination of Ports: Telephone: +543414210114 Int: 3982 / Email: ctprosario@senasa.gob.ar
 - Mr. Hernán González (Supervisor): Telephone: +5491128257118 / +5493496416082 / Email: hergonzalez@senasa.gob.ar

¹ Oils, flours, pellets, expellers, and soybean meals are excluded from SENASA's controls, except when required by country of destination, or by the user (Resol. N° 37/2017). A list of countries requiring, as of now, controls of such products can be found at SENASA's webpage: <http://www.senasa.gob.ar/documentacion-oficial-de-las-onpf>.

REASONS FOR HOLDS/TANKS REJECTION

The following reasons, when they are of such a magnitude that may compromise the condition and quality of the merchandise in total or in part, are grounds for rejection of holds/tanks:

- **Live insects or arachnids.**
- **Rust shell which is detachable by touch**, which must be determined by exerting mild pressure with the gloved palm of the hand over the potentially detachable rust shell, being forbidden the use of any other element or instrument. Rust shells can be eliminated during the inspection, after which the hold should be considered apt.
- **Humidity over a significant surface**, defined as such humidity that produces water threads on the walls or puddles on flat surfaces. Regulation specifies that, instead of rejecting the hold, surveyors should ask the ship's personnel to dry the humidity when it is due to condensation or cleaning water and its surface is small, or only forms thin layers over the hold's walls. In case of remediable filtrations, a time also must be given to repair them instead of rejecting the hold.
- **Failures producing filtering**, which can be verified by the presence of a water thread with a puddle. Holds may not be approved until the failure is repaired.
- **Commercially objectionable odors**, defined as those that contaminate or deteriorate the cargo. The regulation exemplifies with those corresponding to loads of fishmeal, guano, chemical products, sulfur, or bilges for insufficient hygiene, and establishes that before rejecting the hold/tank, a reasonable ventilation time shall be allowed, then the hold/tank must be closed for one hour before re-checking the persistence of the smell.
- **Fresh paint over a significant surface**, which must be detected through manual contact over the corresponding surface.
- **Contaminating residues from previous cargo** that may be found in the hold or the deck, capable of affecting the cargo's quality or phytosanitary conditions, such as iron mineral, coal, sulfur, fertilizers, sugar, alumina, fishmeal, undergrowth seeds and residual grains.
- **Rodents or excrements.**
- **Defective closing of lids.**
- **Deficient or inexistent separation between cargo.**
- **Filtering of hydraulic fluids.**

Key Point 2: Inspections Will be Processed through a New E-governance System

- Once the new e-governance system is implemented (Resolution 693-E/2017 establishes a 60-day period to implement it) all inspection requests will be processed and registered through such system, which will be accessed through the Tax Authority's website at https://auth.afip.gob.ar/contribuyente_/login.xhtml.
- The system's implementation will ensure record-keeping and enable the management of supervisions on a risk-based approach.

FROM THE INSPECTION REQUEST TO THE CERTIFICATE OF HOLD'S APPROVAL

1. At least 24 hours in advance, the maritime agent logs to the e-governance system at https://auth.afip.gob.ar/contribuyente_/login.xhtml and appoints a private surveyor registered before SENASA to conduct the inspection.
2. Together with such appointment, the agent should detail: i) the estimated date and time of the inspection, ii) the port and dock in which it will be conducted, iii) the age of the vessel, iv) prior loads and ports, and v) the IMO Number.

The screenshot shows the 'Inspección de bodegas' (Warehouse Inspection) form in the SENASA sigbodegas system. The form is titled 'Inspección de bodegas' and includes the following sections:

- Destino:** A dropdown menu for 'Destino' with a 'Seleccionar' button.
- Agencia Marítima:** A dropdown menu for 'Agencia Marítima' with a 'Seleccionar' button.
- Detalles:** A section for 'Detalles' containing a 'Fecha de inspección estimada' field and a 'Buscar' button.
- Expediente:** A section for 'Expediente' containing a 'CER' field and a 'Buscar' button.
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- Fecha de inspección estimada:** A date field with a 'Buscar' button.
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3. The private surveyor conducts the inspection accordingly and uploads the certificate (of either approval or rejection) and the evidence supporting his decision (e.g. pictures, audiovisuals) to SENASA's e-gov system.
4. Once the surveyor issues the certificate of aptitude for loading cargo, cargo can be loaded.
5. SENASA keeps electronic records of all inspections and certificates issued under the system.

NOTE: Until the new e-gov system is implemented, and whenever it is not working, the inspection process will be conducted manually.

Key Point 3: Private Surveyors Must Register before SENASA and Can Be Disbarred

- A registry of private surveyors and private control firms will be kept by SENASA
- Technical audits will be conducted to assess compliance with operating conditions. Only surveyors in compliance will be authorized to operate.
- Among other conditions, firms and surveyors will be required to comply with specific trainings.
- Private control firms and individual surveyors can be sanctioned and disbarred for non-compliance.

HOW TO RESIST IMPROPER CONDUCT, SOLICITATION, OR EXTORTION DURING AN INSPECTION

When an improper payment is requested by a surveyor, or an agent, the immediate intervention of both SENASA and the Surveyor's Compliance Department should be requested.

- Coordination of Ports Telephone: +543414210114 Int: 3982 / Email: ctprosario@senasa.gob.ar
 - Mr. Hernán González (Supervisor): Telephone: +5491128257118 ó +5493496416082 / Email: hergonzalez@senasa.gob.ar
- Complaints should be made to the Inspection Companies Compliance Hotlines.

HOW TO REPORT ANONYMOUSLY IMPROPER CONDUCT, SOLICITATION AND EXTORTION

Improper requests or proposals, duress or any improper conduct can be reported anonymously to:

- SENASA's Complaint Management Office:
 - Online: <http://www.senasa.gov.ar/sistema-de-denuncias-del-senasa>
 - Telephone: 0800-999-2386 (TWENTY-FOUR (24) hours a day, every day) / +541141215110 (10 am-1 pm / 2 pm-5 pm on working days)
- The National Anticorruption Office:
 - Online: <http://complementos.jus.gov.ar/oadenuncias/default.aspx>
 - Telephone: 08004444462 / +541151676400
- The Public Ministry's Office of Administrative Investigations

Online: <https://denunciasfia.mpf.gob.ar/denuncias/nueva>