

## Transition Review Subsidy Questionnaire for interested parties/contributors Case TS0044: Biodiesel exported from Argentina for no or minimal imports

Period of Investigation (POI):	1 October 2022 – 30 September 2023
Injury period:	1 October 2019 – 30 September 2023
Deadline for response:	22/12/2023
Contact details:	<a href="mailto:TS0044@traderemedies.gov.uk">TS0044@traderemedies.gov.uk</a>
Completed on behalf of:	<i>Government of Argentina</i>

When you have completed this form, indicate the **confidentiality status** of this document by placing an X in the relevant box below:

- Confidential  
 Non-confidential – will be made publicly available

Please note that you will have to provide a **Confidential** and a **Non-Confidential** version of both the questionnaire and annex, as well as any additional documents you append. All documents should be uploaded to the Trade Remedies Service ([www.trade-remedies.service.gov.uk](http://www.trade-remedies.service.gov.uk)) by 22/12/2023.

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## Introduction

### About us, this case and this questionnaire

The Trade Remedies Authority (TRA) investigates whether trade remedies are needed to prevent injury to UK industry.

The TRA will carry out a transition review of each trade remedy measure active under the EU system that the UK has decided to maintain after EU exit.

This transition review will consider whether the subsidised importation of biodiesel originating in Argentina and injury to the UK industry would be likely to continue or recur if the countervailing amount currently applicable were no longer applied to those goods.

### Why should I take part?

We are asking contributors and interested parties to complete this questionnaire to inform our review of whether the current countervailing measure should be maintained or revoked.

Please refer to our online guidance to understand more about [how we carry out transition reviews into EU measures](#) and the [differences between interested parties and contributors](#).

### How do I respond?

Detailed guidance on how to complete the questionnaire is provided in the [instructions](#) section below.

Please provide all the information requested by 22/12/2023. We may send a notice asking for clarification or supplementary information where necessary. Make sure you provide the sources for any information or data you don't own and clearly state any restrictions on sharing it.

### Where can I find more information?

Our [trade remedies guidance](#) provides more information about our investigations and processes we follow.

If you have any specific questions relating to the case, now or while you're completing the questionnaire, please contact the Case Team at [ts0044@traderemedies.gov.uk](mailto:ts0044@traderemedies.gov.uk). For general information about trade remedies processes, please see our [online guidance](#).

You can also find out more about the regulatory basis of our investigations. The TRA investigates cases under the provisions of *Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 as Amended by the Trade Remedies (Amendment) (EU Exit) Regulations 2019* and under the *Taxation (Cross-border Trade) Act 2018*.

## Instructions on completing this questionnaire

### Preparing your response

This section sets out guidance on how to complete this questionnaire

If you think you won't be able to complete the questionnaire within the required time, please contact the Case Team ahead of the deadline using the contact details on the cover of this questionnaire. You should outline the length of extension you need and the reasons why. We will notify you of our decision.

If we can accommodate an extension, we will publish a note on our [public file](#) to record both the request and the extension granted.

### Preparing confidential and non-confidential copies

You will need to submit one confidential version and one non-confidential version of your questionnaire by the due date. We will publish the non-confidential version on the public file. **Please ensure that each page of information you provide is clearly marked either “Confidential” or “Non-Confidential” in the header.**

Please see our guidance on [how to submit information](#) for further details on what can be considered confidential and how to prepare a non-confidential version of this questionnaire.

In preparing your response, please note the following:

- It is your responsibility to ensure that the non-confidential version does not contain any confidential information.
- Remember to include a statement explaining why information obtained in your response should be treated as confidential e.g. the data is commercially sensitive.
- Provide the source for all information or data you don't own and clearly state any restrictions on sharing it.
- If you do not provide a non-confidential summary (or a statement of reasons why you cannot provide this) each time you provide confidential information, the TRA may disregard the information you give us.

All information provided to the TRA in confidence will be treated accordingly and only used for this investigation (except in limited circumstance as permitted by regulation 46 of the *Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019*)

and will be stored in protected systems. The non-confidential version of your submission will be placed on the public file, which is available on [www.trade-remedies.service.gov.uk/public/cases](http://www.trade-remedies.service.gov.uk/public/cases).

## How to complete this questionnaire

All statements should be substantiated with relevant data, information and the sources of these. Please attach supporting documents in appendices to supplement your responses. To help us verify your information, please retain all your supporting documents, including any calculations made when developing your responses.

Please also note the following points:

- Do not leave any questions blank. If the question is not relevant to your organisation, please explain why. If the answer to a question is “zero”, “no” or “none”, please write this.
- If there is insufficient space in any part of the questionnaire to provide the details requested, or we ask for copies of additional information, please submit this information as appendices. Please ensure that any attachments are given a corresponding appendix reference in the title of the document and that these are referenced in the boxes provided.
- Any documents not in English should be accompanied by an English translation.
- Please provide all dates in the format DD/MM/YYYY (e.g. 23/05/2019).
- Identify all units of measurement and currencies used in tables, calculations and lists.
- For all numerical figures, where appropriate please express every third number with a comma (e.g. ‘1,300’ for one-thousand three hundred, ‘1,300,000’ for one million and three-hundred thousand).
- Please refer to the case number, **TS0044**, in any correspondence with the TRA.

## What happens next

Once you have completed your questionnaire responses, you must upload confidential and non-confidential versions along with any additional documents you’re providing through our [Trade Remedies Service](#). Following this:

- you will receive an email confirming the documents have been uploaded successfully;
- the Case Team will contact you if further information is required; and
- the non-confidential responses will be placed on the public file.

For further information please refer to our guidance on [how we carry out transition reviews into EU measures](#)

## The scope of this review

### Goods subject to review

This review covers **biodiesel** exported from **Argentina**, described as:

Fatty-acid mono-alkyl esters or paraffinic gasoils obtained from synthesis or hydro-treatment, of non-fossil origin, in pure form or as included in a blend.

This biodiesel is currently classifiable within the following CN code(s).

#### Codes beginning with 15

- 1516209821
- 1516209822
- 1516209823
- 1516209829
- 1516209831
- 1516209832
- 1516209839
- 1518009121
- 1518009122
- 1518009123
- 1518009129
- 1518009131
- 1518009132
- 1518009139
- 1518009510
- 1518009511
- 1518009519
- 1518009921
- 1518009922
- 1518009923
- 1518009929
- 1518009931
- 1518009932
- 1518009939

#### Codes beginning with 27

- 2710194321
- 2710194322
- 2710194323
- 2710194329
- 2710194331
- 2710194332
- 2710194339
- 2710194621
- 2710194622
- 2710194623
- 2710194629
- 2710194631
- 2710194632
- 2710194639
- 2710194721
- 2710194722
- 2710194723
- 2710194729
- 2710194731
- 2710194732
- 2710194739
- 2710201121
- 2710201122
- 2710201123
- 2710201129

#### Codes beginning with 38

- 3824999210
- 3824999211
- 3824999213
- 3824999214
- 3824999215
- 3824999216
- 3824999219
- 3826001020
- 3826001021
- 3826001022
- 3826001029
- 3826001050
- 3826001051
- 3826001052
- 3826001059
- 3826001089
- 3826001090
- 3826001091
- 3826001099
- 3826009011
- 3826009012
- 3826009013
- 3826009019
- 3826009031
- 3826009032

- 2710201131
  - 2710201132
  - 2710201139
  - 2710201621
  - 2710201622
  - 2710201623
  - 2710201629
  - 2710201631
  - 2710201632
  - 2710201639
  - 2710201691
  - 2710201692
  - 2710201699
- 3826009039

This CN code is only given for information.

In this questionnaire, these goods will be referred to as **‘the goods subject to review’**. Any reference to ‘goods subject to review’ in this questionnaire refers to the goods description above, regardless of the commodity code under which they are exported.

## Like goods

Any reference to **‘like goods’** in this questionnaire refers to goods which are like the goods subject to review in all respects, or with characteristics closely resembling them and which are sold on the domestic market of Argentina, the UK market or to third countries.

**Please follow the instructions for each question to provide the appropriate information regarding the like goods and goods subject to review.**

## Product Control Numbers

The TRA uses Product Control Numbers (PCNs) to define and distinguish the different types of products that fall under the goods description above.

PCNs, which come in the form of an alphanumeric code, help to create a categorisation system so that comparisons can be made between goods produced in the domestic UK market and those produced in foreign markets.

In this questionnaire and the corresponding annexes, you will be asked to construct PCNs representing the different types of products you produce. When giving your

PCNs, please do not use any spaces, dashes or other means of separation, and ensure you follow the order of characteristics outlined in the table above.

The PCN table is set out in the box below.

Characteristic	Symbol	Description
Cold Filter Plugging Point (CFPP)	P	Positive value + temperature rounded to nearest degree
	N	Negative value + temperature rounded to nearest degree
Type	1	Regular RED (renewable energy directive) certified biodiesel
	2	Eligible for double-counting
	0	Other/special purpose sold without any certificate
Form	P100	Pure form (100)
	B(XX)	Included in a blend (blend rate)

Under this PCN structure, biodiesel assigned PCN P1B30 would be a product that corresponds with the following:

- A positive Cold Filter Plugging Point (CFPP)
- Regular RED certified biodiesel
- A 30 percent blend rate

1. Do you agree with the scope of this review?

Yes

No

If you have answered no to the above question, please explain why.

N/A

Appendix reference:

2. Please provide details of any technical or physical characteristic not included in the PCN structure that may affect the price comparison between products.

The Government of Argentina is not aware of any technical or physical characteristics not included in the PCN structure that may affect the comparison between products.

Appendix reference:

3. Please comment on the suitability of the PCN structure in regard to your product range. This may include areas such as:
- categorisation of features;
  - number of products included under the end range thickness categories, which may prevent a fair comparison; and
  - specialised products which may unduly influence the comparison.

The Government of Argentina has no objection to the suitability of the PCN structure regarding the range of the product.

Appendix reference:

4. Please provide details of any manufacturing process differences which you feel may influence the PCN structure and the price comparison between the goods subject to review and the like goods.

The Government of Argentina is not aware of any differences in the manufacturing process that could influence the PCN structure and the price comparison between the goods subject to review and the like goods.

Appendix reference:

## SECTION A: About the case

### A1 General information

1. Please complete the table below. Make sure the point of contact you name has the authority to provide this information.

Name (point of contact):	[Redacted personal data] Director of International Dispute Settlement. Ministry of Foreign Affairs, International Trade and Worship
Address:	Esmeralda 1212 – C1007ABR-Buenos Aires City, Argentina
Telephone No:	[Redacted personal data]
Email:	[Redacted personal data]
Website:	cancilleria.gob.ar

If you are representing a company, please also fill in the information below:

Company registration number:	
Place of registration:	
Legal name of organisation:	
Legal structure (e.g. limited company, sole trader, partnership etc):	
Position in the organisation:	
Year of establishment:	
Other operating names:	

2. Please explain your interest in this review.

The Government of Argentina's interest in this review is to ensure that the commercial interests of the country are duly covered and preserved.
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Appendix reference:
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## A2 Information about this review

1. Please provide any information about the goods subject to review / like goods that you consider relevant.

The Government of Argentina has no specific information to provide about the goods subject to review / like goods, other than the general information derived from the PCN section.

Appendix reference:

2. Do you think there would be injury to the UK industry if the existing countervailing measure for the goods subject to review no longer applied? Provide any information supporting your conclusions including what the cause of this injury would be. You can refer to our [guidance on how we assess injury](#) for a definition of injury.

The Government of Argentina considers that there would be no injury to the UK industry if the existing countervailing measures for the goods subject to review are not transitioned (revoked).

The EU market (EU28 prior to the withdrawal of the UK, now EU27) is the main market for the biodiesel from Argentina. The GOA –to the best of its knowledge- is not aware of large volumes of Argentinean biodiesel being sold specifically into the UK’s market. In fact, GOA’s understanding is that any volumes of the Argentinean product entering the UK were –and remained- modest, and not susceptible of causing injury to the UK’s domestic industry.

Another factor to consider is that the measure being reviewed for transition -a countervailing duty- was originally imposed by the European Commission following an investigation which included a determination of injury to the EU industry as a whole. The sample examined by the Commission consisted of three Union producers, none of which was from the UK.<sup>1</sup>

Therefore, there was no evidence of injury to the UK industry when the measure was imposed, and it appears correct to conclude that no injury to the UK domestic industry will be likely occur if the measure is revoked.

Appendix reference:

3. Please provide any information about the possible economic effects on the UK if the existing countervailing measure on the goods subject to review were no longer applied.

<sup>1</sup> See Commission Implementing Regulation (EU) 2019/244 of 11 February 2019, OJ L 40, 12.2.2019, recitals 307-316.

The Government of Argentina considers that the revocation of the existing countervailing measure would allow a greater diversification of the sources of biodiesel supply.

Taking into account that the UK is a net importer of biodiesel, this diversification of sources of supply would have positive economic effects for the UK consumers, if the marketing of a high quality and competitive product is allowed.

Appendix reference:

4. If you have any other information which may help us with this review, please provide it below.

The National Administration that was inaugurated in December 10th 2023 is committed to undertake substantive reforms on almost all sectors and economic activities, including fiscal policy and regulations applying to international trade. Some of these intended reforms may eventually be relevant for the subject matter of this investigation. Consequently, the GOA will respectfully request the right to submit any additional relevant information as it becomes available.

## SECTION B: Subsidies

### B1 General

The subsidies being reviewed are listed in the table below. Please use this section of the questionnaire to provide any information you have on the programmes listed. You can also provide information on any other subsidy programmes that you believe relate to the production and/or sale of the goods subject to review.

#### Subsidy programmes

No.	Subsidy name	Subsidy type
1	Government's support to the biodiesel industry including through the provision of soybeans for less than adequate remuneration ('LTAR')	Government provision of goods and services for less than adequate remuneration ('LTAR')
2	Santa Fe Provincial Law Tax Exemption	Provincial tax exemption
3		
4		
5		
6		

+Add/remove additional rows as required.

### B2 Subsidies

- Please provide any information on the above subsidies that you feel is relevant to the review.

**1. PROVISION OF SOYBEANS AND SOYBEAN OIL FOR LESS THAN ADEQUATE REMUNERATION**

In this Transition Review Subsidy investigation (Case TS0044: Biodiesel exported from Argentina for no or minimal imports) the Government of Argentina (GOA) is requested to update the status of some Government's support measures to the biodiesel industry including through the provision of soybeans for less than adequate remuneration ('LTAR') which were considered relevant for the purpose of establishing a definitive countervailing duty on imports of biodiesel originating in

Argentina in the Anti-subsidy Investigation conducted by the European Commission (hereinafter, the “EU decision”).<sup>2</sup>

In the investigation, the allegation was that the GOA implemented a policy of export taxes and other regulations ensuring that soybean and soybean oil producer provide their products to domestic biodiesel producer-exporters at prices significantly lower than global prices. According to the investigating authority in that proceeding, the GOA entrusted or directed soybean/soybean oil producers to provide these key inputs (soybeans/soybean oil) to Argentinean biodiesel producer-exporters for less than adequate remuneration (LTAR).

At the outset, the GOA would like to introduce a few clarifications concerning the measures involved in the aforementioned EU decision. The European Commission identified “several measures attributable to the GOA (including export taxes on soybeans...)”<sup>3</sup> but only export taxes were duly examined and addressed at certain length in the EU decision<sup>4</sup>. Other programs which allegedly constitute subsidies were only perfunctorily addressed, and –sometimes- simply referred to extemporaneous or outdated sources of information.<sup>5</sup> In fact, after having considered them only superficially, the Commission somewhat confusingly concluded that, although not constituting countervailable subsidies and not used by the sampled exporter-producers, they were subsidies nevertheless.<sup>6</sup>

Hence, in accordance with the aforementioned reasoning, this submission will refer to the only measure identified and considered with a certain degree of diligence and detail by the EU (even if still driven by a sort of foretold conclusion): the export taxes applied by Argentina on the period October 2022 / October 2023.

Concerning this instrument the GOA has clearly explained at multilateral and

<sup>2</sup> Commission Implementing Regulation (EU) 2019/244, of 11 February 2019, OJ L 40, 12.2.2019, cited at fn.1.

<sup>3</sup> EU Decision, paragraph 86.

<sup>4</sup> EU Decision, paras. 87 – 103.

<sup>5</sup> EU Decision, paras.104 to 108 for alleged export quotas on other grains, import bans on soybeans, Plan Belgrano, etc.

<sup>6</sup> EU Decision, paras. 256-257.

bilateral levels that export taxes do not constitute a subsidy under the Agreement on Subsidies and Countervailing Measures (ASCM) of the WTO. In Argentina, export taxes are imposed and levied on all major export products, and had constituted one of the main sources of fiscal revenue for certain periods in the XXth century, but specially so after the dramatic economic crisis that unfolded at the turn of the XXIst century, in 2001.

Since that economic crisis, export duties have had a significant share in Argentina's total tax revenue. On average, during the 1990s, the share of customs revenue in the total national tax revenue did not exceed 10%. Such percentage of the tax receipts doubled after the currency devaluation in 2002, and the greatest share of customs revenue was accounted for by revenues from foreign trade, particularly export duties. The increase in the international price of the main exportable raw materials of the country (from the agricultural/livestock, oil and mineral sectors) was one of the main drivers behind this improvement in the fiscal accounts. Thus, since that true turning point in Argentina's economic history, export duties became one of the main sources of fiscal revenue and kept that important role over the last two decades, to date.

Argentina's oilseeds sector is among the world's most competitive and efficient, with production costs significantly below global competitors, including the United States and Brazil. This cost advantage has been consistent for the past two decades. The GOA has leveraged this competitiveness to generate tax receipts through export taxes on soybeans, soymeal, and soybean oil, since exports could remain competitive in global markets despite a heavy tax burden.

Additionally, and contrary to the erroneous assumption made by the European Commission about the provision of soybeans by the GOA to the biodiesel industry<sup>7</sup>, soybean and soybean oil prices and sales are set freely by market forces interacting in several specialized exchanges for crops and cereals throughout the country. Export prices are also set freely in the international

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<sup>7</sup>EU Decision, paras. 164 and 168.

markets, and FOB price is simply used as taxable basis to calculate the amount of the export tax to be levied on every export transaction. Neither domestic nor export prices of soybeans or any product derived or elaborated from them are set by the GOA and consequently any allegation purporting to convey that soybean producers are restricted to market their products by selling to biodiesel producers and not to other domestic or international buyers is simply not true and should not be considered.

Additionally, from the early stages of the development of the biodiesel industry, Argentina established a regulatory framework aimed at supporting the development of rural areas and regional economies, consisting of conceding those small companies located sometimes at long distance from the main processing centers, the priority to supply the domestic market. But those companies participating in such domestic market blending assignment scheme are legally prevented from selling abroad. Opposingly, biodiesel producers-exporters, normally large-scale, fully integrated companies involved in all the stages of production, are not allowed to sell in the domestic market. Hence, both markets are kept segregated and it is simply not possible for one of the segments to support the other, as companies are prevented from serving both.

Finally, those exporting companies are less than a dozen, and as mentioned, they are fully integrated, large –sometimes multinational- companies trading the full range of soybeans and derivative products, including biodiesel. The large trade volume on the entire range of commodities produced by the Argentinean oilseeds cluster (soybeans, soybean oil, soymeal, pellets, biodiesel), simply testifies of the error of considering export taxes as subsidy to biodiesel producers.

## **2. SANTA FE PROVINCIAL LAW TAX EXEMPTION**

This investigation also refers to the Province of Santa Fe tax exemptions mentioned in the EU Decision<sup>8</sup>, finding that Law 8.478, and Articles 183.29 and 127 had been

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<sup>8</sup> EU Decision, paras 295-297.

superseded or otherwise replaced by Provincial law 12.692 and concluding that “Companies producing biodiesel located in the province of Santa Fe benefit from tax exemptions for 15 years from income tax, stamp duty, real state tax and vehicle duties”<sup>9</sup>.

The GOA points out that the conclusion that companies producing biodiesel located in the province of Santa Fe benefit from tax exemptions for 15 years from -among other taxes- the “income tax” seems to be based on a misunderstanding of Argentina’s tax system, and consequently is wrong. The Income Tax is a federal levy, which could not be validly imposed by the provinces, according to the Argentine Federal Tax Framework. This Federal Income Tax is a direct tax, applicable on net income, which is exclusively collected by the Federal Government, and should not be confused with the provincial gross turnover tax, an indirect, consumption tax, applicable on gross turnovers (no business-expense deductions are allowed), at the provincial level.

Argentina's Constitution determines taxation on three different levels: Federal, Provincial (State) and Municipal (County). To avoid conflicts of taxing powers, the Federal Co-participation Act (Law 23,548, hereinafter “FCA”), Section 9.2, provides that the provinces **should not levy taxes that overlap with the federal ones.** Accordingly, neither Santa Fe nor any of the remaining 23 provinces could levy any income tax.

The main taxes collected by the provinces are the Gross Turnover Tax, Stamp Tax, Oil and Gas royalties and the Real Estate Tax. Municipalities, under the provincial jurisdictions, collect a variety of businesses and other licenses and permits. To avoid the overlap of taxing powers between the Federal government and the provinces, FCA sets the standards for the design of the provincial gross turnover tax.

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<sup>9</sup> EU Decision, paras. 296-297.

For example, the FCA provides that gross turnover tax may apply to business activities ancillary to export (port services, warehousing, logistic, etc.),<sup>10</sup> to ensure that in no case any province ends up burdening exports and import transactions with provincial taxes. Customs duties are federal levies exclusively.

According to this federal tax framework, we will now proceed to analyze the relevant provisions under Santa Fe state law.

a. **ART. 127 - SANTA FE TURNOVER TAX EXEMPTIONS FOR EXPORT SALES**

The Commission's conclusion that Companies producing biodiesel located in the province of Santa Fe benefit from a turnover tax exemptions for export sales (included in Article 127, later superseded or otherwise replaced by Provincial law 12.692) is incorrect.

Santa Fe gross turnover tax exemption on export sales is legislated under current article 179 (c) of Law 13,875, which states:

*"Art. 179 - The following activities do not constitute gross turnover subject to this provincial tax: c) The exportation of goods, understood as the activity consisting of the sale of products and merchandise carried out abroad by the exporter, subject to the mechanisms applied by the General Customs Directorate of the Federal Administration of Public Revenues..."*

So, article 179 (c) contains a general exclusion from the provincial gross turnover tax for export sales. The rationale behind this exclusion is that the provincial gross turnover tax is an indirect consumption tax, based on the destination principle. Exports are excluded from the taxable event since they reflect consumption taking

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<sup>10</sup> FCA Art. 9 (b)(1): "In relation to gross income taxes, provinces must adhere to the following basic characteristics: (...) — Connected activities to exports (transport, slinging, stowage, storage, and any other of a similar nature) may be subject to taxation".

place out of provincial territory (in fact, out of the Argentine Republic). Accordingly, it does not apply to goods or services destined to foreign countries, like those in the EU or the UK.

It must be underlined that the Federal Constitution clearly limits the provinces' taxing powers by vesting those concerning export and import flows -and Customs duties- on the Federal government exclusively. The FCA consistently prevents export taxes from being levied by the provinces by (i) setting the standards for the design of the provincial gross turnover tax, so that it may only apply to business activities ancillary to exports (such as transport, slinging, stowage, warehouse, etc.); and (ii) providing that provinces may not levy taxes that overlap with the federal ones (FCA Section 9.b).<sup>11</sup>

**b. ARTICLE 183.29 - SANTA FE - STAMP TAX EXEMPTION**

With regard to Article 183.29 Santa Fe Stamp Tax Exemption, this exemption – nowadays legislated under art. 236.29 of Law 14.186 (Official Gazette December 13, 2022)- does not apply to the biodiesel industry exclusively but to all taxpayers. Moreover, the exemption is actually worthless since it was designed to target transactions covered by a tax that is no longer in force. In fact, this exemption refers to transactions included within the scope of the federal tax on “the currency purchase and sales tax”, which was repealed since October 31, 1991, by Decree 2284/91.

**c. REAL ESTATE EXEMPTION UNDER THE SANTA FE INDUSTRIAL PROVINCIAL LAW NO. 8.478/1979 (ARTICLE 4) OF INDUSTRIAL PROMOTION**

With regard to the Commission conclusion that companies producing biodiesel in

<sup>11</sup> FCA Art. 9(b) “The acceptance of each province to this federal law shall be made by provincial law, which should provide that: (...) The province commits not to apply, by itself or through administrative and municipal agencies within its jurisdiction, whether autonomously or not, any local levies similar to the federal levies...”

the province of Santa Fe benefit from real estate tax exemption under Provincial Law No. 8,478/1979 (Article 4) of Industrial Promotion, as superseded or otherwise replaced by Provincial law 12,692, this exemption was not designed to support the biodiesel industry located in the province of Santa Fe, since such industry did not even exist when the law was passed (1979).

Nowadays, the 1979 tax incentives -including the real estate tax exemption- require both a specific granting of the tax incentives (it is not automatic) and an annual specific authorization issued by the competent authority.<sup>12</sup> To GOA's knowledge, no exemption was granted during the Period of Investigation to any major producer-exporters of biodiesel located in Santa Fe, namely LDC Argentina SA, Group Renova, Group T6 and Cargill SACI.

**d. PROVINCIAL TAX EXEMPTIONS PROVIDED BY LAW 12.692**

Tax incentives under law 12,692 are not automatic, rather request a filing -and the actual granting- of benefits with the competent authority.<sup>13</sup> Further, the requirements stipulated in the law and its regulations must be fulfilled annually, for such authority will verify compliance every year and -upon confirming each of them- will issue a certificate that allows the use of the benefits.<sup>12</sup> The legal framework remains in force, under same law 12,692 (Official Gazette November 11, 2006) and is regulated by Decree 158/2007 (Official Gazette February 1st, 2007).

As in the previous case, it is GOA's understanding that no major biodiesel exporter located in Santa Fe, namely LDC Argentina SA, Group Renova, Group T6 and Car-

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<sup>12</sup> In fact, both authorizations are ruled in (i) Art. 6, Law 8478: "The Ministry of Finance and Economy shall act as the enforcing authority of this regulation, being authorized to conclusively decide on the granting of benefits in accordance with the provisions set forth in the relevant regulations and the annual plan...", and (ii) Art. 12, Decree 3856/1979: "(...) For the validity of these incentives, the General Directorate of Industries will issue annual certificates...".

<sup>13</sup> Art. 6, Law 12,692: "The entities mentioned in Article 5 that meet the conditions established therein shall enjoy the promotional benefits of exemption and/or reduction and/or deferral of provincial taxes, as determined by the regulations, for a period of fifteen (15) years from the date of commencement of the respective project, *which must be certified by the enforcing authority*".

gill SACI has been granted a certificate or authorization, and therefore none of them profit from this incentive scheme.

See Annex 1 & 2 submitted below, containing relevant provisions of federal and state laws and regulations.

Appendix reference:

2. Please provide any information you feel relevant related to additional subsidies not listed above.

*Please answer here*

Appendix reference:

## ANNEX 1

### Derechos de exportación (Decretos del Gobierno Federal). (Export duties (Federal Government Decrees))

#### Unofficial Translation of the Terms used in this Document

- Normativa: Decreto - Regulation: Decree
- Alícuota - Rate
- Fecha de publicación - Date of publication
- Disponible en - Available in

### **SIM (Argentine Customs Classification System Malvina):** **1516.20.00.110 - 1516.20.00.190 - 1516.20.00.200 - 1516.20.00.900**

- Normativa: Decreto 1126/2017
- Alícuota: 0%
- Fecha de publicación: 02-01-2018
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/305000-309999/305361/norma.htm>
- Normativa: Decreto 793/2018
- Alícuota: derecho de exportación adicional de 3 pesos por USD
- Fecha de publicación: 04/09/2018
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/310000-314999/314042/norma.htm>
- Normativa: Decreto 37/2019
- Alícuota: 9%
- Fecha de publicación: 14-12-2019
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/330000-334999/333437/norma.htm>

- Normativa: Decreto 230/2020
- Alícuota: 5%
- Fecha de publicación: 05-03-2020
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/335000-339999/335065/norma.htm>

\* \* \*

**SIM (Argentine Customs Classification System Malvina):**  
**1518.00.10.000**

- Normativa: Decreto 1126/2017
- Alícuota: 0%
- Fecha de publicación: 02-01-2018
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/305000-309999/305361/norma.htm>
- Normativa: Decreto 793/2018
- Alícuota: derecho de exportación adicional de 3 pesos por USD
- Fecha de publicación: 04/09/2018
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/310000-314999/314042/norma.htm>
- Normativa: Decreto 37/2019
- Alícuota: derecho de exportación adicional de 3 pesos por USD
- Fecha de publicación: 14-12-2019
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/330000-334999/333437/norma.htm>
- Normativa: Decreto 1060/2020
- Alícuota: 4,5%
- Fecha de publicación: 31-12-2020
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/345000-349999/345886/norma.htm>

\* \* \*

**SIM (Argentine Customs Classification System Malvina):**  
**1518.00.90.100 - 1518.00.90.219 - 1518.00.90.290**

- Normativa: *Decreto 133/2015*
- Alícuota: *0%*
- Fecha de publicación: *17-12-2015*
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/255000-259999/256979/norma.htm>
- Normativa: *Decreto 793/2018*
- Alícuota: *derecho de exportación adicional de 3 pesos por USD*
- Fecha de publicación: *04/09/2018*
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/310000-314999/314042/norma.htm>
- Normativa: *Decreto 37/2019*
- Alícuota: *9%*
- Fecha de publicación: *14-12-2019*
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/330000-334999/333437/norma.htm>
- Normativa: *Decreto 1060/2020*
- Alícuota: *9%*
- Fecha de publicación: *31-12-2020*
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/345000-349999/345886/norma.htm>

\* \* \*

**SIM (Argentine Customs Classification System Malvina):**  
**1518.00.90.211**

- Normativa: *Decreto 133/2015*
- Alícuota: *0%*
- Fecha de publicación: *17-12-2015*

- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/255000-259999/256979/norma.htm>
- Normativa: *Decreto 1126/2017*
- Alícuota: 27%
- Fecha de publicación: 02-01-2018
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/305000-309999/305361/norma.htm>
- Normativa: *Decreto 793/2018*
- Alícuota: 18% más derecho de exportación adicional de 3 pesos por USD
- Fecha de publicación: 04/09/2018
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/310000-314999/314042/norma.htm>
- Normativa: *Decreto 37/2019*
- Alícuota: 12%
- Fecha de publicación: 14-12-2019
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/330000-334999/333437/norma.htm>
- Normativa: *Decreto 230/2020*
- Alícuota: 33%
- Fecha de publicación: 05-03-2020
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/335000-339999/335065/norma.htm>
- Normativa: *Decreto 790/2020*
- Alícuota:
  1. Octubre 2020: 28%
  2. Noviembre 2020: 29,5%
  3. Diciembre 2020: 30%
  4. Enero 2021: 31%

- Fecha de publicación: 04-10-2020
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/340000-344999/342862/norma.htm>
- Normativa: Decreto 1060/2020
- Alícuota: 31%
- Fecha de publicación: 31-12-2020
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/345000-349999/345886/norma.htm>
- Normativa: Decreto 131/2022
- Alícuota: 33%
- Fecha de publicación: 19-03-2022
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/360000-364999/362460/norma.htm>

A partir del 1 de enero de 2023 se reestablece el Decreto 790/2020 con la alícuota del 31%

\* \* \*

**SIM (Argentine Customs Classification System Malvina):**

**1516.20.00.110 - 1516.20.00.190 - 1516.20.00.200 - 1516.20.00.900 -  
1518.00.10.000 - 1518.00.90.100 - 1518.00.90.211 - 1518.00.90.219 -  
1518.00.90.290**

- Normativa: Decreto 767/2018
- Reintegro: 0,75%
- Fecha de publicación: 21-08-2018
- Disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/310000-314999/313624/norma.htm>

\* \* \* \* \*

## ANNEX 2

### **Programas de presuntos subsidios de la Provincia de Santa Fe y mención a los artículos relevantes correspondientes.**

#### **Alleged subsidy programmes of the Province of Santa Fe and mention to the corresponding relevant articles (Unofficial translation)**

- Ley nacional de Coparticipación Federal n° 23.548 (artículo 9.2)  
(*National Law on Federal Co-participation n° 23.548 (article 9.2)*)

<https://www.argentina.gob.ar/normativa/nacional/ley-23548-21108/actualizacion>

- Exención fiscal sobre bienes inmuebles en el marco de la Ley de Promoción Industrial de la Provincia de Santa Fe 8.478/1979 (Artículo 4);  
(*Tax exemption on Real Estate within the framework of the Industrial Promotion Law of the Province of Santa Fe 8.478/1979 (Article 4)*)

<https://www.santafe.gov.ar/normativa/getFile.php?id=222502&item=105825&cod=2960edfd2744d4a60013b7185b1caf19>

- Exención del Impuesto de Sellos (artículo 183.29 del **Código Fiscal de Santa Fe**).  
(*Tax Stamp Exemption (Article 183.29 of the Santa Fe Tax Code)*)
- Exención del impuesto sobre Ingresos Brutos no Gravados para las exportaciones (artículo 127 del **Código Fiscal de Santa Fe**).  
(*Exemption from untaxed gross income tax for exports (Article 127 of the Santa Fé Fiscal Code)*)

<https://www.santafe.gov.ar/index.php/web/content/download/3402/19261/file/Descargar%20>

- Exenciones fiscales provinciales - Ley 12.692:  
(*Provincial tax exemptions - Law 12.692*)

<https://www.santafe.gov.ar/normativa/getFile.php?id=224203&item=109160&cod=bc6b4e2daacb9b11ad5d08f712c96d60#:~:text=Page%201-,REGISTRADA%20BAJO%20EL%20N%C2%BA%2012692%20LA%20LEGISLA>

[TURA%20DE%20LA%20PROVINCIA,las%20energ%C3%ADas%20renovables%20no%20convencionales](#)

- Decreto reglamentario de la ley 12.692

*(Implementing Decree of Law 12.692)*

<https://www.santafe.gov.ar/boletinoficial/ver.php?seccion=07-02-2007decreto0158-2007.htm>

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