ARGENTINE FOOD CODE

Decree 35/2025

DECTO-2025-35-APN-PTE - Decree No. 2126/1971. Amendment.

City of Buenos Aires, 01/17/2025

HAVING SEEN File No. EX-2024-127735049-APN-DGDYD#JGM, Law No. 18,284, Decrees Nos. 141 of January 8, 1953, 2126 of June 30, 1971 and its amendments and 1812 of September 29, 1992 and the Provisions of the NATIONAL ADMINISTRATION OF MEDICINES, FOOD AND MEDICAL TECHNOLOGY Nos. 10,100 of September 21, 2017 and its amendment and 10,174 of September 29, 2017, and

CONSIDERING:

That through Law No. 18,284, among other matters, the hygienic-sanitary, bromatological and commercial identification provisions of the Food Regulations approved by Decree No. 141/53 were declared in force throughout the territory of the ARGENTINE REPUBLIC, under the name of the Argentine Food Code.

That Article 2 of the aforementioned law established that the Argentine Food Code, said norm and its regulatory provisions will be applied and enforced by the National, Provincial or Health Authorities of the then MUNICIPALITY OF THE CITY OF BUENOS AIRES, current AUTONOMOUS CITY OF BUENOS AIRES, in their respective jurisdiction.

That through article 4 of said regulation it was stipulated, among other aspects, that the foods that are imported or exported must comply with the norms of the Argentine Food Code and that the National Health Authority may verify the hygienic-sanitary, bromatological and commercial identification conditions of the products that enter or leave the country.

That by Decree No. 2126/71 and its amendments, the ordered text of the Food Regulations established by Decree No. 141/53 and its amending and complementary regulations was approved.

That, likewise, in the same aforementioned regulation and as Annex II, the body of provisions that constitutes the Regulations of Law No. 18,284 was approved.

That through article 2 of Annex II of the aforementioned Decree No. 2126/71 and its amendments, it was established that the functions that Law No. 18,284 attributes to the

National Health Authority will be exercised by the then SECRETARIAT OF STATE FOR PUBLIC HEALTH.

That, likewise, through article 2 of Annex I of the aforementioned Decree No. 2126/71 and its amendments, it is established that all foods, condiments, beverages or their raw materials and food additives that are produced, portioned, preserved, transported, sold or displayed must satisfy the requirements of the Argentine Food Code and it is stipulated that when any of them is imported, the requirements of said Code will apply.

It also adds that such requirements will also be considered satisfied when the products come from countries that have food control levels comparable to those of the ARGENTINE REPUBLIC at the discretion of the National Health Authority, or when they use the standards of the "Codex Alimentarius" (FAO/WHO).

It then clarifies that in the case of imports from countries with which economic integration treaties or reciprocity agreements apply, the National Health Authority may also consider the requirements of this Code to be met, after evaluating the food control system in each country of origin, and that, when any of these are exported, the requirements of this Code will apply, or those in force in the country of destination, at the option of the exporter.

That through article 4 of Annex II of the aforementioned decree it was provided that for the purposes of exercising the power that the last paragraph of article 4 of Law No. 18,284 attributes to the National Health Authority, with respect to the verification of the hygienic-sanitary and bromatological conditions of the products that enter or leave the country, it must comply with what is indicated therein, detailing the documentation that must be presented for the purposes of completing the import operations.

It is also provided that when it comes to the importation of products from countries not included in the terms of Article 2 of Annex I of the aforementioned decree, the composition, the name or sales name and the labels and tags must be in accordance with the provisions that govern products manufactured in the country.

That said article adds that the competent Health Authority that understands the registration procedures for importation will deliver to the importer the Import Food Product Number on a temporary basis, communicating said number within a period of no more than THIRTY (30) days to the National Health Authority so that the corresponding national import registration(s) may be granted.

It also stipulates that the registration of imported establishments and products may be carried out before the competent National or Provincial Health Authority at the importer's discretion.

In the case of the importation of a specific batch of a product, at the discretion of the competent Health Authority an official certificate of suitability for consumption of the product in the country of origin or an authenticated copy of the analysis protocol carried out by an officially recognized establishment, institute or official or private service must be presented, and when, in the opinion of the competent Health Authority, analytical verification of the hygienic-sanitary and bromatological conditions of a specific product arriving in the country is necessary, its circulation, marketing and sale will not be authorized until the result of said verification is available.

That in relation to export operations, the aforementioned article 4 of Annex II of the aforementioned decree establishes that the exporter will certify under oath that the products he exports satisfy the standards referred to in article 2 of Annex I of said decree and that the National Health Authority may verify the conditions of the merchandise to be exported up to the time of shipment.

Likewise, when analytical verification is necessary and the results cannot be available before shipment, departure from the country will be authorized conditionally, and if the results of the analysis carried out verify that the merchandise is in violation, the National Health Authority will immediately communicate this circumstance to the Health Authority of the destination country and to the recipient and will apply the corresponding penalties.

That Decree No. 1812/92 establishes the rules for application of controls prior to and after entry into the market, in the case of imports of food products of animal or vegetable origin.

That article 18 of said decree indicates that for the purposes of the second and third paragraphs of article 2 of Annex I of Decree No. 2126/71, the requirements of the Argentine Food Code will be considered satisfied in the case of imports of food products packaged for direct sale to the public, originating from the countries specified therein.

That the documentation and controls ordered on products imported from countries that require surveillance parameters similar to or greater than those established by our legislation end up overlapping with the requirements and procedures stipulated in the regulations set out above.

That this double requirement duplicates the controls already carried out by the countries of origin, which in some cases apply standards higher than those of the national countries, and results in redundant registration and regulatory burdens that generate unfounded delays and expenses.

This is why it is necessary to expedite the authorization process by the National Health Authority for imported products from countries with high health surveillance that are not regulated in the Argentine Food Code.

On the other hand, and through the Provision of the NATIONAL ADMINISTRATION OF MEDICINES, FOOD AND MEDICAL TECHNOLOGY (ANMAT) No. 10,174/17, among other issues, the procedure for carrying out procedures for Authorization of food imports to market Foods intended exclusively for Industrial Use of the Importing Establishment (UPEI) and Samples Without Commercial Value is established.

That with regard to the export of food under the jurisdiction of the NATIONAL FOOD INSTITUTE (INAL) of the NATIONAL ADMINISTRATION OF MEDICINES, FOOD AND MEDICAL TECHNOLOGY, a decentralized body acting within the orbit of the MINISTRY OF HEALTH, in accordance with the provision of the aforementioned National Administration No. 10,100/17, exporters have the obligation to make an Export Notification, completing the Form indicated therein.

Since the countries to which food products are exported establish their own requirements and conditions for completing the operation, it is unnecessary for the NATIONAL STATE to demand additional requirements that affect said transactions.

That the NATIONAL EXECUTIVE BRANCH has undertaken to minimize bureaucratic procedures and government influence in the private sector to the maximum extent possible in order to encourage trade, industry and promote the country's economic development.

That, in this understanding, it is considered that economic activities are the true driving force of the development and prosperity of the Nation, and therefore deserve freedom of action that allows their growth, all without losing sight of the protection of fundamental rights such as the health of citizens.

Furthermore, in the current context, in which State policies focus on maximizing the efficiency of public spending, it is imperative to review those functions that may be redundant, duplicate the bureaucratic structure or whose contribution to the general interest is marginal, thus ensuring that public resources are allocated in a more rational and effective manner.

That the procedures related to the export of food that establish requirements higher than those of the destination countries and those linked to the import of food from countries whose control standards are comparable or higher than those of this country become unnecessary, which is why it is urgent to proceed with the de-bureaucratization and streamlining of the same.

In this regard, in order to make administrative procedures more efficient, it is necessary to deepen the processes of simplification and reduction of burdens.

That, based on the above, it is appropriate to adapt Decree No. 2126/71 and its amendments based on the reasons invoked, maintaining the commitment to minimize government influence in the private sector, in order to encourage trade, industry and promote the country's economic development.

That the GENERAL DIRECTORATE OF LEGAL AFFAIRS of the MINISTRY OF HEALTH has taken action within its jurisdiction.

That this document is issued in exercise of the powers conferred by article 99, paragraph 2 of the NATIONAL CONSTITUTION.

Therefore,

THE PRESIDENT OF THE ARGENTINE NATION

DECREE:

ARTICLE 1.- IF-2024-129062333-APN-SSE#MDYTE, which is an integral part of this measure, is incorporated into Decree No. 2126 of June 30, 1971 and its amendments, as ANNEX III.

ARTICLE 2°.- Article 2° of Annex I of Decree No. 2126 of June 30, 1971 and its amendments shall be replaced by the following:

"ARTICLE 2°- All foods, condiments, beverages or their raw materials and food additives that are produced, portioned, preserved, transported, sold or displayed must meet the requirements of the Argentine Food Code.

The requirements of the Argentine Food Code also apply to imported products.

The requirements of the Argentine Food Code will be considered to be met in the case of imports of food products and/or packaging that have certification issued by the countries listed in Annex III of this decree or when the States use the standards of the "Codex Alimentarius" (FAO/WHO).

Food products and/or packaging that have certification issued by the countries listed in Annex III hereof are exempt from the obligation to be incorporated into the Argentine Food Code (CAA).

Food products and/or packaging that have certification issued by countries listed in ANNEX III of this decree are exempt from prior incorporation and compliance with the procedures included in articles 1416 bis, 1416 tris, 1416 quater and 1416 quinto of the

Argentine Food Code, and only need to complete the import sworn declaration, without the National Health Authority being able to require additional requirements.

In the case of imports from countries with which economic integration treaties or reciprocity agreements apply, the National Health Authority may also consider the requirements of this Code to be met, after evaluating the food control system in each country of origin.

Imported products not included in the preceding paragraphs must prove compliance with the provisions established in the Argentine Food Code.

Products to be exported must only comply with the requirements and restrictions imposed by the country of destination, without the National Health Authority being able to stipulate further requirements. The exporter may request the corresponding certificates from the competent National Health Authority in cases where the country of destination so requires.

ARTICLE 3.- Article 4 of Annex II of Decree No. 2126 of June 30, 1971 and its amendments shall be replaced by the following:

“ARTICLE 4°.- Importers and exporters must carry out the following procedures, as appropriate:

a) Import operations: Importers who bring in food products and/or packaging that have a certification issued by any of the countries listed in ANNEX III of this act must complete the sworn declaration required for said operation, in which the following information will be requested:

1. I) Data of the importing company: company name, Unique Tax Identification Code (CUIT), province, address, town, authorization in accordance with current regulations.

1. II) Merchandise warehouse details: warehouse name, address, town, province.

1. III) Product data: name, brand/fantasy name, batch, expiration date, quantity of units, presentation per unit, country of origin, name or company name of the manufacturer.

1. IV) Information regarding labels or tags in accordance with current legislation, in the national language, which must include the name and address of the importer and batch number.

1. V) Destination: whether it is for marketing, for Own Use of the Importing Establishment (UPEI) or sample without commercial value.

They must also attach the “marketing authorization” or “certificate of free sale of the product” or similar document approved by the competent Health Authority of the countries listed in Annex III of this act.

Importers who do not fall under the assumption stipulated in point 1 of this article must complete an application for an “import authorization” through which registration in the National Registers of Establishments (RNE), of Food Products (RNPA), of Packaging Establishments (RNEE) and of Food Packaging and Utensils in Contact with Food (RNPE) and the Declaration of Seals and Nutritional Warnings are managed.

In such cases, the National Health Authority will carry out an analytical verification of the hygienic-sanitary and bromatological conditions of a given product arriving in the country. Its circulation, marketing and sale will not be authorized until the result of said verification is available.

b) Export operations: Exporters of products may request the corresponding certificates from the competent National Health Authority in cases where the country of destination so requires. The National Health Authority must issue the certifications required by the exporter for submission to the relevant authorities of the country of destination, without requiring further requirements, as long as it proves compliance with the requirements established for this purpose.

ARTICLE 4.- This decree will enter into force on the day following its publication in the OFFICIAL BULLETIN.

ARTICLE 5.- Communicate, publish, give to the NATIONAL DIRECTORATE OF THE OFFICIAL REGISTRY and archive.

MILEI - Guillermo Francos - Mario Ivan Lugones

NOTE: The Annex(es) that make up this Decree are published in the web edition of the BORA -www.boletinoficial.gob.ar-

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