

Doing Business in Argentina

May 2024

Plaza de las Naciones Unidas, barrio de Recoleta, Ciudad de Buenos Aires, Argentina

EY

Building a better
working world



Index

1.	Overview	1
2.	Setting up a business	7
3.	The Argentine tax system	12
4.	Labor legislation	19
5.	Accounting and auditing standards	22

Information in this publication is intended to provide only a general outline of the subjects covered. It should neither be regarded as comprehensive nor sufficient for making decisions, nor should it be used in place for professional advice. EY accepts no responsibility for any loss arising from any action taken or not taken by anyone using this material.

May 2024. © Pistrelli, Henry Martin y Asociados S.R.L.
All Rights Reserved.

1. Overview

1.1 Politics & government

Form of Government:

Federal republic with three branches of government. Executive (President), Legislative (Congress) and Judiciary (Supreme and lower courts).

Federal Government:

The country is divided into 23 provinces plus the autonomous city of Buenos Aires. Provinces have their own constitutions and executive, legislative and judicial branches of government. In addition, each province is divided into administrative units (i.e. municipalities) which are not autonomous but have their own budgets and administrative structures.

Congress:

Divided into two houses: the Senate and the House of Representatives. Members are elected by popular vote. In the case of the Senate, three members are elected per province for six-year terms. In the House, the number of members elected is proportional to the population of the province, and members are elected for four-year terms.

Presidential elections:

Held every four years in a variation on the two-round system: a candidate wins if he/she receives either 45% of the vote or 40% of the vote and is 10 percentage points ahead of the second-placed candidate. If these conditions are not met, a run-off takes place.

Demographics

Population:

46,654,581 inhabitants

Human Development Index (HDI):

0.842
2nd in Latin America and 47th worldwide

Adult population in the financial system:

99.3%⁴

Urban households with computer and Internet access:

62.6% y 92.1%
89 out of 100 people use mobile phones and 88 out of 100 use the Internet.

Demographic growth rate:

0.91% (2023)

Finalización de estudios universitarios:

21%³

Literacy rate¹:

99%

Age distribution:

22% under 15 years old
66.1% between the ages of 15 and 65
11.9% over 65 years old

Population density:

17 persons per km²

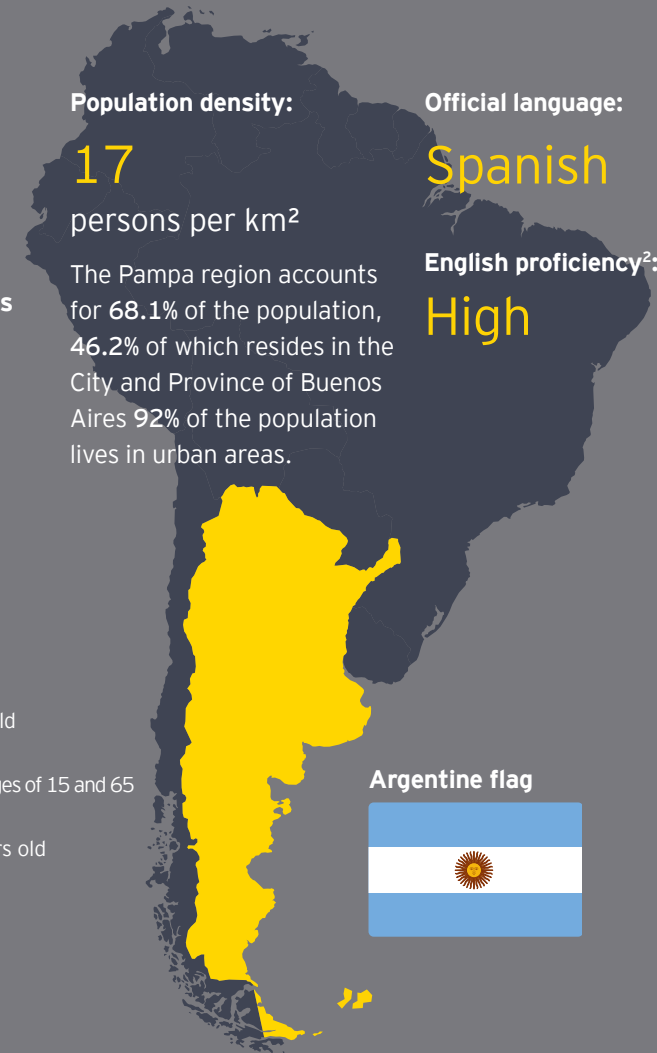
The Pampa region accounts for 68.1% of the population, 46.2% of which resides in the City and Province of Buenos Aires 92% of the population lives in urban areas.

Official language:

Spanish

English proficiency²:

High



¹ Aged 10 and over can read and write.

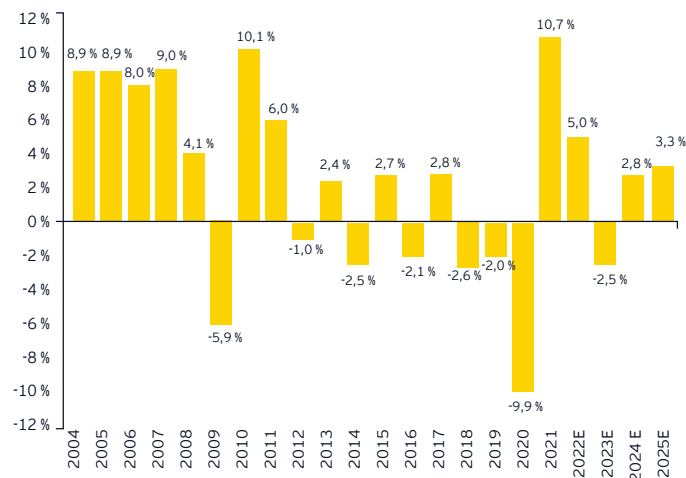
² Ranks 30th in the world and 1st in Latin America according to the Education First English Proficiency Index.

³ Population aged up to 64.

⁴ Percentage of adult population with at least 1 account.

1.2 GDP and economic activity

Real GDP growth



Source: own elaboration based on the INDEC (Argentine Statistics and Census Institute) and IMF.

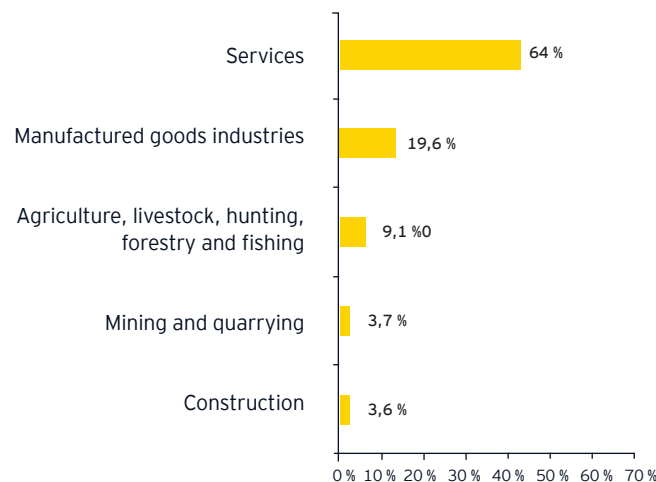
Argentina is Latin-America's third largest economy after Brazil and Mexico, and the sixth in terms of GDP per capita (considering the purchasing power parity). It is estimated that in 2024, its GDP will reach about USD 632.629 billion with GDP per capita at USD 13,394 (USD 27,576 in PPP terms)⁵. After two years of post-pandemic recovery, GDP fell again in 2023. The drought was one of the most important factors. The restrictions on imports and Argentina's uncertainty during the electoral period also played a part. The redressing of macroeconomic imbalances that began in late 2023 also contributed to the recession. The IMF expects that the Argentine economy will stop falling in 2024. The return of rains will help the agricultural sector to recover

⁵ Source: IMF.

and boost related sectors. A real competitive exchange rate should also contribute to a good year for exporting sectors, such as energy and mining.

Argentine economy has been stagnant for over a decade.

Breakdown of GDP by economic activity. Average for 2017-2022



Source: own elaboration based on INDEC data.

Argentina has a highly diversified economy. The primary sector is internationally renowned for its high productivity levels and use of advanced technologies.

Key sectors in Argentina's developed industrial base are agribusiness, automobiles, pharmaceuticals, chemicals and petrochemicals, biotechnology and design manufacturing.

The service sector is the largest contributor to GDP, accounting for over 50% of the total.

Argentina is a leading producer of foodstuffs. It is one of the five main global producers of soybeans, soymeal, soybean oil, sunflower and corn; and among the top ten producers of barley, sorghum and wheat.⁶

Argentina boasts the world's fourth-biggest unconventional petroleum oil reserve and the second-biggest unconventional gas reserve. Other valuable natural resources include gold, copper, lead, zinc, natural borates, bentonite, clays, and construction stone.

In the last few years, particularly due to the electric vehicle trend in the automotive industry, lithium -an extremely important resource for electric batteries- started to gain more significance. Argentina is the second country in the world, after Bolivia, with the largest amount of lithium resources (23% of total global resources), and the third one in terms of reserves.

At present, having three operating projects in the provinces of Catamarca and Jujuy, and 46 other projects in various development stages, Argentina has become the fourth greatest lithium producer worldwide. With the expansion of electric vehicle demand, the role of Argentina as one of the main players in this industry is gaining more importance.

Copper is another mineral with great potential, and it is crucial for generating renewable energy. At present,

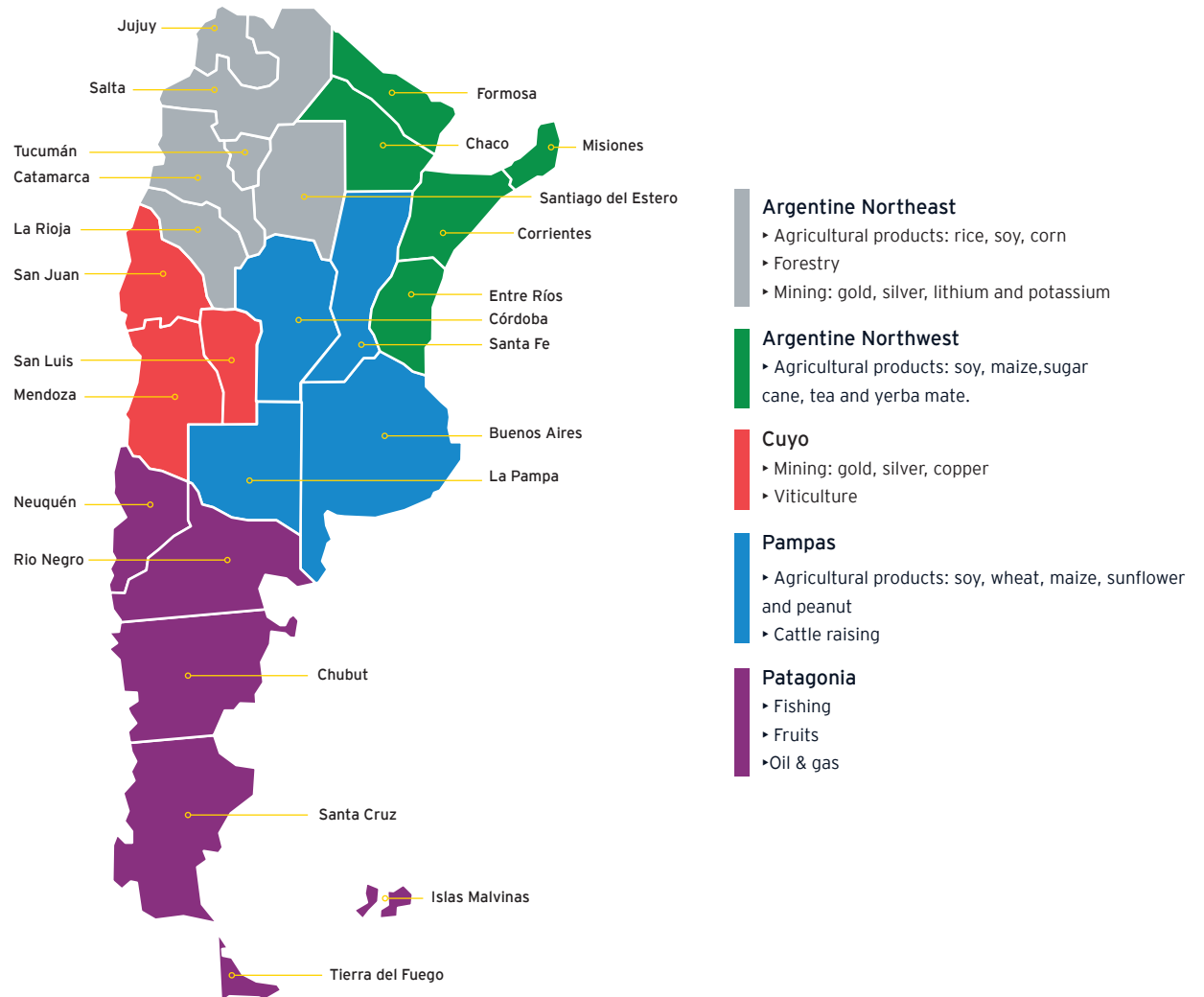
Argentina has one project under production and another 22 at different development stages and which will begin operating over the next few years. There are other mineral resources in Argentina, such as cobalt, chromium, graphite, zinc and nickel, among others, which are very important for energy transition purposes and which could play a big part in the future, mainly regarding the increase in mining exports.

The leading industrial sectors in terms of gross value of production are: food processing, beverages, chemicals and pharmaceuticals, motor vehicles and auto parts, coke fuel, oil refining, and nuclear fuel manufacturing.

With respect to services, the sectors with the largest share in gross value include commerce, which in turn contains wholesale, retail and repairs, followed by transport, storage and communications. The service sector leads the labor market as the largest job creator.

The provinces are usually grouped into regions: Argentine Northwest, Argentine Northeast, Cuyo, the Pampa Region and the Patagonia region.

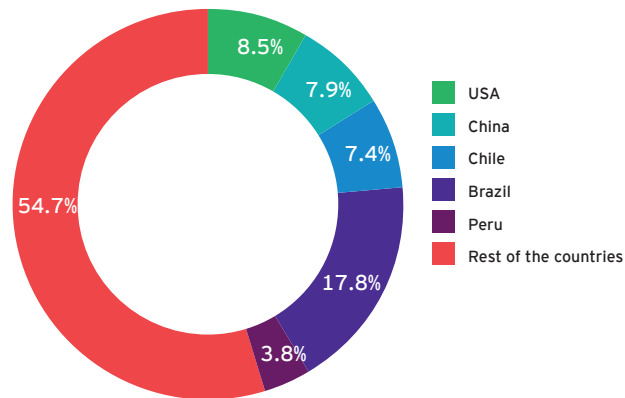
Argentina has valuable natural resources throughout its territory, which adds to the outstanding variety of climates that satisfy the needs of the different production processes. The most important sectors by region are as follows:



⁶ The figures are related to the data published by the USDA for 2023.

1.3 Foreign trade by partner:

Exports of goods 2023



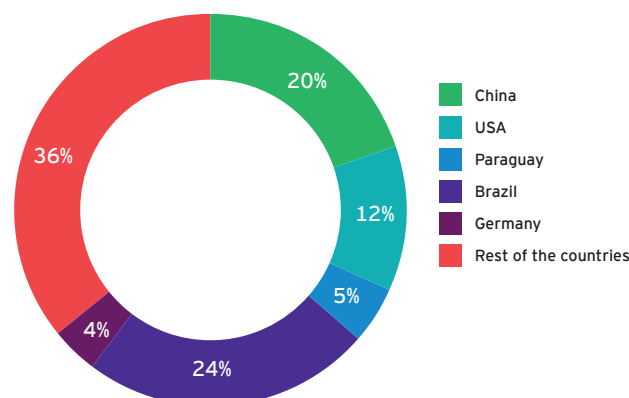
Source: own elaboration based on INDEC.

Argentina's main trade partners (imports and exports) are Brazil, the United States and China:

- ▶ 62% of exports to Brazil are industrial manufacturing products.
- ▶ Over 88% of exports to China are commodities and agricultural manufacturing products.
- ▶ 36% of exports to the US are industrial manufacturing products and 35%, fuel and energy.



Imports of goods 2023



Source: own elaboration based on INDEC.

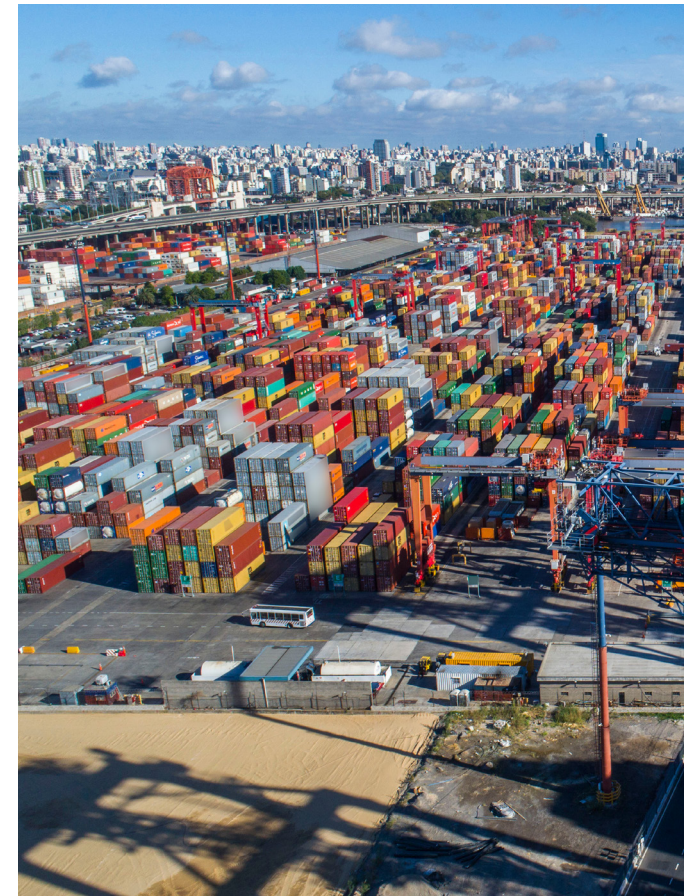
Imports:

- ▶ 49% of imports from Brazil are intermediate goods.
- ▶ 31% of imports from China are intermediate goods and 29%, capital goods.
- ▶ 36% of imports from the US are fuels and lubricants, and 34%, intermediate goods.

Argentina's main trade partners (imports and exports) are Brazil, China and the United States.

Recent years have seen a strong consolidation of export-oriented services, mainly due to Argentina's highly-skilled human resources.

Recent years have seen a strong consolidation of export-oriented services, mainly due to Argentina's highly-skilled human resources.



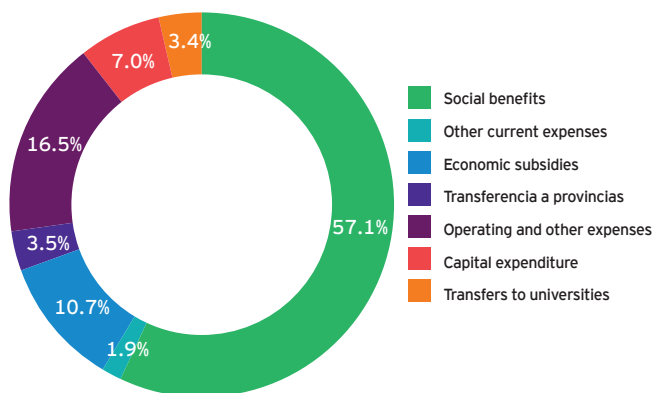
1.4 Public sector

Over the past decade (2013 to 2022), tax pressure averaged 30.0 percentage points of GDP. Excise taxes on goods and services accounted for ARS 4.8 of every ARS 10 collected, whereas taxes on work-related income represented ARS 2.1 of every ARS 10, and ARS 1.8 of every ARS 10 are provided by taxes levied on income and capital gains. The remainder was divided into taxes on foreign trade and other.

With respect to public expenditure, if we average years 2017 to 2023, we observe that 84.3% of expenses are concentrated in three areas: social benefits (57.1%), economic subsidies (10.7%) and operating expenses (16.5%).

Breakdown of public expenditure. Federal government (2017-2023 average)

Breakdown of public expenditure. Federal government (2017-2023 average)

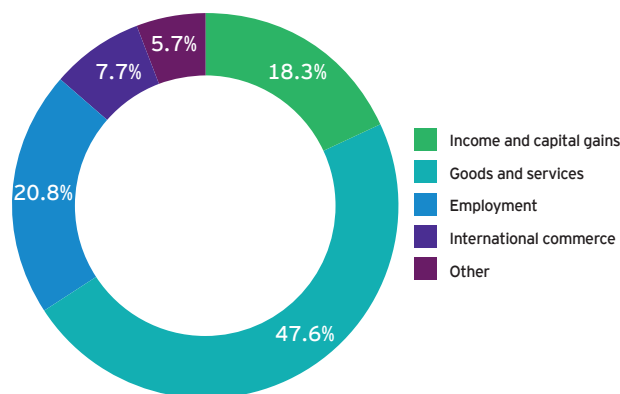


One of the new administration's main pillars is achieving primary surplus in 2024. To such end, it proposes reducing expenses and increasing revenues. The year 2023 ended with a 2.9% GDP deficit and a 6.1% financial deficit. IMF

authorities welcomed the proposed fiscal adjustment. Therefore, during the first days of the year, an agreement aimed at unlocking the outstanding disbursements was reached. Economic activity fell in 2023 and it is estimated that the recession will continue in the first months of 2024.

The country-risk premium continued to be high, at about 2,229 basis points in 2023, and even exceeding 2,700 basis points in October. Although it is possible to comply with the payments in US dollars scheduled for 2024, the negative net reserves and the political uncertainty cause these levels to remain high. If the government's plan works, they may decrease throughout the year, and Argentina could reenter the international debt market. Inflation remains one of the main issues to be solved. The adjustment in relative prices increased it even further, but it should start becoming more moderate by mid-2024. Percentage of federal taxes. Average 2013-2022

Percentage of federal taxes. Average 2013-2022



Source: own elaboration based on MECON.

1.5 Monetary policy and capital flows

The BCRA (Central Bank of Argentina) is responsible for monetary policy.

Its purpose is to promote monetary stability, financial stability, employment, and economic development with social equity (within the framework of the policies set by the federal government). The current foreign exchange policy entails a crawling peg system in which the BCRA gradually depreciates the Argentine peso every day. In each round, the BCRA intervenes in the market to maintain the foreign exchange rate, satisfying demand, or from the purchasing side to increase the stock of reserves when supply is higher.

Restrictions continue to exist in the flow of capital and the purchase of foreign current (hoarding) by the general public due to the scarce international reserves. The government's plan consists of gradually lifting controls as the BCRA restores its balance sheet. Another close objective is reducing the excessive debt from imports accumulated over the last two years.

In 2023, although a differential exchange rate for exporters was implemented more than once, net reserves fell by over USD 15 billion. Thus, it failed to comply with one of the goals set in the agreement entered into with the IMF. This year, after adjusting the foreign exchange rate, the BCRA accumulated reserves again. The end of the drought and the positive projections for the agricultural campaign will help the BCRA to continue purchasing US dollars on the market.

One of the first measures adopted by the new government was reducing the interest rate. Leliqs (liquidity bills) were no longer issued and the only monetary control instrument now are 1-day repo transactions. The real interest rate was highly negative both in December and in January, so a portion of BCRA's liabilities was diluted. The foreign

exchange gap fell as the official US dollar exchange rate increased, but then it rose again as a result of the rate policy. The interest rate is likely to go up again to sustain the demand of money.

As to the monetary financing of the deficit, both temporary advances and transfers of profits were used during the first half of 2023. During the second half of the year, the deficit was no longer monetized this way, but it continued to be indirectly monetized through the secondary bond market. These practices are expected to be eliminated in 2024.

1.6 Infrastructure

Despite always having a solid infrastructure, in recent years, Argentina has dropped positions in international reports that assess these issues. In the latest Global Competitive Report published by the IMD (International Institute for Management Development), which covers 64 countries, Argentina ranked 63rd. In the infrastructure category, it ranked 56th.

In terms of transport infrastructure, national road & railroad systems extend over 35,000 km, maritime connections operate through 46 ports while air traffic connects to 53 airports.

Argentina has 40 port zones along its Atlantic coast:

- ▶ The city port in Buenos Aires is a hub for 62% of cargo containers in the country.
- ▶ 10 port zones in the province of Buenos Aires.
- ▶ 15 port zones along the Patagonian coast, mainly used to transport petroleum and fish.

- ▶ 3 port zones in the province of Santa Fe, mainly used for grain and which are of great importance to one of the most dynamic sectors of our economy.

- ▶ 11 port zones in the northeastern region.

The role of the main navigable route is key to the development of the economy of our country. This 1,477 km route connects the ports and river terminals of the Paraná and La Plata rivers with the ocean, grouping around 80% of Argentine exports.

Main airports:

- ▶ Aeropuerto Internacional de Ezeiza (Ministro Pistarini), in the province of Buenos Aires.
- ▶ Jorge Newbery, in the Autonomous City of Buenos Aires.

Argentina has one of the most dynamic mobile communications markets in Latin America despite the country's macroeconomic instabilities having affected the development of the sector in recent years. Mobile penetration is around 130.6 accesses per 100 inhabitants. In terms of fixed internet penetration, the number of accesses per 100 inhabitants stood at 24.14, although the percentage of households with fixed Internet connection exceeds 90%. Among the challenges faced by internet users, the low quality of service stands out, followed by power cuts and high costs. By late 2023, the bidding process for the 5G network was initiated and it is expected that the technology will reach users in a term not exceeding one year. This network is already available for commercial use in various regional countries.

A total of 89% of Argentina's energy generation comes from conventional sources (gas & petroleum). The remaining 11% is a combination of hydroelectric energy, nuclear energy, mineral coal, firewood, bagasse, vegetable oils, alcohol fuels, wind energy and solar energy and other primary sources.

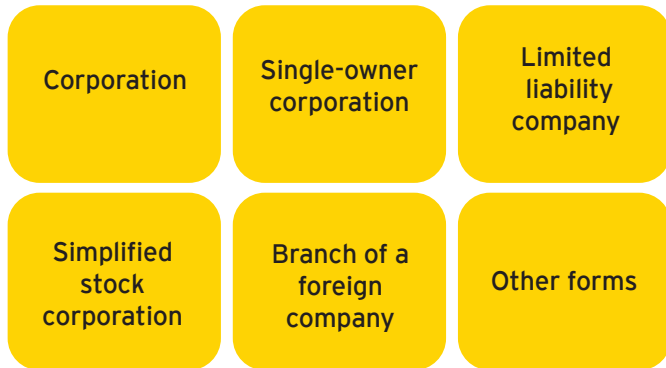
Renewable energies continue to develop in the country and in 2022 the energy generated by these sources reached 158,000 GWh, up from 153,000 in 2021. In October, a historical peak was reached in covering the power demand through renewable energies, reaching 31.3% of the total national amount. Renewable sources covered 13.9% of the total demand for the year. There is an increasingly greater contribution of wind energy.

In 2023, the construction of a gas pipeline linking Vaca Muerta with Buenos Aires, which will increase the gas supply to urban centers with greater concentration of people, was completed. The first tranche is 573 kilometers and it will allow reducing LNG imports.

Renewable energies are increasingly relevant in Argentina and a greater development is expected in the coming years.

2. Setting up a business

Business types



The most commonly used investment vehicles by nonresident individuals and foreign companies are: stock corporations (“sociedad anónima”), sole-member stock corporations (“sociedad anónima unipersonal”, simplified stock corporations (“sociedad por acciones simplificada”), limited liability companies (“sociedad de responsabilidad limitada”) and branches (“sucursal”).

The main characteristics of each of these five corporate structures, according to Argentine law and the regulations of the IGJ (Argentine regulatory agency of business associations), are set out below, provided that those companies are incorporated within the jurisdiction of Buenos Aires City.

Corporation (Sociedad Anónima, or “S.A.”)

- ▶ Capital is represented by shares of stock. Shares must be registered and nonendorsable. According to the rights they grant, shares may be classified into common or preferred shares.

- ▶ They are required to be incorporated through a public instrument.
- ▶ The transfer of shares is generally unrestricted, but certain restrictions may be included in the corporation’s bylaws or Articles of Association.
- ▶ The company must also have more than one shareholder.
- ▶ The shareholders’ liability is limited to the capital contributed by them. The minimum capital required is ARS 100,000. Cash contributions may be paid as follows: 25% upon subscribing the shares, and the remainder, during the next two years. Contributions in kind should be made in full upon subscription.
- ▶ If foreign business associations hold shares in a corporation incorporated in Argentina, they must previously register with the Public Registry of Commerce and provide evidence that their main activity is performed abroad.
- ▶ The shareholders are required to hold at least one annual meeting with a main agenda including the approval of financial statements, the allocation of profits and the appointment of directors and statutory auditors. A majority of the directors must be Argentine residents.
- ▶ Certain stock corporations that are subject to permanent state supervision should have an internal supervision body. Depending on the circumstances, this position may be fulfilled by an individual statutory auditor (síndico) or by a statutory audit committee (comisión fiscalizadora) appointed at the Shareholders’ Meeting.

- ▶ The corporate name should state Sociedad por Acciones or its abbreviation “S.A.”

Sociedad Anónima Unipersonal (S.A.U.)

General Business Associations Law No. 19,550 allows the incorporation of a single-owner corporation, a specific type of stock corporation. The special requirements of the SAU are as follows:

- ▶ Even though single-owner corporations are a specific type of company, they are subject to the regulations governing stock corporations.
- ▶ The shareholders’ liability is limited to the capital contributed by them. The minimum capital required is ARS 100,000. The whole capital must be paid in upon the incorporation.
- ▶ The management body may be formed by only one director.
- ▶ All single-owner corporations are subject to permanent state supervision and should have an internal supervision body formed by at least one statutory auditor and one deputy statutory auditor.
- ▶ Single-owner corporations cannot be shareholders of another single-owner corporation.
- ▶ The corporate name should state Sociedad Anónima Unipersonal, or its abbreviation “SAU”.

Limited liability corporations (Sociedad de Responsabilidad Limitada or “SRL”)

- ▶ Partners limit their liability to the par value of the subscribed membership interests.
- ▶ Membership interest transfers shall be registered with the Public Registry.
- ▶ It may be incorporated by virtue of a public or private instrument with certified signatures.
- ▶ The number of partners shall be at least 2 and shall not exceed 50.
- ▶ The administration is in charge of an individual or collegial management. The appointment of a statutory supervisor or supervisor committee is optional for those SRLs that do not exceed a capital amount of ARS 50,000,000.
- ▶ Whenever capital exceeds ARS 50,000,000, the management body shall comprise at least three members, and the supervision body shall include at last one statutory auditor and one deputy statutory auditor.
- ▶ Similar rules apply to stock corporations in relation to the liability of governance and management bodies.
- ▶ The corporate name should state Sociedad de Responsabilidad Limitada or its abbreviation “S.R.L.”

Simplified stock corporations (Sociedad por acciones simplificada, or “S.A.S.”)

- ▶ Members limit their liability to the par value of the shares that they agreed to subscribe to.
- ▶ The single-member simplified stock corporation cannot

be incorporated by another single-member simplified stock corporation.

- ▶ The corporate name should state Sociedad por Acciones Simplificada, or its abbreviation “S.A.S.”
- ▶ Simplified stock corporations must have one or more shareholders. Foreign natural and artificial persons may be members.
- ▶ Minimum capital is two adjustable minimum sustenance salaries (about USD 850.)
- ▶ The administration is under the charge of an individual or collegial management body. It is optional to appoint a statutory auditor or a statutory audit committee. At least one deputy manager should be appointed in case the Company has no supervision body.
- ▶ At least one of the members of the supervision body should be an Argentine resident.
- ▶ Simplified stock corporations are governed by regulations that are like those of stock corporation in relation to members’ and managers’ liability.
- ▶ The meetings of the management board and the members may be held remotely.
- ▶ Corporate and accounting books are digital.
- ▶ They cannot be subsidiaries or affiliates of a company subject to permanent state supervision if more than 30% of their capital is involved.
- ▶ They cannot make a public offering of their shares, have an equity interest in a state-owned company, or perform capitalization, savings or any other transaction requiring money or assets from the public with the promise of

future services or benefits; neither can they operate concessions or public utilities.

Branch of a foreign company

- ▶ These entities must be duly organized under the laws of their country of origin, prove the existence of their head offices abroad, register the articles of association or bylaws with the Registry of Public Commerce, and appoint and register a legal representative.
- ▶ The companies organized abroad that request their registration as special-purpose companies should be reported as such upon registration in Argentina. The condition as a special-purpose company will not be admitted in a supervening manner.
- ▶ Branches are required to keep books separately from those of their head offices in relation to the operations carried out in Argentine, and to file their financial statements before the Public Registry. In principle, it is not required to allocate capital from the foreign company to the Argentine branch, except as required by regulations (i.e. insurers or reinsurers).
- ▶ The IGJ requires foreign companies to comply with an annual information system. Thus, they should report the main activity performed abroad and individually identify the partners. In addition, the foreign companies’ legal representatives should provide a guarantee, like that requested from local companies’ directors.

Other forms of investment entities and business participation

Partnerships (sociedades colectivas)

According to General Business Associations Law, all partners are jointly liable for the obligations of the partnership once assets are realized. This liability is also unlimited and joint and several. There is no minimum capital required and its liquidation must be decided unanimously by the partners.

Temporary associations of business enterprise (uniones transitorias)

The purpose of these temporary associations is to develop or execute specific works, services or supplies, within or outside Argentina. They can also develop or carry out activities or services that are supplementary and accessory to the main purpose. A non-resident corporation may be a member of a local UTE as long as it complies with the same registration required by the local regulator for the incorporation of a branch of foreign entities. The temporary association is formalized through the execution of an agreement. Both the agreement and the legal representatives must be registered with the IGJ. They must keep records separately from those of their members. They must submit balance sheets within 120 days from year-end to the IGJ, together with an independent certified public accountant's report containing an opinion.

Cooperating groups (agrupaciones de colaboración)

The purpose of this type of groups is to create a common organization between several parties, either companies or individuals, to facilitate or develop certain phases of its members' activities, or to improve or increase results from such activities. As with UTEs, this agreement does not create a separate entity beyond its members. Cooperating groups are formalized through the execution of an agreement; both this document and legal representatives must be registered with the IGJ. They must keep records separately from those of their members. They must submit balance sheets within 120 days from year-end to the IGJ, together with an independent certified public accountant's report containing an opinion.

Cooperating consortium agreement (consorcios de cooperación)

Their nature and characteristics are like those of cooperating consortiums. However, their members may decide not to be jointly and severally liable for the obligations assumed by the legal representatives of the consortium. Just as the temporary association, this consortium is formalized through an agreement. Both this agreement and the legal representatives must be registered with the IGJ. They must keep records separately from those of their members. They must submit balance sheets within 120 days from year-end, together with an independent certified public accountant's report containing an opinion.

Trusts (fideicomisos)

The trust, which has a contractual basis according to Argentine law, allows the partners in an endeavor to isolate certain assets or property to use them for specific purposes.

According to the local legal framework the trustee may be the beneficiary of the trust, however in such cases the trustee must avoid any conflict of interest and must exercise its rights privileging the interests of all parties involved. The trustee may not be the final beneficiary of the trust.

In addition to the general provisions, the law contains certain specific regulations for some types of trust, like the financial trust and the last will trust.

Trusts must be registered with the relevant public registry.

Regulatory framework



Financial activities

Pursuant to the Financial Entities Act No. 21,526 (FEA), which governs banking and financial activities in Argentina, the BCRA is responsible for a) regulating and supervising all financial institutions, b) authorizing the operation, merger and transfer of the banking aspects of financial institutions and c) authorizing the establishment of foreign bank branches and representative offices.

Insurance activities

According to Law No. 12,988 (as amended) only insurers duly authorized by the SSN (Argentine Superintendence of Insurances) may insure persons, goods and any other insurable interest of national jurisdiction. In addition, Law No. 20,091 establishes that the following types of business entities may perform insurance activities in the country:

- a) Corporations (SA), cooperatives, mutual organizations which are incorporated and domiciled in Argentina;
- b) Branches or agencies of foreign insurance companies, cooperatives and mutual organizations, which have been assigned local capital;
- c) State-owned entities, whether national, provincial, or municipal.

Capital markets regulations

The Argentine capital market is governed by Capital Market Law No. 26,831. In addition to the general rules set forth by law, the CNV (Argentine Securities Exchange Commission) completed regulatory framework through Resolution No. 622/2013.

All agents or issuers shall be duly authorized and registered before the CNV and must comply with the requirements determined by the CNV.

Oil & gas

Exploration and production activities are regulated by Law No. 17,319, as amended (the "Hydrocarbons' Law"), and by subsequent federal and provincial decrees and resolutions. Hydrocarbon exploration, development and production require an exploration permit, or a production concession granted by the Federal Government or a province, depending on the location of the reserves. Law No. 13,660, enacted in 1949, provides the basic legal framework for downstream activities and must comply with provincial and municipal regulations regarding technical, safety and quality standards.

In order to obtain an exploration permit or a production concession, the applicant must go through a competitive bidding process. To be able to qualify for concessions or permits, all applicants must register at the Ministry of Energy and Mining and at the pertaining provincial authorities as an oil company. To transport hydrocarbons through pipelines, any individual or legal entity must hold a concession from the federal or provincial authorities.

Mining

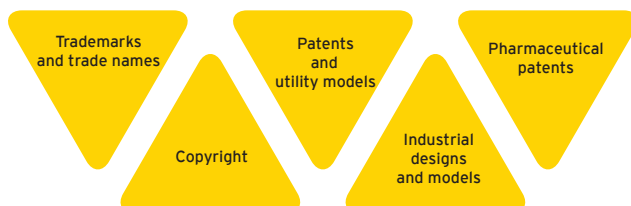
Mining activities in Argentina are governed by the Mining Code, enacted in 1886 as Law No. 1919, and amended on several occasions thereafter. Local and foreign individuals and legal entities may be granted a concession to explore and develop the minerals in a specific area. As per the

fees that the concessionaire must pay for the concession granted, an annual royalty is established by the Argentine Congress and must be paid to the Federal Government or the Provincial Government, depending on the jurisdiction where the mine is located. Mining activities have special tax incentives that should be carefully analyzed during the decision-making for a new investment in the area.

Energy and natural resources

The electricity sector was reformed and privatized in 1992 by the federal and provincial governments. At the federal level, the legal framework is composed by Law No. 24,065 and its administrative orders, including Presidential Decree 1398/1992, among many other decrees and resolutions from the regulating agencies. This legal framework created four vertical divisions within the electricity sector: generation, transmission, distribution, and demand. As a complement of the general legal framework in the electricity sector, in December 2006 and in October 2015 the Argentine Congress passed Laws No. 26,190 and 27,191 that set the rules that govern the generation, co-generation and auto-generation of electricity through renewable sources of energy. The regulatory framework under "renewable sources of energy" includes the following: solar power, wind power, geothermal power, tidal energy, hydraulic power, and biomass, among others. The regulatory framework grants certain tax benefits to the individuals or entities in charge of qualified projects. To obtain these benefits, applicants must file their projects before the Ministry of Energy and Mining and receive a Certificate of Inclusion to the "Renewable Sources of Energy Program."

Intellectual property protection



Trademarks and trade names

Trademarks and trade names are governed by Trademark Law No. 22,362 and its regulatory decree. The law provides protection on ownership of a trademark and its exclusive use, after its registration with the INPI (Argentine Trademark Office). The duration of a trademark registration, and thus its protection, is ten years from the grant date and is renewable indefinitely for periods of ten years, provided certain requirements related to its use are complied with.

Patents and utility models

Patents and utility models in Argentina are regulated by Law No. 24,481. This law provides that patents will be granted for any invention that complies with certain requirements: mainly (i) novelty; (ii) inventive step; and (iii) industrial application. The law awards a 20-year protection term as from the date of application of each patent. Foreign individuals or legal entities must establish a legal domicile in Argentina for the application process. The award must be registered with the INPI to be effective against third parties.

Pharmaceutical patents

Regulation, rights granted, and enforcement of these patents are, in general terms, identical to that of other non-pharmaceutical patents. However, its regulation is complemented by INPI's, Ministry of Production and Ministry of Health Joint Resolution Nos. 118/2012, 546/2012 and 107/2012. The referred regulation severely restricts the patentability of several categories of inventions in the pharmaceutical field.

Industrial designs and models

Industrial models or design registrations are granted to protect industrial production rights. To apply for these certifications any foreign individual or legal entity must establish a legal domicile in the City of Buenos Aires. If the design or model was not used or publicized in Argentina before, the certification will grant protection for a five-year term, renewable for two further terms of five years each. Renewals must be applied for not later than six months prior to the expiry of the current protection period. If a design application has been filed abroad, an application for a design registration in Argentina must be filed within six months of the filing date of the foreign application.

Copyright

The legal framework for copyright regulation is set out in Law No. 11,723, as amended (the "Intellectual Property Law" or "IP Law").

Protection under the IP law includes scientific, literary, artistic or educational works, regardless of the processes used for their reproduction.

Protection of foreign investment

Foreign investors and their investments are protected by Argentine law. National and international provisions ensure Argentina is a safe destination for foreign investment and foreign investors. For instance, Argentina has signed almost sixty bilateral investment promotion and protection treaties and enacted Foreign Investment Law No. 21,382 to protect foreign investments in Argentina. Argentina joined ICSID in 1994 and has been an observer of the OECD Investment Committee since 1996. In addition, Argentina is a member of the Multilateral Investment Guarantee Agency (MIGA) and the World Bank Group, which provides insurance for foreign investments made by individuals or legal entities established in member countries.

3. The Argentine tax system

Main taxes

Federal, provincial, and municipal governments levy taxes in Argentina. The federal government imposes an income tax, value-added tax, personal assets tax, excise tax, tax on financial transactions and customs duties. Provincial and municipal jurisdictions levy turnover taxes, real estate taxes, stamp duties, taxes on vehicles and taxes on public advertising, amongst others.

Taxes	<ul style="list-style-type: none">▶ Income tax▶ Value added tax▶ Personal assets tax▶ Excise tax▶ Tax on bank account transactions▶ Customs duties
Provincial and municipal taxes	<ul style="list-style-type: none">▶ Turnover tax▶ Real estate taxes▶ Stamp tax▶ Tax on vehicles▶ Tax on public advertising▶ Other taxes

Filing procedures and tax payments

The Argentine tax system is based on the principle of self-assessment. The federal tax laws require taxpayers to file annual or monthly returns to report their taxable income,

determine their tax liability, deduct any taxes withheld or paid in advance, and pay any balance due.

The corporate income tax return must be filed within five months after the end of the company's fiscal year. The tax year for individuals is the calendar year.

Individuals whose sole earnings are employee compensation are not required to file an individual income tax return for the year, provided that the relevant amounts are not exceeded. Instead, their employers are required to withhold income tax monthly, and this tax is considered final.

Foreign taxpayers not established in Argentina are not required to file a tax return if their income tax liability is fully satisfied by withholding taxes on Argentine-source income. Insofar that the annual gross compensation exceeds ARS 15,917,863.58 (amount effective for the 2023 tax period), foreign taxpayers will only be required an informative tax return, with no amounts payable.

Calculation of tax

Tax laws establish very detailed rules on how taxes should be calculated. In general, the calculation is based on known facts, such as those shown in the books kept by the taxpayer or in the documentation kept on file.

Only when no detailed information has been provided by the taxpayer or no proper books of account are being kept, or the information or records prove to be incorrect or incomplete, may the tax authorities turn to legal assumptions to establish the tax obligation of the taxpayer at issue.

Corporate taxation

Corporate income tax

- ▶ **Resident companies:** Corporate income is subject to taxation at the corporate level.
- ▶ **Dividends:** The dividends of resident companies are subject to withholding when allocated to foreign parties or individual residents.
- ▶ **Rates:** The companies, even foreign companies' subsidiaries, are subject to rates ranging between 25% and 35% for fiscal years beginning as from January 1, 2024, according to the following breakdown:
 - ▶ For net taxable income up to ARS 34,703,523.08: 25% rate on net taxable income.
 - ▶ For taxable income from ARS 34,703,523.08 through ARS 347,035,230.79: a fixed amount of ARS 8,675,880.77 plus 30% over net taxable income exceeding ARS 34,703,523.08.
 - ▶ For taxable income exceeding ARS 347,035,230.79: a fixed amount of ARS 102,375,393.08 plus 35% over net taxable income exceeding ARS 347,035,230.79.

In addition, the rate on dividends is 7% for income earned in tax years beginning as from January 1, 2018.

- ▶ **Territoriality:** For resident companies, worldwide income is taxable, including income of foreign branches and subsidiaries. Income of foreign subsidiaries is taxable on a general basis only in relation to dividends actually paid, except upon the application of the specific regulations on tax transparency, in which case the Argentine company

is taxed on the allocable share of **the subsidiary's** income regardless of whether dividends are paid. The companies organized under Argentine laws and the foreign companies' branches and other permanent establishments are considered resident companies for tax purposes. They are required to keep separate books and records in Argentina.

- ▶ **Business income:** Business income includes income from the sale of goods, depreciable assets, shares, or real estate; income from dividends other than from resident companies; interest; royalties and fees; and foreign-exchange gains. The only type of business income for which the law specifically defines "gross profit" is that derived from the sale of inventories; it is defined as net sales less the cost of acquisition or production. Other gross profit may be determined by any appropriate, technically sound, and consistently applied accounting procedures.
- ▶ **Capital gains:** Companies' capital gains are not subject to a specific tax. They are included within the income tax scope and, therefore, they are subject to the current rates ranging between 25% and 35%.
- ▶ **Net operating losses:** Net operating losses may not be carried back but may be carried forward for a maximum of five years.

Important issues

- ▶ **Regulations on the limitation of interest deduction:** Local companies -except for financial institutions- shall apply these rules to financial transactions with related parties. Interest shall be deductible up to an amount to be assessed by the Federal Executive (currently set at

ARS 1,000,000) or 30% of the Argentine company's EBITDA, whichever higher. The regulations admit that the unused surplus accumulated in the three immediately prior years may be added to the applicable limit. In addition, the interest that could not be deducted may be carried forward to the following five fiscal years.

- ▶ **Transfer pricing rules:** Argentine regulations on transfer pricing require that prices in transactions between related companies abroad be consistent with prices that would have been charged in similar transactions performed on an arm's length basis.
- ▶ **Royalties:** In general, royalties are deductible and subject to withholding tax. The withholding rate depends on the nature of the service and compliance with the local legislation on transfers of technology. The rates are 21%, 28% and 31.5%. The deductibility of trademark and patent royalties is limited to 80% of the gross payment made to non-resident entities.
- ▶ **Interest:** Interest is a deductible expense and is generally subject to withholding tax when paid to foreign beneficiaries at the rate of 15.05% or 35%.
- ▶ **Specific losses:** Tax losses arising from the sale of stock or other securities, losses from activities producing foreign-source income and losses incurred in derivative transactions (excluding hedge transactions) can only be offset against income arising from similar transactions.
- ▶ **Inflation adjustment:** As from the effective date of Law No. 27,430, the adjustment for inflation was reinstated with specific characteristics. On the one hand, it is possible to adjust certain acquisitions or investments made as from January 1, 2018. In addition, overall adjustment-for-inflation regulations shall apply whenever

the variation percentage of the price index exceeds 100%, accumulated during the thirty-six months prior to the year begin calculation. As from years beginning January 1, 2021, the total adjustment is computed in each fiscal year.

- ▶ **Foreign tax credit:** Resident companies may compute foreign income taxes as a credit towards their Argentine tax liability, up to the amount of the increase in their tax liability that results from including foreign-source income in the taxable base. Foreign tax credit cannot be carried back but may be carried forward for a period of up to five years.

Nonresident companies

Foreign companies are taxed only on income generated in Argentina. They are generally imposed withholding taxes at different rates, depending on the nature and origin of income.

Import-related income

Income earned by a foreign company from imports into Argentina is not taxable, provided the ownership of goods is transferred overseas, and the local purchaser clears the goods through the Argentine customs.

Portfolio income

Proceeds from the sale of shares of local companies are subject in general to tax at a 13.5% rate on the sale price or at a 15% rate on net income (taxpayer's choice). In the case of shares listed in Argentine markets, an exemption shall apply to the extent that foreign investors do not reside in noncooperative jurisdictions, or the invested funds do not derive from noncooperative jurisdictions.

In addition, the interest, returns and capital gains of the following securities obtained by the abovementioned foreign beneficiaries shall be exempted: (i) government securities issued by the federal, provincial, municipal and Buenos Aires governments; (ii) corporate bonds, debt securities from financial trusts and mutual fund shares placed in a public offering; and (iii) securities issued abroad and representing the shares of Argentine companies (e.g. ADRs).

Foreign companies are taxed only on income generated in Argentina.

Other federal taxes

Value-added tax (VAT)

Value-added tax (VAT) is a general tax on consumption within the Argentine territory. It is levied on the delivery of assets, the granting of loans or the provision of services by any individual or artificial person performing an economic activity, the import of goods and services, and the provision of digital services. VAT is reported and paid monthly, based on an online system designed by the tax authorities. Services rendered and loans granted from abroad but used by VAT payers in Argentina are taxable. The payment thereof will be used as a VAT credit.

The general rate is 21%. A higher rate of 27% is applied to electricity, natural gas and water supplied to business activities.

The rate of 10.5% is applied to some activities. For example, to the construction industry only with respect to the

construction of dwellings. This rate also applies to interest and commissions paid on loans granted by local financial institutions. Los bienes de capital ya sean importados o fabricados, se encuentran, en general, sujetos a una alícuota del 10,5%. The taxpayer's credits that originate because of these transactions can be refunded with certain limits.

Exports of goods and services are included in the scope of VAT, but they are taxed at a zero rate (0%). This means that VAT is not levied on the output, but the VAT paid on inputs may be recovered through tax refunds, which should be requested by the taxpayer.

Personal assets tax

All individuals domiciled in Argentina are subject to a tax upon their worldwide assets. Individuals not domiciled in Argentina are only liable for this tax upon their assets located in Argentina. The parties with no domicile in Argentina are subject to progressive rates up to 2.25% on their assets abroad and up to 1.75% on their assets located in Argentina. In addition, parties not domiciled in Argentina are subject to a single 0.5% rate on their assets located in Argentina. The tax applicable on shares and other equity interests in local companies for shareholders not domiciled in Argentina is paid by the local company itself. The applicable rate is 0.50% on the net worth value of the company.

At present, the Argentine Congress is discussing certain amendments to personal assets tax which may affect the 2023 and subsequent tax periods (until 2027), such as:

- ▶ Special system for paying over personal assets tax (REIBP).

- ▶ Tax stability until 2038 with respect to taxes on assets.
- ▶ Reduction in the maximum tax rates applicable to taxpayers both on their assets located in Argentina and abroad in such periods.
- ▶ Benefits for compliant taxpayers: additional reduction in tax rates for the 2023, 2024 and 2025 tax periods.

Tax on bank account transactions

The general tax rate is 0.6% (six per thousand) for credits and 0.6% (six per thousand) for debits on the amounts credited to or debited from the taxpayer's bank account. A total of 33% of the tax paid both on the credits and debits on bank accounts can be considered as a tax credit towards income tax.

Excise tax

Excise tax is imposed by the federal government on the sale, transfer or import of specific products, based, in general, on the invoiced amount. The main items subject to this tax are tobacco and tobacco products, alcoholic beverages, soft drink concentrates and soft drinks, diesel engines and cars, cellular phone services, electronic products, and insurance premiums. This tax does not apply to exported items. The excise tax rates vary depending on the item.

Local and provincial taxes

Turnover tax

Local governments impose tax on the turnover (revenues) of businesses. Tax rates vary depending on the type

of activity and jurisdiction (there are 24 jurisdictions). Farming and cattle raising, mining and other primary activities are taxed at about 1%, industrial activities at 1.5%, commerce and services in general at 3% to 5%, and financial and intermediary activities at 5.5% or 8%. The rates are applied to the total amount of gross receipts accrued in the calendar year. Exports of goods are tax exempt.

Stamp tax

Stamp duty is levied on the execution of public or private instruments. It is payable in the jurisdiction in which the economic transaction is documented but it may also be applicable in the jurisdiction in which it has effects.

Documents subject to this tax include, among others, all types of contracts, deeds, invoices confirmed by a debtor, promissory notes, and negotiable instruments. In general, the taxable basis is the economic value of the agreement. In general, the applicable rate is 1%, although it can vary depending on the type of deed and on the legislation of the jurisdiction imposing this tax. In the case of real estate sales, among others, the rate can be 3.6%.

Real estate taxes

Los gobiernos locales determinan el valor del inmueble local y aplican un impuesto progresivo sobre el valor del mismo. Los gobiernos locales también pueden cobrar tasas por servicios tales como alumbrado, barrido y limpieza.

Tax incentives

Mining promotion

Eligible entities must develop mining activities in Argentina or create an establishment in Argentina for that purpose. To be eligible, the project must be located in the territory of the provinces under the incentive scheme. The incentives are granted for the prospecting, exploration, development, preparation, extraction and certain processing of minerals.

Eligible projects receive, among others, the following tax benefits:

- ▶ **Tax stability:** Except for VAT and social security contributions, the total tax burden (federal, provincial, and municipal taxes) may not be increased during 30 years from the filing of feasibility studies. Special rules regarding deductibility and depreciation apply.
- ▶ **Royalties:** Royalties charged by provinces are limited to 3% of the value of the mineral extracted and transported before any transformation process.

Training-related tax credit system

A tax credit is granted on qualifying investments made or expenses incurred by companies in training their human resources, whether in open (delivered by public or private entities) or closed (courses tailored to the company) activities.

The tax credit may not exceed a certain percentage of the annual payroll, which is updated every year. The tax credit may be used to pay any federal tax (e.g. Income tax, VAT).

Investment projects in capital goods and infrastructure

The regime grants tax benefits for investments in new movable depreciable capital assets that are used for industrial activities, excluding vehicles and civil engineering projects.

The tax benefits available under the regime, primarily, consist of either:

1. the option of obtaining an early refund of the input VAT attributable to either the capital assets or the infrastructure project included in the investment project; or
2. the application of an accelerated depreciation of specific assets, subject to certain conditions.

The benefits under (1) and (2) are only available together in respect to investment projects which are intended exclusively for the export market.

Knowledge economy promotion system

The law establishes tax benefits for certain activities including software development, audiovisual production or postproduction, biotechnology, geological or prospecting services, services related to electronics and communications, professional services, nanotechnology and nanoscience, aerospace and satellite industry and space technologies, among others.

Provided that certain requirements are met, the main benefits include:

- ▶ A decrease up to 60% of income tax according to the company's size.
- ▶ Bonus to pay federal taxes equal to 70% of employer contributions on personnel engaged in the activities subject to the promotion system (the benefits rises to 80% in some cases).

Biofuel industry

The law defines biofuel as bioethanol, biodiesel and biogas produced with raw material from agriculture, agro-industrial and organic waste, which complies with the quality standards established by the applicable authorities.

The main tax benefits available under this system are the following:

- ▶ accelerated depreciation/amortization of equipment and investments for income tax purposes;
- ▶ early refund of VAT on purchases of fixed assets and investments in infrastructure.

Modern biotechnology

The regime grants tax benefits for those who submit research, development and production projects based on the application of modern biotechnology.

The main tax benefits are:

- ▶ accelerated depreciation for income tax purposes and VAT early refund of fixed assets, and
- ▶ Conversion into tax credit bond of 50% of the expenses incurred for the procurement of technical assistance,

research and/or development services from entities within the Argentine Science, Technology, and Innovation System.

Tierra del Fuego

The industrial promotion system ruled by Law 19640 states that activities and operations carried out in the National Territory of Tierra del Fuego, or assets existing in that Territory, are exempt from all national taxes (in the case of some specific taxes, reduced rates may apply).

Regarding customs duties, the benefits include the exemption or reduction in taxes that levy the imports and exports of movable property.

To claim the tax exemptions, the activities need to be performed in Tierra del Fuego's territory.

Double taxation conventions

Argentina has executed double taxation treaties with the following countries: Germany, Australia, Belgium, Bolivia, Brazil, Canada, Chile, Denmark, United Arab Emirates, Spain, Finland, France, Italy, Mexico, Norway, Netherlands, Qatar, United Kingdom, Russia, Sweden, Switzerland, and Uruguay. In addition, several treaties concerning the income tax exemption for international transport are in force.

Exporting to/from Argentina

Emergency Decree No. 70/2023 dated December 21, 2023, established a series of amendments to the Customs Code aimed at facilitating the import and export of goods.

Below are some of the main amendments:

1. It eliminated/amended a series of requirements related to the involvement of customs brokers in import and export transactions and eliminated certain specific requirements in connection with the registration of importers and exporters.
2. It established the possibility of making previous inquiries with the Registry of Imports and Exports in connection with the valuation and classification of goods.
3. It eliminated the possibility for the Executive Branch to establish bans or restrictions on exports or imports due to economic reasons.

Import regulations

Argentine customs authorities have incorporated the Harmonized System Codes (HS codes) to classify goods and assign tariffs, which is the basis for the Mercosur Common Nomenclature (NCM), applicable to the Mercosur member-countries. Basic rates are calculated on the CIF (cost, insurance, and freight) value of imports. Tariff rates vary according to the different kinds of goods and range from 0 to 35%. Depending on the tariff classification of the goods, imports may also be subject to a 3% statistics fee (with certain caps).

In addition, imports are subject to VAT. The VAT rate may be 21% or 10.5%, depending on the classification of the goods, and is calculated on an amount equivalent to the addition of the customs value, the import duties, and the statistics fee. The imports of certain goods are also subject to excise taxes.

The import of goods is subject to the advance payment of certain taxes (VAT / income tax / turnover tax advances). These charges are the advances for VAT, additional VAT withholdings, income tax and turnover tax liabilities that the importer shall pay in relation to its activities (sales, services, supplies, etc.) in the domestic market. For example, the income tax early payment is a credit towards the importer's annual income tax payment. These early payments do not apply if the importer considers that goods are fixed assets for accounting purposes or if importers obtain certain tax exemption certificates. The VAT early payment rate is 20% or 10% (depending on the classification of the goods); the income tax advance rate is 6%; and the turnover tax early payment rate is 2.5%.

Social Solidarity and Productive Reactivation Law No. 27,541 (Official Bulletin¹ dated December 23, 2019) as amended, created the PAIS tax, which established a tax applicable to purchases by Argentine residents of foreign currency earmarked for purchasing certain foreign goods and services.

In this context, goods imports will be subject to a 17.5% PAIS tax, while luxury items will be subject to a 30% rate, except for some transactions, which are exempt from such tax:

- ▶ Certain goods related to the oil industry (fuels and lubricants, among others).
- ▶ Inputs and intermediate goods related to staple goods as established by the Ministry of Economy.
- ▶ Other goods related to power generation.

In the case of service imports, payments made through the single and free foreign exchange market will be subject to the PAIS tax as follows:

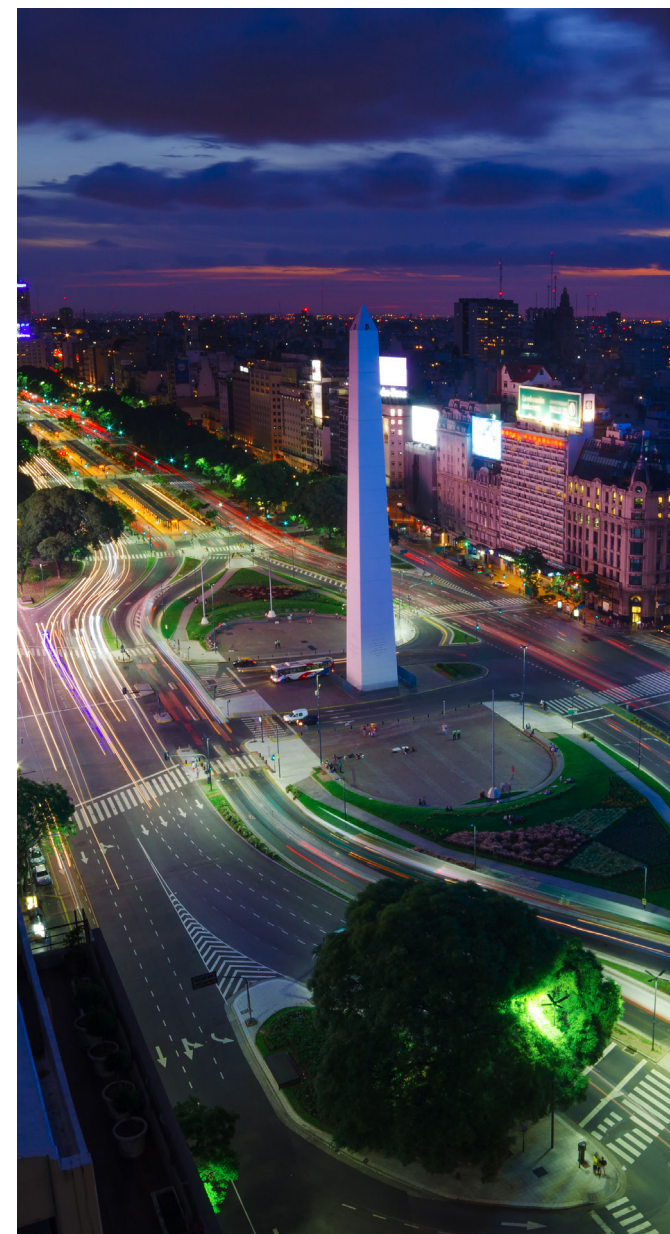
- ▶ Services in general: 25%
- ▶ Cultural/recreational services: 30%
- ▶ Freight services: 17.5%
- ▶ Healthcare and educational services: exempt
- ▶ Digital card services: 8%

With respect to imports of goods, there are special trade regulations within the Mercosur. The applicable import duty rate is 0%. The statistics fee is not applicable. Eligible products must have a certificate of origin from a Mercosur member-country showing that a sufficient manufacturing process occurred within a Mercosur member-country.

In December 2023, Joint General Resolution No. 5466/2023 creating the SEDI (Statistic import system) was published in the Official Bulletin. Through this system, importers are required to file a sworn statement stating the information related to their imports for consumption through the microsite "Sistema Estadístico de Importaciones" available on the AFIP's (Federal Public Revenue Agency) website.

Export regulations

Argentina established export duties applicable to exports for consumption of all goods included in the different tariff headings of the Common Mercosur nomenclature. The rate depends on the type of exported goods.



⁷ Argentine government daily publishing enacted acts, decrees, administrative orders, as well as resolutions of federal government and municipal agencies, and judicial documents requiring publication, etc. Under Argentine law, legal provisions become effective and binding once they have been published in this Bulletin for some specified time as provided by the related statute.

Southern Common Market

On March 26, 1991, Argentina, Brazil, Paraguay, and Uruguay signed a treaty stating a gradual reduction in import duties on trade among the 4 countries. The full implementation of this treaty started as of January 1, 1995, with elimination of the import duties among the 4 countries. Chile and Bolivia signed free trade agreements with Mercosur. The Mercosur has also signed preferential trade agreements with other ALADI countries (Mexico, Colombia, Ecuador, Peru, Cuba) with the end goal of creating free trade areas. There are also trade agreements with India and Israel.

The Mercosur has also signed preferential trade agreements with other ALADI countries (Mexico, Colombia, Ecuador, Peru, Cuba) with the end goal of creating free trade areas.

Argentine foreign exchange system

The Argentine Executive decided to adopt temporary and urgent measures to heighten restrictions on the foreign exchange market aimed at consolidating the normal operation of the economy and contributing to a prudent management of the foreign exchange market, reducing the volatility of financial variables, and containing the impact of the changes in financial flows on the real economy.

To such end, on September 1, 2019, Presidential Decree No. 609/2019 determined, among other matters, the obligation to enter Argentina the consideration of the export of goods and services in foreign currency or to negotiate in the foreign exchange market under the terms and conditions set by the BCRA.

It also set forth that the BCRA establish the cases in which access to the foreign exchange market to acquire foreign currency and minted precious metals and transfers abroad will require previous authorization, based on objective guidelines subject to current foreign exchange market conditions and making a distinction between the situation of individuals and that of artificial persons, and also empowered the BCRA to issue regulations to prevent practices and transactions -using government securities and other instruments- aimed at infringing the measures established by the decree.

In exercising these powers and to implement such regulations, on September 1, 2019, the BCRA issued Communiqué "A" 6770, as well as supplementary and clarifying regulations, which established certain issues which were subsequently amended by Communiqué "A" 7917 as supplemented, issued after the change in administration that took place in December 2023.

At present, the main foreign exchange issues to be considered are as follows:

- ▶ The collections from goods exported should be entered into Argentina and converted into Argentine pesos within certain calendar days according to the tariff heading of the exported goods. They may vary between 15, 30, 60, 180 and 365 calendar days. However, had the exporter collected exports before the term, it should enter the currency into Argentina and convert it into Argentine pesos within five business days.
- ▶ Service exports collected should be entered into Argentina and converted into Argentine pesos no later than 5 business days as from its collection or crediting in foreign accounts.

- ▶ Prior authorization is required for the early payment of payables from imported goods and services.
- ▶ The BCRA's prior authorization is requested for the creation of external assets by artificial persons, local governments, mutual funds and trusts, among others.
- ▶ The BCRA's prior authorization is required for the creation of external assets and family loans and provision of guarantees in derivative transactions by natural persons should they exceed USD 200 during the calendar month.
- ▶ Financial payables abroad disbursed as from September 1, 2019, should be entered into Argentina and converted into the foreign exchange market. Compliance with this requirement should be evidenced to access the foreign exchange market for settling principal and interest. The BCRA's prior authorization is required to settle capital services related to financial payables between related parties
- ▶ The BCRA's prior authorization is required for the remittance of profits and dividends.
- ▶ It will be possible to access the foreign exchange market without the BCRA's prior consent when making deferred payments related to new imports of goods with a customs entry record dated on or after December 13, 2023, and based on a certain schedule, depending on the type of goods involved.
- ▶ Payments of services to related parties rendered as from December 13, 2023, (with certain exceptions) may be made once that 180 calendar days have elapsed as from the date on which the services were rendered or accrued. On the other hand, payments of services to nonrelated parties rendered as from December 13,

2023, (with certain exceptions) may be made once that 30 calendar days have elapsed as from the date on which the services were rendered or accrued.

It should be evidenced that all financial and commercial payables had been reported in the information system under BCRA Communiqué "A" No. 6401 upon accessing the foreign exchange market to settling them.

It also set forth that the BCRA establish the cases in which access to the foreign exchange market to acquire foreign currency and minted precious metals and transfers abroad will require previous authorization, based on objective guidelines subject to current foreign exchange market conditions and making a distinction between the situation of individuals and that of artificial persons, and also empowered the BCRA to issue regulations to prevent practices and transactions -using government securities and other instruments- aimed at infringing the measures established by the decree.

In exercise of these powers and to implement such regulations, on September 1, 2019, the BCRA issued Communiqué "A" No. 6770, as well as supplementary and clarifying regulations, which establish the following issues, among others:

- ▶ The collections from goods exported should be entered into Argentina and converted into Argentine pesos within certain calendar days according to the tariff heading of the exported goods. They may vary between 15, 30, 60, 180 and 365 calendar days. However, had the exporter collected exports before the term, it should enter the currency into Argentina and convert it into Argentine pesos within five business days.

- ▶ Service exports collected should be entered into Argentina and converted into Argentine pesos no later than 5 business days as from its collection or crediting in foreign accounts.
Prior authorization is required for the early payment of payables from imported goods and services. For past due payables, filing SIRA and SIRASE (for goods and services, respectively) will be necessary. These should include the date as from which access to the single and free foreign exchange market can be requested.
- ▶ The BCRA's prior authorization is requested for the creation of external assets by artificial persons, local governments, mutual funds and trusts, among others.
- ▶ The BCRA's prior authorization is required for the creation of external assets and family loans and provision of guarantees in derivative transactions by natural persons should they exceed USD 200 during the calendar month.
- ▶ Financial payables abroad disbursed as from September 1, 2019, should be entered into Argentina and converted into the foreign exchange market. Compliance with this requirement should be evidenced to access the foreign exchange market for settling principal and interest. The BCRA's prior authorization is required to settle capital services related to financial payables between related parties.
- ▶ The BCRA's prior authorization is required for the remittance of profits and dividends.

It should be evidenced that all financial and commercial payables had been reported in the information system under BCRA Communiqué "A" No. 6401 upon accessing the foreign exchange market to settling them.



4. Labor legislation

A general Employment Contract Law, complemented by additional laws and statutes for specific activities, regulates employment conditions across the country. The law does not apply to government employees and other specific areas, whose work conditions are covered by separate regulations.

Payroll taxes

The rates applicable to employer and employee contributions are shown in the table below. Other minor payments apply in certain circumstances, for example in case of collective bargaining agreements and/or provincial taxes.

A general Employment Contract Law, complemented by additional laws and statutes for specific activities, regulates employment conditions across the country.

Summary of the rates applicable to employer and employee contribution

	Employer (%) ⁸	Employer (%) ⁹	Employee %
Pension fund	12,35 (a)	10,77 (a)	11,00 (c)
PAMI (Argentine federally managed healthcare system available to senior citizens)	1,57 (a)	1,59 (a)	3,00 (c)
Statutory health care organization	5,40 (a)	4,70 (a)	-
Federal unemployment fund	1,08 (a)	0,94 (a)	-
Medical care	6,00 (b)	6,00 (b)	3,00 (c)
TOTAL	26,40	24,00	17,00

⁸ Private-sector employers mainly engaged in the "Services" or "Trade" sectors, provided that their annual billing exceeds the limits set to be classified as tranche 2 medium-sized enterprise. At present, the values are ARS 1,438,900,000 for services and ARS 5,495,450,000 for trade, except for those regulated by Laws No. 23,551 (trade unions), No. 23,660 (mandatory healthcare organizations), No. 23,661 (ANSSAL) and No. 24,467 (SMEs).

⁹ Employers in the commercial sector or the services mentioned in the previous footnote.

References:

- These percentages apply to total compensation without any limit. The amount of ARS 7,003.68 (seven thousand three Argentine pesos and sixty-eight cents) will be deducted from each payroll employee's tax base over which the social security contribution rate is applied as gross compensation. In addition, certain sectors, such as "health" may deduct ARS 17,509.20.
- These percentages apply to total compensation without any limit.
- These percentages are applicable to the employee's compensation up to the monthly cap of ARS 548,651.90 (effective as from December 1, 2022.) This cap is updated on a quarterly basis every year.

The employers may compute a VAT credit for the contributions paid, the amount of which will depend on taxable income and the region in which the employees are located, pursuant to section 21, Law on Social Solidarity and Production Reactivation, within the context of Public Emergency Law No. 27,541 and its Schedule I.



Workers compensation insurance

Workers Compensation Insurance Law sets forth that an insurance policy must be purchased from an authorized workers compensation insurance company.

Contributions to workers compensation insurance companies are usually made up of a fixed amount per employee and a variable percentage. The latter is calculated based on the employer's contribution to the social security system (without any cap) plus any non-wage compensation (excluding compensatory items in case of termination.)

Life insurance

It is mandatory for employers to buy coverage of ARS 181,500.00 per employee, and the monthly value amounts to ARS 37.21 since March 2022. These values are adjusted each year based on the latest minimum sustenance salary published each December, effective as from March the following year.

Social security agreements

Argentina has entered into social security reciprocity agreements with several countries.

The Mercosur Agreement that includes Brazil, Paraguay, and Uruguay, as well as the bilateral agreements signed with Chile, Slovenia, Spain, France, Greece, Italy, Portugal, Peru, and Colombia.

In addition, the Ibero-American Social Security Treaty, which includes Bolivia, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, the Dominican Republic, and Venezuela, as well as the bilateral agreements with Belgium and Luxembourg are still in effect and pending regulation.

Self-employed workers

Self-employed individuals are required to contribute to a specific pension fund. The amount they need to contribute depends on the nature of their work and the level of income. This monthly contribution ranges between ARS 9,003.60 and ARS 39,615.30.

Whether they have a payroll relationship with the company or not, the directors of corporations and representatives of foreign companies are required to make contributions to the National System of Self-Employed individuals.

Employment contracts

Employment contracts do not generally specify an end date to promote the general unspecified timeframe principle. This principle ceases to be applicable if: a) the timeframe of the contract has been set in writing and b) the activity justifies the exception.

Employment contracts for unspecified timeframes are understood to have been entered into on a trial basis for the first three months. During this probationary period

either party can terminate the relationship without specifying the cause but by giving notice. In this case the termination will not give right to payment of indemnity.

Other types of contracts include part-time contracts (working hours do not exceed two thirds of the normal working day) and seasonal contracts (when the relationship between the parties is limited to certain months of the year and repeated according to the business cycle of the activity in question).

Other contracting schemes accepted by Argentine labor legislation, which are exceptions to the general unspecified timeframe principle, include fixed term contracts and temporary employment contracts. As these are exceptions to the general principle, their applicability must be analyzed considering the provisions of the Employment Contract Law on a case-by-case basis.

Special requirements for foreign natural persons

In principle, there are no restrictions on the employment of foreign nationals, nor are quotas established.

Expatriates may request an exemption from employer and employee contributions or from the benefits of an international social security agreement, as applicable.

For each case, the social security, labor, and tax treatment to be given to the abovementioned benefits must be analyzed taking into consideration the current laws in force (the whole package of benefits is usually taxable.)

Scope of benefits

It is not customary in Argentina for companies to provide additional pension benefits to employees over and above the official pension (some large local and multinational companies are exceptions.)

Healthcare benefits adequately cover the needs of employees in most cases. However, pension payments at retirement are usually small, which would contribute to the development of private pension plans.

Some measures have been adopted to increase the minimum pensioners are entitled to at retirement. The minimum amount of retirement benefits stands at ARS 50,124.26 (effective as of December 2022).

Salary and other employee benefits

Argentine labor laws are protective of employees. Various regulations cover items such as employment relationships, different methods of wage payments, maternity and other leaves, and restrictions to the employment of minors.

Pursuant to the Employment Contract Law, an additional annual bonus equivalent to a monthly salary shall be paid in two parts on June 30th and December 18th of each year. Moreover, employees are entitled to vacation days, based on seniority (ranging from 14 to 35 days per annum). Items such as overtime and sick leave are specifically governed by the provisions of the Employment Contract Law.

Termination of the labor relationship

The employment contract may be terminated for a set of different reasons. The most common are employee resignation and employer dismissal without cause.

In case of resignation, the employer shall not pay any additional items other than the accrued salary, unused vacation and proportional thirteenth month salary. In the case of dismissal without cause, in addition to the payments applicable to resignation, the employer is generally required to pay severance pay in lieu of notice -unless notice is served, in which case it stands at one or two months depending on seniority-, and severance pay (equal to a salary per year of service or portion exceeding three months, although a cap may apply over this calculation basis).



5. Accounting and auditing standards

Financial reporting

Based on General Business Associations Law and IGJ regulations, stock corporations and limited liability companies with capital exceeding ARS 2 billion are required to file with the IGJ their annual financial statements, including the balance sheet, statements of income, of changes in shareholders' equity, and of cash flows.

Furthermore, parent companies are required to present consolidated financial statements as supplementary information to their stand-alone financial statements.

The organization, operation and winding-up of business associations is regulated by the General Business Associations Law No. 19,550 and other guidelines issued by different oversight agencies.

The two main requirements are as follows

- a. File the annual financial statements audited by an external auditor.
- b. Stock corporations and limited liability partnerships without supervisory boards included in section 299 of General Business Associations Law are required to have an individual statutory auditor or, in some cases, a statutory audit committee. This role is held by accountants and/or lawyers (section 284, General Business Associations Law).

The oversight agencies mentioned in the table below require that financial statements and an external auditor's report issued by an independent public accountant be filed with the related enforcement authority.

Oversight authority	Company types to control
CNV	Companies with listed securities
BCRA	Financial institutions
SSN	Insurance and reinsurance companies
SART (Argentine regulatory agency of workers compensation insurance companies)	Workers compensation insurance companies
IGJ and similar provincial authorities	Stock corporations, foreign branches, nonprofit civil associations, and foundations

El plazo general para presentar los estados contables anuales varía según la autoridad de control que corresponda. Deadlines are set after a given number of days following year end:

Company	Deadline after year end (or term)
Companies with listed securities	70 calendar days
Financial institutions	70 calendar days
Insurance and reinsurance companies	60 calendar days
Workers compensation insurance companies	60 calendar days
Entities subject to the IGJ's control	
Joint-stock companies included in article 299 of Law No. 19,550	15 business days prior to the Shareholders' Meeting (1)
Other companies	15 business days after the Shareholders' Meeting (1) (2)
Foreign branches	120 days
Nonprofit civil organizations	15 business days prior to the Members' Meeting
Fundaciones	15 business days after the governing body's meeting

(1) The meeting must be convened within four months following year end.

(2) The financial statements are required to be presented to the IGJ electronically, generated by the application program provided by the IGJ, along with a sworn statement by the Company and the certification of an independent public accountant.

Stock corporations and limited liability companies with capital equal or exceeding ARS 2 billion are required to file with the IGJ their annual financial statements, including the balance sheet, statements of income, of changes in shareholders' equity, and of cash flows.

- ▶ According to section 66, General Business Associations Law, managers of stock corporations and limited liability companies are required to draft a shareholder letter on the date of issuance of the financial statements reporting the company's position regarding its different activities and explain company results and projections.
- ▶ Under IGJ regulations, all stock corporations and limited liability companies with equity equal to or exceeding ARS 2,000 million must include certain information in the letter to the shareholders or owners apart from the information set forth in General Business Associations Law regarding the company's organization structure, its activities and purposes and prospects for the following fiscal year.
- ▶ Under certain conditions, in the case of stock corporations not included in section 299 of General Business Associations Law (see above) and limited liability companies with a capital exceeding ARS 2 billion, the regular meeting may exempt administrators from preparing said letter to the shareholders with the abovementioned information, if it is not necessary for its purposes and there are no shareholders and third-parties that have shown express legitimate interest in such information. In these cases, the letter to the shareholders should be prepared based on the requirements established in section 66, General Business Associations Law.
- ▶ Companies publicly listing their securities ("issuer companies") should file quarterly financial statements and a Board of Directors' informative overview, which are published on the CNV's website. This information should be filed within 42 days consecutive to period end. Moreover, the issuers of quarterly financial statements

of its subsidiaries under joint control and associates may replace their filing by the disclosure in a note to the financial statements of such entities' information according to effective regulations, in which case the issuer should make such financial statements available if requested by the public.

- ▶ Financial institutions, insurance companies and workers' compensation insurance companies are required to file quarterly financial statements with their respective oversight agencies within the following deadlines, which are defined a certain number of days after period-end:

Company	Time period after period-end closing
Financial institutions	Last day of the month after period-end (1)
Compañías de seguros y reaseguros	60 calendar days
Workers compensation insurance companies	60 calendar days

(1) New deadline established for quarterly financial statements issued from the 2023 fiscal year.

In all cases, quarterly financial statements and the Board of Directors' informative overview must be accompanied by a review report issued by a public accountant in conformity with audit standards in effect.

According to Argentine General Business Associations Law, financial statements should be prepared in constant currency. Later, the section "Argentine professional accounting standards other than TR No. 26" describes the Argentine professional accounting standards that should be applied when restating the financial statements in constant currency.

Dividends may be distributed only based on liquid and realized income, resulting from a related balance sheet as

of the end of the year, prepared in conformity with the law and the company's bylaws. Companies included in section 299 of General Business Associations Law may distribute dividends in advance or temporarily, based on special-purpose financial statements, under the unlimited joint and several liabilities of directors and statutory auditors.

IGJ regulations establish the following corporate requirements:

- the capitalization of capital adjustments prior to or simultaneously with the effective capital increase and
- the distribution of unappropriated retained earnings (whether through cash or share dividends or the creation of reserves).

Additionally, requirements were established by IGJ regulations to book irrevocable capital contributions on account of future share subscriptions in addition to those established in professional accounting standards, mainly that they should be paid in cash and that their capitalization is mandatory and shall not extend beyond the fiscal year in which it was accepted, computed as from the company's management acceptance of the contribution, unless that on year-end the Shareholders' meeting is to be held before the term elapses, in which case the decision on the above mentioned capitalization should be adopted in the same opportunity.

Professional accounting standards General considerations

Argentina is a federal republic made up of 23 provinces plus the Autonomous City of Buenos Aires. All jurisdictions have professional councils in charge of issuing professional accounting and audit standards. The standards issued

by each council are mandatory only for the professionals registered with the respective jurisdiction.

All professional councils in Argentina are members of FACPCE (Argentine Federation of Professional Councils in Economic Sciences), an organization in charge of coordinating efforts to issue professional accounting and audit standards. The FACPCE, through the CENCYA (special committee for accounting and auditing standards), prepares accounting and auditing standards that are submitted to an inquiry period and after this period has elapsed, it issues the final professional standard, which may consist in a technical resolution or interpretation, the adoption of which is proposed to the professional councils of each Argentine jurisdiction.

In 1998, the FACPCE's governing board decided to implement a plan to adapt Argentine professional accounting standards to the IAS (International Accounting Standards) proposed by the IASC (International Accounting Standards Committee). The accounting framework resulting from the implementation of such plan considered the IAS in effect at the time, but the plan did not include an ongoing update protocol allowing for the incorporation of the subsequent changes in international standards.

In 2009, the FACPCE issued Technical Resolution No. 26 whereby it adopted IFRS (International Financial Reporting Standards) as issued by the IASB (International Accounting Standards Board). The application of IFRS was established as mandatory for certain entities and optional for others, to the extent stated in the following section.

Likewise, the FACPCE has initiated a process of codification and change in Argentine accounting standards other than RT No. 26 which will be effective as from 2025 and which is explained in greater detail in a specific section

Adoption of Technical Resolution No. 26, as amended

IFRS adoption in Argentina has the following characteristics:

1. Scope of mandatory application

- ▶ Application of the IFRS is mandatory in financial statements of entities included in the public offering system (Law No. 17,811). The first mandatory application was for the financial statements of listed entities related to annual fiscal years beginning as from January 1, 2012, and for the interim periods related to such fiscal years. However, the entities authorized by the CNV (Argentine Securities Commission) to maintain accounting methods of a different regulatory body, such as financial institutions, insurance companies, cooperatives, and civil associations, are exempt from applying IFRS.
- ▶ The application of IFRS is mandatory for the consolidated financial statements of a group of companies, the separate financial statements of a parent company, and for the stand-alone financial statements of a noncontrolling company. The separate and stand-alone financial statements mentioned are the ones that should be considered for all statutory purposes in Argentina, while consolidated financial statements are supplementary information.

2. Optional application of IFRS

- ▶ Entities not covered by, or exempted from, the mandatory application of IFRS, have the option of applying IFRS in full or IFRS for SMEs, with the scope set forth for by the IASB.

- ▶ The IFRS for SMEs cannot be used by entities that are expressly excluded from their application by the IASB. This includes entities whose debt or equity instruments are negotiated on a public market or that are in the process of issuing these instruments, or when one of its main activities is to hold assets as a trustee for a vast group of third parties.
- ▶ Notwithstanding the provisions established by the FACPCE, the possibility of optionally applying IFRS or IFRS for SMEs is subject to the approval of each company's related corporate oversight body. The status of this adoption by the main enforcement agencies is analyzed further under the section "Statutory Accounting Standards".

Argentine professional accounting standards other than RT No. 26

1. Unit of measurement

Argentine professional accounting standards provide that in a context of monetary stability, the unit of measurement is the nominal currency. Upon identifying an inflation context that requires adjusting the financial statements, certain qualitative conditions should be considered, which are like those contained in IAS 29 "Financial Reporting in Hyperinflationary Economies", but the key indicator and condition necessary to restate the figures included in the financial statements is the existence of a three-year cumulative inflation rate which reaches or exceeds 100%.

The entities required to file financial statements had discontinued the restatement of the amounts into constant currency in 2003 (until February or September of that year, depending on the type of entity), a situation that changed

in 2018, as from which date due to several macroeconomic factors, the three-year cumulative inflation exceeded 100% and remained at the same level to date.

In this high inflation context, the following events occurred, and professional and legal standards were issued:

- a. To establish rules for resuming the process for restating financial statements, on September 29, 2018, the Board of Governance of the FACPCE approved IGJ Resolution No. 539/18 (as subsequently supplemented by Resolutions JG 553/19 and 584/21) on September 29, 2018, which establishes as follows: (a) the financial statements for the fiscal years or interim periods closing on or after July 1, 2018, should be restated based on the procedure established by Technical Resolution No. 6 "Financial statements in constant currency", as if the economy had always been inflationary; (b) the series of indexes to be used for the restatement will be prepared and published by the FACPCE on a monthly basis, which combines the Argentine consumer price index -published by the INDEC- from January 2017 (base month: December 2016) with the domestic wholesale price index published by the INDEC through that date, computing the changes in the consumer price index for the City of Buenos Aires for November and December 2015, in which case the INDEC has not disclosed information about the changes in the domestic wholesale price index.
- b. The CNV and the IGJ issued General Resolutions No. 777/18 and 10/2018, respectively, whereby they upheld a position like that established by the FACPCE in GR No. 539/18; that is, the restatement into constant

currency is mandatory for annual or interim financial statements closing as from December 31, 2018.

- c. The BCRA and the SSN required the restatement into constant currency as from the years beginning on or after January 1, 2020, and June 30, 2020, respectively.

2. Métodos de medición

The accounting measurement methods under Argentine accounting standards are applied based on the nature of assets and liabilities.

In connection with this issue, they may be applied as follows:

- a. For assets:
 - ▶ Historical cost
 - ▶ Current values
 - ▶ Replacement cost
 - ▶ Net realization value
 - ▶ Net realization value based on degree of completion
 - ▶ Fair value
 - ▶ Discounted amount (present value) of the cash flows to be collected
 - ▶ Percentage of equity interest on the accounting measurements of assets or equity
- b. (b) For liabilities:
 - ▶ Original amount
 - ▶ Settlement cost

- ▶ Discounted amount (present value) of the cash flows to be disbursed
- ▶ Percentage of equity interest on the accounting measurements of liabilities

Additionally, the FACPCE established that the following regulatory hierarchy be applied to solve issues for which Argentine professional accounting standards provide no accounting treatment:

- i. The provisions established in Argentine professional accounting standards for similar or related issues;
 - ii. general standards on accounting measurement;
 - iii. the concepts included in the general framework of such standards.
- If the issue cannot be resolved or the resolution is not apparent based on the primary sources mentioned, the entity's Management may use the following supplementary sources:
- iv. the IFRSs approved and issued by the IASB;
 - v. the most recent pronouncements from other issuers using a similar general framework for the issuance of accounting standards;
 - vi. accepted practices in the various industries or sectors;
 - vii. accounting jurisprudence.

These supplementary sources can be used if they do not contradict the primary sources and until the FACPCE issues a specific standard on the matter.

3. Argentine Unified Accounting Standard

The FACPCE has finished coding Argentine professional accounting standards into what is known as the Argentine Unified Accounting Standard. The NUA follows a simple structure that allows for easier identification of the requirements that must be considered to solve accounting issues than the predecessor standards. It also entails a closer alignment with IFRS in some aspects of measurement, presentation, and disclosure; it incorporates accounting treatments for issues that were not covered by professional standards, as well as optional differential standards (mostly simplifications) for small and medium-sized entities.

The first part of the NUA deals with general aspects applicable to most entities and the second part is applicable to entities having complex organizational charts or transactions, or showing characteristics inherent to the industry in which they operate. It is expected to become effective in 2025.

The application of the NUA to the financial statements of the entities it is intended for depends on whether the corporate oversight agencies adopt it as their own, either as issued or with the changes that those agencies may make.

Regarding the categorization of an entity as small or medium-sized, the NUA establishes that an entity falls under one of these categories if it meets certain qualitative and quantitative criteria, as follows:

Qualitative criteria

- ▶ It should not be subject to the Financial Entities Act, carry out capitalization or savings transactions, or request resources from the public with the promise of future benefits or services.
- ▶ It should not be an insurance entity under the control of the SSN (Argentine insurance companies' regulatory agency).
- ▶ It should not be a corporation that is a mixed company (where capital stock is held by both the government and private shareholders) or in which the government is the majority shareholder.
- ▶ It should not be an entity that controls or is controlled by an expressly excluded entity.

Quantitative criteria

An entity qualifies as a small or medium-sized entity if it did not generate revenues exceeding a certain amount in the immediate previous fiscal year to which the financial statements refer. That amount, expressed in December 2023 purchasing power, must be less than ARS 716,902,473 for an entity to qualify as a small entity, and must be equal to or greater than that amount and not exceed ARS 3,584,512,263 for an entity to qualify as a medium-sized entity. These amounts are subject to monthly adjustments by application of the variation of an inflation rate published by FACPCE.

Statutory Accounting Standards

Legal standards regarding accounting issues may only be issued by the Argentine government and the provincial governments by law, decree, or resolutions of government agencies to whom such special legislative powers have been delegated on the issues in question.

The following Argentine government agencies are empowered to issue legal regulations regarding accounting matters: The CNV, the BCRA, the SSN, the SART, the INAES (Argentine Cooperative and Mutual Action Institute), which controls cooperatives and mutual aid associations, the INSS (Argentine Social Services Institute), which controls statutory healthcare organizations and similar entities, the IGJ and similar provincial authorities.

Some of these government entities automatically incorporate as statutory accounting standards the professional accounting standards approved by the FACPCE and adopted by the Professional Council in Economic Sciences of the related jurisdiction. Other government entities issue specific resolutions whereby they adopt the professional accounting standards partially or in full. Finally, there are government entities which issue their own statutory accounting standards, which may contain significant differences with professional accounting standards. The companies that fall outside the scope of the mandatory application of IFRS may choose to apply IFRS or IFRS for SMEs, depending on the type of entity.

The actual use of this option does not depend solely on the decision of the issuer of the financial statements, but on the authorization of the corporate oversight agencies. In connection with this issue:

- i. The BCRA has created a new accounting framework based on the IFRSs that the financial institutions apply as from the fiscal years beginning January 1, 2018, with certain temporary exceptions that have been updated. At present, the main temporary exception is the following:
 - ▶ Group A banks: to book the allowances for loan losses, they will apply the expected credit loss criterion under IFRS 9, except in the case of debt instruments of the public sector.
 - ▶ Group B and C banks: the application of the expected credit loss criterion under IFRS 9 is excluded temporarily and on a full basis. These banks were able to opt for this suspended application as from January 1, 2022, January 1, 2023, (Communiqué "A" No. 7427") or January 1, 2024, (Communiqué "A" No. 7659), except for debt instruments of the public sector, for which the temporary exclusion remains.
- ii. The SSN had made progress in preparing a plan to adopt the IFRSs tentatively in 2022/2023; however, no progress has been made at present in connection with that project.
- iii. The IGJ, which controls stock corporations and branches located in Buenos Aires City, issued GR No. 4/18 in 2018, whereby it allows preparing financial statements considering one of two options: in accordance with IFRS or with IFRS for SMEs incorporated by the FACPCE in TR No. 26, or in

accordance with the Argentine professional accounting standards issued by the FACPCE other than TR No. 26.

Audit Standards

FACPCE Technical Resolution No. 37 ("*Standards on audit, review, other assurance engagements, certification and related services*") describes the standards related to performing audits and limited reviews of financial statements of entities, among other professional services addressed in the resolution. In addition, some oversight agencies, such as the BCRA or the SSN, issue audit and review standards that the audit is required to fulfill in addition to that established in Technical Resolution No. 37. These include, for instance, a list of the minimum audit procedures applicable to the examination of the annual and quarterly financial statements of the entities under their control.

The FACPCE issued in November 2012 the following technical resolutions applicable to the audits and the limited reviews which are required to be prepared under IFRS and require the application of the international auditing standards issued by the IAASB (Auditing and Assurance Standards Board) and the IFAC (International Federation of Accountants):

- a. Technical Resolution No. 32: adopts and requires the mandatory application of the IAS issued by the IFAC for audits of financial statements which are required to be prepared under IFRS, effective as from fiscal years beginning on or after January 1, 2014.
- b. Technical Resolution No. 33: adopts and requires the mandatory application of International Standard on Review Engagements (ISRE) No. 2410 related to the review of interim financial statements which are

required to be prepared under IFRS, effective as from interim periods related to fiscal years beginning on or after January 1, 2014.

The FACPCE issued Technical Resolution No. 34, which adopts and requires the application of the International Standards on Quality Control issued by the IAASB and the Standards on Independence issued by the IESBA (International Ethics Standards Board for Accountants) for all auditors who report having provided professional services in which the regulations contained in Technical Resolution Nos. 32 and 33 were applied.

Technical Resolutions No. 32 and No. 33: may be applied voluntarily in cases other than those indicated in (a) and (b) above and, in such cases, the application of Technical Resolution No. 34 is mandatory.

The adoption of new ISAs or amendments to ISAs or Ethics Standards already adopted is made through "Circulars regarding the adoption of pronouncements issued by the IAASB and the IESBA of the IFAC" issued by the FACPCE.

On September 28, 2021, the Board of Governance of the FACPCE approved Resolution No. 53, which replaces the original text of Technical Resolution No. 37, now called "Standards on Auditing, Review, Other Assurance Engagements, Certifications, Related Services, and Compliance Reports."

This update is based on the need to:

- a. achieve consistency between work carried out under RT No. 37 and another similar work carried out in accordance with international standards issued by the IAASB and the IESBA and adopted by FACPCE through TRs No. 32, 33, and 35 and adoption circulars;

- b. clarify certain contents of the audit process; and
- c. incorporate the following professional services that were not provided for in TR No. 37:
 - i. Assurance engagements on greenhouse gas statements.
 - ii. Assurance engagements to report on the compilation of pro forma financial information included in a prospectus.

- iii. Compliance reports prepared solely to verify compliance by an entity with the requirements issued by regulatory or enforcement agencies, or other entities with audit authority for performing various formalities or procedures.
- iv. Assurance engagements on financial statements for social responsibility purposes.

Regarding the external audit of financial statements, with the changes incorporated by TR No. 53, the format and content established in the IAS are adopted for the audit report, except for describing in the report the key audit matters identified in the audit (Key Audit Matters incorporated by IAS 701), which is an issue not addressed by TR No. 53. These changes are effective for fiscal years beginning as from January 1, 2023.



EY | Building a better working world

EY exists to build a better working world, helping to create long-term value for clients, people and society and build trust in the capital markets.

Enabled by data and technology, diverse EY teams in over 150 countries provide trust through assurance and help clients grow, transform and operate.

Working across assurance, consulting, law, strategy, tax and transactions, EY teams ask better questions to find new answers for the complex issues facing our world today.

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via ey.com/privacy. EY member firms do not practice law where prohibited by local laws. For more information about our organization, please visit ey.com.

© 2024 Pistrelli, Henry Martin y Asociados S.R.L.
All Rights Reserved.

ey.com