



**SUMMARY OF NATIONAL PROGRESS**

1. Please provide a high-level summary of the most significant Anti-Corruption measures or initiatives that your country has introduced or implemented since the last progress report. (maximum 1 paragraph).

The 2013 Progress Report can be accessed at [http://en.g20russia.ru/docs/g20\\_russia/materials.html](http://en.g20russia.ru/docs/g20_russia/materials.html)

During 2013 Argentina modernized and updated its Asset Disclosure System by adoption of Law No. 26857 and its supplementary provisions (Decree 895/2013, Ministry of Justice and Human Rights Resolution No. 1695/13, Federal Tax Administration General Resolution No. 3511/13, among others). The new set of rules reaffirms the public nature of assets disclosures, as established in Law No. 25188, and provides for a new open, free and online access mechanism, available to all citizens. The purpose of these amendments was to provide greater transparency and publicity to asset declarations and is founded on the citizen control principle, allowing civil society to exercise an effective control of transparency processes. Besides, the Attorney General has recently issued Resolutions No. 339/14 and 341/14 creating the Unit for the Recovery of Assets and the Office for Economic Research and Financial Analysis, respectively. The aim is for both agencies to collaborate with specialize investigation bodies of the Attorney General's Office (PROCELAC, PROCUNAR, PROCUVIN, PROTEX and Crimes against Humanity). The creation of these divisions is related to the commitments that the Argentine Republic undertook at the international level in order to conduct actions aimed at identifying and recovering assets of wrongful origins. Finally, it should be noted that on February 13, 2014, the Argentine President received from the appointed experts' commission the Draft Bill to Reform, Update and Harmonize the Argentine Penal Code, which includes recommendations suggested at OECD Anti-bribery Convention, FATF, as well as other anti-corruption issues. The draft bill is currently under consideration by the national public and private universities.

**UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)**

2. Has your country ratified the UNCAC?

YES x      NO

Note: Signature date, 10<sup>th</sup> December 2003; Internal Approval, 9<sup>th</sup> June 2006 Law No. 26.097;  
Ratification: 28<sup>th</sup> August 2006.

3. Since the last progress report, has your country proposed or implemented any changes to its legislation to comply with the UNCAC?

YES  NO

If yes, please provide details.

In 2012, the Argentine Executive Branch issued Presidential Decree No. 678/2012, creating a new "Committee for the Drafting of a Bill to Reform, Update and Harmonize the Argentine Penal Code", with a view to creating a bill to comprehensively reform said code, and fully comply with the international commitments made in the field of fight against corruption.

This Commission was composed of the most prestigious criminal specialists in the country belonging to different political sectors in order to address issues of concern in a broad frame, helping the Commission to gain a strong consensus and ensuring a feasible final adoption. It is to underscore, additionally, that the Commission was assisted by the relevant areas of the Ministry of Justice and Human Rights.

The Commission addressed –among other issues- the incorporation of an autonomous definition of foreign public officials, the extension of the criminal jurisdiction for bribery offenses committed abroad by an Argentine citizen or by any person with a legal residence in the country and liability of legal persons, according to international legal standards incorporated in the international instruments, such as the United Nations Convention against Transnational Organized Crime, United Nations Convention against Corruption and the OECD Convention on combating bribery of foreign public officials in international business transactions.

As a result of work performed by the Commission for approximately eighteen months, on February 13, 2014, the Argentine President received at the Government House the Draft Bill to Reform, Update and Harmonize the Argentine Penal Code, in a high level meeting attended by the members of the Commission, the Minister of Justice and Human Right, the Legal and Technical Secretary of the Presidency and the State Secretary of Justice.

By Resolution No. 567/14, on April 21, 2014, the Ministry of Justice and Human Rights decided to submit the Draft Project to consideration of all public and private universities around the country, in a process starting that same day. After three months of consultations, observations will be presented to the Executive Branch who will consider modifications to the draft before sending it to the Congress.

To download the draft bill please visit: <http://infojus.gov.ar/images/libros/anteproyecto-codigo-penal.pdf>

4. Has your country begun the UNCAC peer review process as a country under review?

YES x      NO

If yes, please indicate what stage of review your country has completed and the date.

The process is currently underway. On November 5th of 2010 Argentina completed the comprehensive self-assessment and sent it to UNODC Secretariat. During November 2010 and February 2011 Argentina received the comments by the evaluating countries and kept several conference calls with the experts of the Secretariat and the evaluation team. On April 26 to 29, 2011 the Joint Meeting of experts was held in Vienna. A second meeting of experts was on June 1, 2011 in the framework of the IRG. The final draft report was sent to Argentine authorities on March 4, 2013. On November 4, 2013 amendments were suggested and comments made in accordance with section 34 of the Terms of Reference (TOR) of the Mechanism. The Executive Summary was approved and published during the last COSP held in Panamá (<https://www.unodc.org/unodc/treaties/CAC/country-profile/profiles/ARG.html>).

5. If yes, has your country made use of any of the UNCAC peer review voluntary options, or committed to do so (if the review is not already started)?

- |                                 |                              |                             |   |
|---------------------------------|------------------------------|-----------------------------|---|
| a. Publication of full report   | YES <input type="checkbox"/> | NO <input type="checkbox"/> | COMMITTED TO DO SO x                        |
| b. Involvement of civil society | YES x                        | NO <input type="checkbox"/> | COMMITTED TO DO SO <input type="checkbox"/> |
| c. Involvement of business      | YES x                        | NO <input type="checkbox"/> | COMMITTED TO DO SO <input type="checkbox"/> |
| d. Allowing country visits*     | YES <input type="checkbox"/> | NO x                        | COMMITTED TO DO SO <input type="checkbox"/> |

\* Although Argentina always supports the country visits under UNCAC review, in this specific round the country visit did not take place because of timetable issues

If yes, please provide details (e.g., Web link for published report, how and when civil society / business was engaged during the review process, date of country visit)

The response to the comprehensive self-assessment was made available upon request, and it is now published at the Anti-Corruption Office web site<sup>1</sup>. NGOs were allowed to send their own version of the checklist. After the joint meeting held in Vienna with the evaluation team, the Argentine authorities held a meeting with NGOs to exchange ideas and information on the progress of the evaluation process and the outstanding issues. Business sector was represented under a NGO group, integrated by professional associations.

<sup>1</sup> [http://www.anticorruccion.gob.ar/documentos/AR\\_UNCAC\\_2010.pdf](http://www.anticorruccion.gob.ar/documentos/AR_UNCAC_2010.pdf)

6. Has your country taken steps to respond to recommendations identified in its UNCAC peer review report?

YES x      YES TO SOME       NO       NOT YET RECEIVED THE REPORT

If yes, please indicate what steps your country has taken / is taking.

Please see answer No. 3

7. If you have responded to all or some of the recommendations, have you made those responses publicly available?

YES       NO       NOT YET X

Note: The current status of this matter is described in answer N° 4.

8. Has your country taken measures to promote, facilitate and support technical assistance in the prevention of and fight against corruption?

YES x      NO       NOT YET

If yes, please provide a short overview indicating in which regions and topics you have provided technical assistance.

In the last year, Argentine provided technical assistance to different regions around the world, mainly Latin-America, Africa and Europe.

On February 19 to 21, 2014 a delegation from the Anti-fraud Office from the regional government of Catalonia (Spain) was welcome in Buenos Aires in order to study the Argentine System of Asset Disclosure for Public Officials from the Executive Branch, which is under the control of the Anti-Corruption Office (AO). During the first day, there was an exchange of transparency policies and experiences in the fight against corruption with the participation of members of control public offices and representatives of civil society and the academic sector. The work was focus on the analysis of the Argentine Asset Disclosure System during the second day and on the last one, the AO presented the different actions implemented on prevention and investigation of corruption.

The AO also participated in February and June 2013 in two seminars dedicated to strengthening the integrity and governance of the Tunisian Republic. Argentina presented its Asset Disclosure System, recognized as a regional and international model, and its experience in access to public information, accountability of high public official, strengthening of ethic rules in the public sector and the

administration of risks through transparency rules.

As a member of the Executive Committee of the International Association of Anti-Corruption Authorities (IAACA), the AO took part actively in all the technical assistance activities carried out by this organization. Recently, Argentina participated in the meeting that took place from March 31 to April 3 in Barcelona, Spain.

In March 27-28, Argentina took part in a regional conference in Lima, Peru, on “Complaint and Protection Mechanisms in the Fight Against Corruption” with the participation of representatives of public and private sectors from several countries from the region.

On December 9, 2013, Argentina attended the “International Day Against Corruption” celebrated in Montevideo, Uruguay. The AO presented the characteristics of the crime of unjust enrichment in the Argentine legislation and in the framework of the MESICIC.

On November 7-8, Argentina took part in the First Special Meeting of Ministers and High Authorities on Preventing and Combating Corruption of the Community of Latin American and Caribbean States (CELAC) in Santa Cruz de la Sierra, Bolivia. As a result of the 2014 Anti-Corruption Declaration of the CELAC, a Working Group on Prevention and Fight against Corruption was established.

## **BRIBERY**

Note - questions relating to implementation of the *G20 Principles on the Enforcement of the Foreign Bribery Offence* endorsed by Leaders in 2013 and the *OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* are included in a separate questionnaire. The questions below concern other aspects of bribery not covered by this set of principles.

9. Has your country criminalized the domestic offer or payment of bribes (active bribery)?

YES  NO

10. Has your country criminalized the domestic solicitation or acceptance of bribes (passive bribery)?

YES  NO

11. If no, is your country taking steps to criminalize active and/or passive bribery?

YES  NO

If yes, please provide details.

12. Has your country instituted measures to discourage the solicitation of bribes?

YES  NO

If yes, please provide details.

13. Does your country provide support for/work with business in resisting solicitation?

YES  NO

If yes, please provide details.

The Anti-Corruption Office (AO) fostered the creation of the Argentine Association of Ethics and Compliance. Together with this association several events were organized and a series of activities designed to cooperate with the private sector to promote more ethical and responsible business practices was developed. The AO also takes part regularly in events organized by chambers of commerce, consulting firms and business schools in Argentina.

Last February, the AO presented the results of a survey study of preventive measures on transparency and integrity implemented by the national private sector. In this research, among other topics, companies were consulted about the existence and use in their organizations of codes of conduct, elements of compliance, internal controls, participation in collective initiatives that promote transparency in business, the scope of controls that apply in the relationship with suppliers and the public sector and in general, adherence to principles and procedures of social responsibility and corporate governance. In this regard, more than half of the 825 surveyed private sector organizations affirmed that they would accept to be part of an initiative by the State aimed at promoting the adoption of preventive anti-corruption measures. Starting from the result of the survey, workshops in academic circles, business chambers, civil society and other public professional bodies will be carried out in order to spread the conclusions and observations made.

14. Has your country instituted measures to discourage facilitation payments?

YES  NO

If yes, please provide details.

### ANTI-MONEY LAUNDERING

15. Since the 2013 progress report, has your country taken any measures to implement the revised FATF standards on anti-money laundering?

YES  NO

If yes, please provide details.

Argentina has taken the following measures to implement the revised FATF standards on anti-money laundering:

- *Supervisions.* Decree 469 issued on April 30, 2013, amended the organizational structure of the FIU. Among other relevant issues, said Decree gives the supervisory role undertaken by the Unit a hierarchy by strengthening the Supervision Division, which main responsibility is to "participate in all matters related to the implementation of supervision procedures and monitoring of compliance with obligations imposed upon Reporting Parties under Section 20 of Law 25 246 as amended." Consequently, during the year 2013, the General Supervision System made up by the FIU and the supervisory agencies designated as collaborators was strengthened. For such purpose, as it will be detailed below, actions undertaken by each agency were coordinated through the hard work of the participants, strengthening the bond created to maximize and streamline controls Reporting Parties throughout the country are subject to.

In order to continue with the process initiated in 2012, during 2013 the FIU concluded its "Supervision Risk Matrix" implementation project through its approval in compliance with the provisions of FIU Resolution 361/13. The matrix intelligently systematizes the information available to the Unit and assesses, within such framework, the risk that using a Reporting Party in a ML/TF transaction means to the preventive system and to the protected legal right. Moreover, upon assessing the risk inherent to each Reporting Party, the establishment of selection criteria that allow optimizing the use of supervision resources the Unit has is made easier.

During 2013, the Committee suggested the initiation of 30 on-site inspections based on the risk assessment criterion, in addition of suggesting to collaborating regulators the initiation of inspections to Reporting Parties under their control.

*Joint and Concurrent Supervision Procedures in the Country.* During 2013, a new joint work strategy was designed—the performance of control procedures in the provinces by all agencies responsible for the supervision of compliance of Reporting Parties with ML/TF prevention policies. The aim of such coordinated action is to join the efforts of all agencies that comprise the General Supervision System with the purpose of achieving a greater impact on the universe of Reporting Parties that operate in the visited areas and thus promote the implementation of improvements in the suspicious transactions' prevention and detection mechanisms designed by Reporting Parties residing in the area. Said procedures took place in the cities of Rosario, province of Santa Fe, and Mendoza, province of Mendoza, and they consisted in performing simultaneous supervisions that mobilized in each case approximately 40 agents from the different participating agencies.

The procedure in the city of Rosario took place in April 2013 and included the supervision of 29 Reporting Parties from different sectors. In addition, the procedure in the city of Mendoza took place in August 2013 and included the supervision of 30 Reporting Parties from different sectors.

In summary, 59 supervisions were performed to Reporting Parties from different sectors, as detailed below:

- 10 Reporting Parties regulated by the BCRA;
- 14 Reporting Parties regulated by the CNV;
- 13 Cooperatives and Mutual Associations with financial activities (INAES);
- 9 Reporting Parties regulated by the SSN;
- 13 Reporting Parties from sectors directly supervised by the FIU.

Moreover, it is worth to highlight that within the framework of the supervisions performed, nine of them were made jointly by the FIU and the different regulators, as appropriate.

Through the implemented controls and their subsequent assessment by the supervisory agencies, different violations were detected and they resulted in the institution of administrative proceedings, both for the purpose of asking Reporting Parties to adopt corrective measures, and of applying corresponding sanctions pursuant to the provisions of Chapter IV of Law 25 246 as amended.

*Supervisions Received from Supervisory Agencies.* When completed, supervisions conducted by supervisory agencies are submitted to the FIU to ascertain whether to impose non-compliance sanctions in case breaches were detected. Within the framework of said process, in 2013 the Unit received 238 complete supervisions from the different collaborating agencies. Out of them, 92 belong to the BCRA, 31 to the CNV, 44 to the SSN, and 71 to the INAES.

- *FIU Supervisions. On-site Supervisions.* Supervisions are a fundamental factor for mitigating



the vulnerability a Reporting Party is subject to when used to conduct ML/TF transactions and, therefore, as it has been already pointed out, risk-based supervision is one of the factors considered for the reduction of risk at the national level. Moreover, it is the main tool to allow determining the effective compliance by Reporting Parties with the regulations issued on ML/TF prevention matters. Such supervisions enable the supervisor to determine whether the Reporting Party has developed and implemented a Preventive System to monitor transactions conducted by their customers in order to detect suspicious transactions to be reported to the FIU. For such purposes, compliance with specific FIU Resolutions is evaluated considering three central items: Prevention Policy, Identification Policy, and Suspicious Transactions Reports (STRs).

In 2013, the FIU directly initiated 30 on-site inspections on Reporting Parties from sectors that are not regulated by Supervisory Agencies with collaboration duties. Several sectors were approached by said procedures: jewelry stores, licensed real estate brokers, non-financial trusts' trustees, non-banking credit card issuers, professional football clubs, funds remitters, notaries public, capitalization and savings companies, and games of chance.

*Off-Site Supervisions.* Off-site supervisions are useful to widen the scope of control exercised by the Unit and to maximize in this way the perception of risk by Reporting Parties regarding non-compliance with AML resolutions. Particularly, it is a highly interesting tool to massively monitor various types of specific obligations, like SRO (Online Reporting System) registration, systematic report filing, compliance officers' appointment, elaboration of handbook of procedures in accordance with resolutions, and follow-up of the implementation of corrective measures resulting from other supervisions procedures.

During 2013, the Unit has generalized the use of this type of procedures and a total of 4,142 off-site supervisions were performed to Reporting Parties domiciled throughout the country and from the different sectors regulated under Section 20 of Law 25 246 as amended. The inter-annual comparison shows an increase in the performance of off-site supervisions by 588% as compared with 2012. The increase in the implementation of off-site supervision procedures was possible, among other things, because in July this year the computing system that substantially improves the control by the FIU was launched in relation to compliance with the registration and submission of Systematic Transaction Reports by Reporting Parties—FIU Resolutions 50/11 and 70/11. The aforementioned system automatically warns about current non-compliances and allows the online issuance and follow-up of necessary requirements for normalization purposes.

By virtue of the aforesaid, and for the purposes of broadening the registration of Reporting Parties, control tasks that aim at verifying compliance with the obligation to register of those sectors whose monitoring began in the year 2011 and 2012 continued during 2013. Such obligation was introduced by FIU Resolution 50/2011.

Additionally, the scope of control was widened by sending 386 summonses to Reporting Parties from sectors which have not been previously monitored. This is the case of stockbrokers; over-the-counter electronic market agents; intermediaries registered with futures and options markets whichever their purpose may be; intermediaries engaged in the

purchase, lease or borrowing of securities in the field of stock exchanges with or without follower markets; brokerage firms; mutual funds managing companies; legal persons that received donations or contributions from third parties; trusts' trustees; automobile registries; real estate registries; and customs officers.

It is worth mentioning that, in addition to the sectors previously mentioned, the control of Reporting Parties' sectors already summoned in previous years continued to be deepened, such as the insurance, sports, games of chance, money remitters, and real estate brokers sectors. A total of 1241 off-site supervisions were performed.

- *Administrative Sanctioning Regime.* On May 6, 2013, Decree 469 expanded the organizational structure of the Financial Information Unit. One of the most important changes made was the creation of the Administrative Sanctioning Regime Division (DRAS), which was granted with specific functions and missions and with more personnel. This meant not only the consolidation of the work performed in the last years, but also a reinforcement of the importance of the agency's sanctioning capacity for the proper operation of the ML/TF preventive system. Moreover, it is worth to mention that FIU Resolution 185/13 introduced a relevant amendment to the Sanctioning Regime enforced by the Unit. The resolution—published in the Official Gazette on May 29, 2013—sets forth that Reporting Parties sanctioned by the FIU for non-compliance with AML regulations should pay the fine within ten days after the sanction was notified. The appeal will only have a refundable effect. In this way, after 10 days have elapsed from the notification of the sanction, the Unit can execute it.

During 2013, this Division instituted 119 administrative investigations, 34 of which were initiated in 2012, while 85 were exclusively performed by the Unit in 2013. By the end of the year, 37 files were concluded while the remaining 82 were in different procedural stages.

Concluded administrative investigations were addressed to different Reporting Parties linked to games of chance, financial entities, insurance companies, brokerage firms, capitalization and savings companies, and notaries public. Non-compliances detected are related to the obligations established in the ML/TF regulations, such as due diligence—Section 21, subsection a of Law 25 246 as amended—, failure to register pursuant to the provisions of FIU Resolutions 50/2011, and the obligation to report suspicious transactions—Section 21, subsection b of Law 25 246 as amended. By virtue of the aforesaid, five fines were applied for an aggregate value of two million, four hundred and twenty-three thousand, six hundred and thirty-one US dollars with twenty-seven cents (USD 2,423,631.27). To December 2013, the amount of fines paid reached twenty-five thousand, four hundred and fifty-four US dollars with fifty-four cents (USD 25,454.54); one portion of this amount corresponds to a fine applied in 2012. The difference that exists between the number and the amount of fines paid and unpaid shall be necessarily reverted from the enforcement of FIU Resolution 185/2013 for administrative investigations instituted as from May 29, 2013. As regards the files initiated in 2013, it is worth to mention that 67 were originated in supervisions performed by the FIU and regulators—BCRA, CNV, and SSN—and 18 resulted from apparent failure to comply with the duty to report suspicious transactions.

- *Judicial Collaborations.* The collaborations area that operates within the Analysis Division of

the FIU is one of the pillars of the Unit in relation to the dismantling of criminal organizations and laundering of proceeds of crime. In its capacity of technical assistant to justice, the Unit makes use of its know-how and expertise in the analysis of data provided by Reporting Parties in their Suspicious Transaction Reports (STRs) and Monthly Systematic Reports (MSRs), information collected by other public agencies, and eventually, information requested to foreign FIUs, for the purpose of establishing the asset and financial profiles of the persons involved in the criminal investigation in question. Since the creation of the Unit to December 31, 2013, 468 collaboration requests were received from justice, out of which 315 are still in course. That is to say, that to 2013, the FIU worked as technical assistant in 315 judicial cases. Out of them, 128 date back to last year. It is worth to highlight that in 2013, 16 searches and the prosecution of 38 individuals by the judiciary was registered within the framework of the cases this Unit collaborates in. This represents a significant increase as compared with previous years. This result can be clearly shown thanks to an Impact Indicator that takes into account the number of subjects prosecuted in relation to the total number of current collaborations accumulated per year.

The performance of the Financial Information Unit as plaintiff in judicial proceedings is one of the greatest tools this Unit has to foster trial and conviction for the commission of ML/TF offenses.

The power to act as plaintiff was granted to the FIU by Decree 2226/08, and then it was incorporated to Law 25.246 in June 2011, allowing the Unit to participate in ML cases. By virtue of the aforesaid, during 2013 the Unit acted as plaintiff in ten new judicial cases, and it continued to actively participate in the 33 cases the Unit was already plaintiff in from previous years.

- *Information and Systems Security.* During 2013, the Information Technology and Security Division continued working in the development of new systems and in the improvement of procedures used.

Thus, for example, the processes to safeguard data base information and to synchronize file servers that are executed independently from the massive storage system were automatized; a new system was developed (SROMigrator) with the purpose of performing the import and the refinement of all MSR reports submitted through optical media by financial entities; and a DataWareHouse was created through the use of BusinessIntelligence tools, which contemplate a control panel aimed at showing general and departmental management indicators in real time, and at creating early alerts to indicate risk levels for decision making—which is currently under testing.

Moreover, a massive notifications module that allows immediately notifying all Reporting Parties and receiving in real time the freezing results was developed.

In addition, a Supervision Matrix was implemented to alert about higher risk Reporting Parties about non-compliance with their obligations, and a unified data base consultation module for the purpose of searching in one place all data bases available to the Unit, abstracting the technology the bases were made upon.

Finally, it is worth mentioning that a new massive storage system was purchased (data storage) aimed at external backups, and new UPS equipment (uninterrupted power supply) was installed and set up for all computing equipment of the Data Center and communication

rooms throughout the Unit, for the purposes of ensuring that no information loss or breaking down of equipment occurs during a power failure

- *Management, Human Resources and Budget.* From the last legal amendment of Law 25.246, the Financial Information Unit was granted with financial autonomy and self-self-sufficiency. This implied, among other things, the creation of a Financial Administrative Service and the appointment of professionals to develop accounting activities such as payroll calculation, treasury activities, estimation of expenses, and any other administrative tasks deemed appropriate.

Afterwards, Decree 469/2013 (O.G. May 6, 2013) ordered the extension of the organizational structure of the FIU, setting forth the establishment of an Administration Division. Therefore, the FIU strengthened its Administrative Service with funds coming from the General Expenditures Budget and National Administration Resources Calculation and resources that it may otherwise receive from public, private, national, and international organizations. In fact, the General Expenditure Budget for the FIU exceeds the minimum established by Law, which is zero point six percent (0.6%) of credits granted to the Ministry of Justice and Human Rights, reaching zero point eight percent (0.8%). In this sense, Program 37 entitled "Money Laundering Prevention" was allocated eight million three hundred and one thousand eight hundred and eighteen dollars and eighteen cents (USD 8,301,818.18), showing an increase of 57.50% as compared with the year 2012.

- *STRs received per reporting party (2012-2013)*

<b>Type of Reporting Party</b>	<b>Total 2012</b>	<b>Share %</b>	<b>Total 2013</b>	<b>Share %</b>	<b>Var. %</b>
Financial Entities	9,129	25.6%	18,143	50.3%	98.7%
Entities included in Section 9 of Law 22 315 – Capitalization and Savings Entities	23,421	65.6%	13,585	37.7%	-42.0%
Insurance Sector - Insurance Companies and Insurance Brokers -	452	1.3%	1,760	4.9%	289.4%
Others	206	0.6%	772	2.1%	274.8%
Registries of Real Estate Property	623	1.7%	480	1.3%	-23.0%
Capital Markets - Stockbroker, Stockbroker Company, and Mutual Investment Funds -	113	0.3%	268	0.7%	137.2%
Companies that issue traveler's cheques or operate credit or purchase cards	977	2.7%	219	0.6%	-77.6%
AFIP	168	0.5%	165	0.5%	-1.8%
Exchange Offices	67	0.2%	137	0.4%	104.5%

Works of arts, antiques, and others	70	0.2%	127	0.4%	81.4%
BCRA	119	0.3%	107	0.3%	-10.1%
Registries of Motor Vehicles	182	0.5%	93	0.3%	-48.9%
Games of Chance - Bingos, Lotteries, Casinos, Racetracks, etc.-	58	0.2%	77	0.2%	32.8%
Notaries Public	39	0.1%	57	0.2%	46.2%
Money Remitters	18	0.1%	25	0.1%	38.9%
Licensed professionals whose activities are regulated by Professional Councils of Economic Sciences	2	0.0%	15	0.0%	650.0%
Armored Transportation Services Companies	20	0.1%	13	0.0%	-35.0%
SSN	8	0.0%	13	0.0%	62.5%
CNV	24	0.1%	12	0.0%	-50.0%
Agencies for the Surveillance and Control of Corporations	6	0.0%	6	0.0%	0.0%
Customs Officers	3	0.0%	5	0.0%	66.7%
<b>Total</b>	<b>35,705</b>	<b>100.0%</b>	<b>36,079</b>	<b>100.0%</b>	<b>1.0%</b>

- *Reports from Other Sources (IOFs).* During 2013, the FIU received 31 IOFs, a number close to the annual average of IOFs submitted within the 2002-2013 period. In this period, 390 IOFs were received, out of which 158 were filed (40.62%), 83 were submitted to the Attorney General's Office (21.34%), and 149 are under analysis (38.04%).
- *Official Judicial Requests.* In the last four years, the number of information requests made by the Judiciary in relation to different legal and natural persons has increased significantly. Therefore, the calculation of the annual growth rate for the 2010-2013 period reveals that, in average, official requests grew 51% annually as compared with the 11% rate of the 2006-2009 period. Thus, only in 2013, 179 official requests were received, accounting for a 50.42% increase as compared with the year before.
- *Monthly Systematic Reports.* Monthly Systematic Reports (MSRs) consist of information that Reporting Parties shall compulsorily submit to the FIU on a monthly basis, using an online system, pursuant to obligations provided for in Section 14, subsection 1 and Section 21 subsection (a) of Law 25 246, as amended. The information contained in said reports is

fundamental, since it allows providing the Unit with data that help elaborate the asset, economic, and financial profiles of the persons who are eventually under suspicion. In that sense, the exponential growth of the number of Reporting Parties registered with the FIU from 2010 is of paramount importance since it is the direct result of the adoption of a more active policy by the Unit. In 2009, there were only 350 Reporting Parties registered, while by the end of 2013, there are over 33,400. This process resulted in a strong growth in the amount of Systematic Reports. Formerly, there were only three types of Systematic Reports from notaries public, money remitters, and games of chance. In 2013, there are virtually 50 different types of systematic reports regularly submitted by Reporting Parties. For that reason, by the end of the year, the number of MSRs stored in the system exceeded 36 million.

- *Information Exchange with the Ministry of Foreign Affairs and Worship.* With the aim of strengthening the cooperation provided by Argentina to the United Nations Security Council as regards the listing and delisting of terrorists in the lists associated to Al-Qaida and the Taliban, in 2013 the FIU and the Ministry of Foreign Affairs and Worship signed a Cooperation Agreement. This agreement establishes that the Ministry, through a Liaison Officer, may request assistance to the FIU with the purpose of gathering background information that may be used by the Argentine representation in the United Nations Security Council to support or dismiss listing or delisting proposals arising from the Sanction Committees. Within this framework, during 2013 the Ministry sent 29 requests to the FIU, 19 of which were delisting requests, and 10 were requests for inclusion in the terrorist lists. All the requests were answered in due time and form in accordance with the expiration date established in each case. Moreover, the agreement also establishes that the FIU shall notify the Ministry via secure electronic means about all administrative freezing of assets or money ordered. The Ministry, on the other hand, commits to communicate to the FIU any information related to Terrorist Financing it may have access to in the exercise of its legal competences and powers.
- *Exchange of Information with other FIUs.* During 2013, within the framework of the cooperation policy adopted by the FIU to fight against ML/TF, 114 information requests were sent to other FIUs (SIE)— 4.2% less as compared with 2012—and 84 information requests were received (SIR)—37.7% more as compared with 2012. Of the total number of requests received, 55 were answered, i.e. 65%, and of the total number of requests sent, the FIU received 89 answers, i.e. 78%, keeping similar percentages to the year before.
- *Exchange of Information.* In 2013, the FIU issued Resolution 30/2013, published in the Official Gazette on February 12, 2013 and in force since May 13, 2013, regulating the exchange of information on ML/TF matters as necessary among specific regulatory agencies, agencies that perform similar functions in other countries, Financial Information Units, and foreign counterparts. This Resolution sets forth that the ML/TF information exchange shall be conducted through the Unit, which shall act as the exclusive information exchange channel. As a result, during 2013, the FIU channelled 30 information requirements among national controlling agencies, sent 4 requests to foreign controlling agencies, received 3 requirements from foreign counterparts, and submitted 2 requirements to FIUs from other countries.

It worth also mentioning a number of policies implemented by the Public Prosecutor's Office, in particular by the Division for Economic Crimes and Money Laundering (PROCELAC in the Spanish acronym), as well as by regulatory bodies.

a. Training:

In the field of Money Laundering, PROCELAC participated in the "First Sub-Regional Workshop on the Investigation Process and International Cooperation in Money Laundering Cases", organized jointly by GAFISUD and the European Union, which was held on 10-11 June 2013 in the city of Montevideo, Oriental Republic of Uruguay.

During 2013, PROCELAC also participated in the One-Day Seminar on "Responsibility of company administrators in insolvency cases" given by Gabriela Fernanda Boquin at the Argentine Attorney General's Office.

PROCELAC, jointly with the General Office for Training of the Public Prosecutor's Office, organized a course entitled "Money Laundering: investigation perspectives and strategies" for members of the Public Prosecutor's Office in November 2013 (approved by resolution PGN 1691/13). Sixty-seven people registered to participate in the course.

In October 2013, the course "Organized Crime Offences" (approved by resolution PGN 2017/2013) was taught by General Prosecutor Diego Luciani and addressed to all members of the Public Prosecutor's Office.

Between May and November 2013, the "2<sup>nd</sup> Seminar on Criminal Law and Global Order" and "1<sup>st</sup> International Seminar on Criminal Law and Global Order" (approved by resolution PGN 828/13) was held in the city of Resistencia, Province of Chaco. The Seminars were addressed to prosecutors, officials, and employees of the Public Prosecutor's Office and the Provincial and Federal Judiciary, as well as to attorneys and law students of the Resistencia jurisdiction, and dealt, among other matters, with the problem of money laundering, financial crimes, and corruption.

PROCELAC participated as lecturer in the "Workshops on Practical Cases in the Field of Money Laundering Prevention", organized by the Central Bank of the Argentine Republic, to provide training for its staff. The Workshops also included the participation of lecturers who are members of the Argentine Securities and Exchange Commission, the Superintendence of Insurance of the Argentine Republic, and the Information Unit.

During 2014, a training activity on Money Laundering was given within the framework of a training course on financial crimes organized by PROCELAC, which was addressed to members of the Public Prosecutor's Office from around the country.

Finally, it is worth mentioning that the Money Laundering and Terrorism Financing Area of PROCELAC has submitted a project for online open training for all members of the Public Prosecutor's Office intended to take place between June and July of 2014.

b. Statistics:

Monitoring and survey tasks in relation to ongoing cases of money laundering and terrorism financing crimes have continued to be performed for the purpose of having the elements which truly reflect the status of all proceedings for money laundering and terrorism financing crimes. The aim is to design current status reports and action plans which allow for the correction of defects identified in the criminal system.

PROCELAC internal statistics of the measures adopted by it in the money laundering cases in which it participated are provided below:

ADOPTED DECISIONS	PROCELAC, MONEY LAUNDERING AND TERRORISM FINANCING DIVISION
	2013/2014*
<b>REPORTS</b>	43
<b>PRELIMINARY INVESTIGATIONS</b>	2
<b>REQUESTED PRECAUTIONARY MEASURES</b>	166
Attachments	ARS 187,500,000 approximately
Orders restraining debtor from disposing of property	11
Placement of corporations under court control	5
Prohibition on introducing changes and dividend distribution	5
Filing of a lis pendens	4
<b>PREVENTIVE ORDERS OBTAINED</b>	281
Automobiles	137
Real property	35
Bank accounts and financial products	26
Firearms	59
Confiscated money	ARS 3,338,603 approximately
<b>RECORDS FILED</b>	0
<b>SEARCHES REQUIRED</b>	34
<b>PROSECUTING OFFICES COOPERATION</b>	48
<b>FINANCIAL INVESTIGATIONS FILED</b>	162

16. Since the last progress report, have changes to your country's anti-money laundering legislation been proposed or implemented?

YES  NO



If yes, please provide details.

The following are the changes to Argentina's anti-money laundering legislation in 2013:

- Law No. 26,831 on the capital markets and CNV. This rule shall regulate matters relating Fit & proper test of the sector and make explicit the link between the FIU sanctions and the adequacy of capital market subjects.
- Decree 469/13 of May 6, 2013, which approved the new organizational structure of the FIU, and gave a hierarchical structure to the FIU, granting the level of "Direction" to the areas of Supervision, Summaries and the National Coordination-Representation.

Argentina made significant efforts to adjust its ML/TF Prevention and Control System to the international standards in force in the subject matter. The legal amendments and the subsequent measures adopted since 2010 to enhance the effectiveness of the ML/TF Prevention System account for the commitment taken by the country in relation to the compliance with the Financial Action Task Force (FATF/GAFI) recommendations.

In that sense, it is worth to highlight the issuance of Decree No. 469/2013 (O.G. May 6, 2013) which expanded the structure of the Financial Information Unit by creating the "National Coordination – Representation Division Before International Organizations (CNRN)," whose main responsibility is to "participate in all actions performed by the Financial Information Unit in the exercise of the National Coordination and Representation before the Financial Action Task Force against Money Laundering (FATF/GAFI), the Financial Action Task Force of South America against Money Laundering (GAFISUD) and the Group of Experts in Money Laundering of the Inter-American Drug Abuse Control Commission (LAVEX-CICAD-OAS), and carry out the strategy that the Office of the President of the Unit implements with the purpose of promoting the regional integration in the prevention of ML/TF, in the context of the MERCOSUR and UNASUR."

- *FIU Regulations.* On regulatory matters, it is important to highlight that in 2013, the harmonization process of resolutions previously issued by the FIU continued, with the aim of improving the efficacy and efficiency of the ML/TF Prevention System based on those aspects where there is a higher risk of commission of these offenses, making compliance with regulations by Reporting Parties easier. The regulation adjustment task carried out during 2013 was also due to the need of unifying criteria Reporting Parties from different sectors should use. It is worth mentioning that many of the regulatory amendments introduced are a direct result of the experience obtained from the enforcement of regulations. As in previous years, the different sectors involved were invited to participate in working groups where the legal and economic consequences of the implementation of each sector's Resolutions were discussed. These inputs were taken into account during the elaboration of the resolutions, achieving thus the necessary interaction, common in a public-private mixed system between the State and the Reporting Parties. Moreover, the regulatory task does not end with the issuance of regulations, but it continues to be under ongoing assessment, making all necessary changes and clarifications. Below there is a list of the several resolutions issued by the FIU during 2013.

- 1. *Regulations addressed to the following Reporting Parties:*

- FIU Resolution 7/2013 (O.G. 15/01/2013): FIU Resolution 2/12 was amended as regards the identification requirements of the so-called additional users or beneficiaries of credit card extensions, and of holders purchasing prepaid cards, rechargeable or not. Moreover, similarly to the provisions of banking credit card issuers, it is provided that in cases of customers who operate with cards associated to the payment of social programs, the information provided by competent national, provincial, or municipal organizations shall be considered to be sufficient, except in cases where there is suspicion of ML/TF.
- FIU Resolution 49/2013 (O. G. 12/03/2013): It amends FIU Resolutions 21/2011—addressed to Notaries Public—, 16/2012—real estate agents and brokers—, 31/2012—intermediaries in the sale of motor vehicles—and 127/2012—Registries of Motor Vehicles—and unifies the regulations addressed to different Reporting Parties, establishing common standards regarding the "Know your Customer" policy applied to Reporting Parties whose business activity is the purchase and sale of motor vehicles, trucks, motorcycles, buses and minibuses, tractors, farm and road machinery, as well as real estate property. The Resolution particularly updates the minimum annual amount of transactions required for Reporting Parties to request additional information to customers in relation to their economic, asset, financial, and tax situation.
- FIU Resolution 50/2013 (O. G. 12/03/2013): It abrogates and replaces FIU Resolution 34/2011, updating the resolution addressed to capitalization, savings, savings and loan, economy, corporations or similar and equivalent forms of association that may require money or values from the public upon the promise of granting or delivery of goods, services or future benefits in compliance with new regulatory standards issued by the FIU. Besides, the amounts required to establish the customer profile—which replaced the supporting documents previously required—were updated.
- FIU Resolution 68/2013 (O. G. 09/04/2013): It establishes that Reporting Parties from the banking and exchange sectors shall update their customers' profiles, implementing a risk-based approach, pursuant to provisions set forth in Recommendation 1 of the 40 FATF/GAFI Recommendations.
- FIU Resolution 488/2013 O.G. 05/11/2013): It amends FIU Resolution 127/2012 addressed to Registries of Motor Vehicles and Chattel Mortgages. It establishes who shall be considered as customer, measures to be adopted in order to identify the identity of the beneficiary, and the maximum amount to conduct transactions, which if exceeded, shall require Reporting Parties to create a Customer Profile including information and documents related to its economic, asset, financial and tax situation. An Interpretative Note of the Resolution was later issued.
- FIU Resolution 489/13 (O. G. 05/11/2013): This resolution abrogates and replaces FIU Resolution 31/2012, amended by FIU Resolution 49/2013. It establishes, in more detail, which are the Reporting Parties addressed, which are the assets that shall be subject to controls on ML/TF matters, and who are to be considered their customers.
  - 2. *The following general resolutions*, i.e. resolutions applied to all Reporting Parties, were issued:
    - FIU Resolution 29/2013 (O.G. 18/02/2013, entry into force on 19/04/2013): It abrogates and replaces FIU Resolution 125/09. It establishes the opportunity, method, and term for

the submission of the Terrorist Financing Report (TFR) and it details Reporting Parties' duties upon receiving the order to freeze assets or money by the FIU.

-FIU Resolution 30/2013 (O.G. 18/02/2013, entry into force on 19/05/2013): It establishes the mechanisms for the exchange of information among the specific national controlling agencies, similar agencies abroad, FIU, and foreign counterparts. Information exchanges are performed electronically and through the FIU.

- FIU Resolution 185/2013 (O.G. 29/5/2013, entry into force on 29/5/2013): Reporting Parties sanctioned by the FIU for non-compliance with the AML regulations shall pay the sanction established within ten days after it was notified. The measure can be appealed before the Chamber of Appeals in Administrative Matters within a term of 30 days, and it shall only be grounded on the illegitimacy of the resolution appealed. The possible cancellation of the sanction by the Judiciary shall have a returnable effect.

It should also be highlighted that, within the work that is being carried out by the "Committee for the Drafting of a Bill to Reform, Update and Harmonize the Argentine Penal Code" (please see answer N° 3), the Money Laundering Division of PROCELAC prepared a report on the criminalization of the offence of laundering money of unlawful origin provided for in the bill.

On the other hand, a workgroup has been created within PROCELAC with the aim of providing a legal opinion on the Bill. The workgroup is focused on the analysis of Bills S-197/14 and S.1171/14 for the introduction of the "action for ownership extinction" and "confiscation by comparison or of assets of equal value", as well as on the creation of an agency with the necessary powers and operative capacity to administer and dispose of the preventively seized and confiscated assets.

#### **DENIAL OF ENTRY**

17. Have any changes to your country's legislation, regulations or powers to deny entry to foreign officials charged with or convicted of corruption offences been proposed/implemented since the last progress report?

YES  NO

If yes, please provide details.

If no, is such legislation under consideration?

YES  NO

If yes, please provide details.

### INTERNATIONAL COOPERATION

18. Is your country's administration of mutual legal assistance consistent with the G20 High Level Principles?

YES  NO

If your country's approach is not yet consistent, are you taking steps to implement the Principles?

YES  NO

If yes, please provide details.

19. Are you aware of your country having used one or more of the G20 country Guides to Mutual Legal Assistance?

N/A

If yes, please provide details.

20. Are you aware of non-G20 members having used the G20 Guide to Mutual Legal Assistance to request mutual assistance from your country?

N/A

If yes, please provide details.

21. Have any changes to your country's legislation related to international cooperation been proposed since the last progress report?

YES  NO

If yes, please provide details.

The bilateral treaty on MLA with the Republic of Korea signed on August 31, 2009, entered into force on July 26, 2013. The bilateral treaty on extradition signed with Mexico on May 30, 2011, entered into force on August 15, 2013. Besides, Argentina signed extradition treaties with Bolivia on August 22, 2013; the People's Republic of China on May 10, 2013; and Colombia on July 18, 2013.

22. Has your country either used UNCAC, or stated that it will allow the use of UNCAC, as the treaty basis for mutual legal assistance (MLA) and/or extradition?

a. Has used as the treaty basis for MLA YES  NO

b. Will allow use as the treaty basis for MLA YES  NO

c. Has used as the treaty basis for extradition YES  NO

d. Will allow use as the treaty basis for extradition YES  NO

23. Do domestic authorities in your country cooperate and share information with the integrity offices of international organizations?

a. Cooperate and share information

b. Could cooperate, but has not been asked

c. Cannot cooperate

If you cannot cooperate, please provide details.

24. Has your country designated an appropriate authority responsible for mutual legal assistance and law enforcement requests relating to asset recovery (a point of contact)?

YES  NO

If yes, to which organizations:

- a. UNODC X
- b. StAR/Interpol Focal Point Initiative
- c. Camden Asset Recovery Network
- d. Other(s) X

If yes to 'Other(s)', please provide details.

Red de Recuperación de Activos del GAFISUD (RRAG)  
Red Iberoamericana de Cooperación Jurídica Internacional (IberRed)

#### ASSET RECOVERY

25. Does your country have legislation allowing for asset recovery by foreign authorities or is such legislation proposed?

YES x NO

If yes, please provide details.

According to the provisions of the National Law on International Cooperation in Criminal Matters (Law 24767) identification, freezing, seizure and confiscation of property could be requested to Argentina. Besides, MLA treaties signed by Argentina, especially from 1990 onwards, include specific guidelines on cooperation in this field.

On confiscation of property, and taking into account the provisions of the Penal Code, such cooperation is provided as the enforcement of a final foreign judicial decision. The requirements to execute a foreign confiscation decision are established in article 95 of Law 24.767. The same law provides in the article 96 that part of the money or property could be retained in the country. Finally, article 97 establishes that the request should be made via diplomatic channels.

26. Has your country established a specialist/dedicated unit for the recovery of the proceeds of corruption?

YES  NO

If yes, please provide the name of the specialist unit and contact details.

The Argentine Attorney General's Office has a Unit specialized in the recovery of assets resulting from corruption acts, among other complex criminal phenomena. The "Unit for Asset Recovery" was created for such specific purpose through resolution PGN 339/2014 dated 12 March 2014.

It is worth highlighting that this problem had been previously approached by other prosecuting units of the Public Prosecutor's Office dedicated to the matter.

On 17 July 2009, resolution PGN 86/2009 provided for the creation of the "Office of Coordination and Follow-up on Offences Against the Public Administration" (OCDAP in the Spanish acronym). Within the framework of its functions, the Office formulated action guidelines for the performance of financial investigations aimed at the recovery of assets resulting from corruption acts and a number of resolution were adopted (PGN 129/09, 134/09, and 49/11) aimed at optimizing investigations in this respect. Through resolution PGN 129/09, the members of the Public Prosecutor's Office were instructed to adopt the necessary precautionary measures, from the beginning of the proceedings, to ensure the recovery of assets resulting from corruption acts. Through resolution PGN 134/09, prosecutors were instructed, within the framework of the investigations conducted in relation to corruption acts –among other crimes-, to conduct the financial investigation of each of the persons involved. Through resolution PGN 49/11, a "Manual for Financial Investigations – Information Sources" prepared by the OCDAP was approved.

On 20 December 2012, the Argentine Attorney General through resolution PGN 914/12, ordered the creation of the "Division for Economic Crimes and Money Laundering" which absorbed into its structure the "Office of Coordination and Follow-up on Offences Against the Public Administration". As part of said Division, a "Technical Assistance Department" with a "Section for the Recovery of Assets" was also created.

Finally, on 12 March 2014, the "Unit for the Recovery of Assets" was created (through resolution PGN 339/2014), which absorbed into its structure the abovementioned "Section for the Recovery of Assets."

The Unit for the Recovery of Assets is under the charge of the General Director of the Argentine Attorney General's Office, and is located at 25 de mayo 179, first floor, Autonomous City of Buenos Aires, telephone number: 0054 11 4348-1014.

27. Does your country publish or otherwise make publicly available details of amounts frozen, seized, recovered or returned?

YES  NO

If yes, please provide details.

Regarding assets involved in prosecution cases for corruption crimes, the following records or databases were recently created:

1. Considering the need to centralize the information of seized goods, on June 17, 2011, by Decree No. 826/2011, the National Registry on Confiscated and Seized Assets (RNBSD) was created within the scope of the State Secretariat of Registration Affairs, Ministry of Justice and Human Rights. The competences of the Registry include the identification, registration, valuation and location of all of the assets that are seized, confiscated or subject to a provisional measure in the context of a criminal proceeding. The RNBSD uses software strategically designed to manage information linked to the monitoring of criminal cases and the status of the goods seized. Indeed, not only does it keep record of each good's characteristics, but it also provides information about the offense, the court, the accused persons, the relation between the assets with the offense, as well as the status of the legal proceedings of the case. To this end, the relevant authorities of the federal and national criminal courts are asked to furnish the Registry with such information regarding the above-mentioned goods during criminal proceedings. The RNBSD actions and results represent an essential contribution to the implementation of the necessary measures to articulate a comprehensive policy for recovery of assets of illicit origin.

2. On February 5, 2013, by Decision No. 1/13, the Supreme Court of Justice created for the National Judiciary the "General Database on confiscated and seized assets in criminal proceedings under the competence of the National and Federal Justice" where all relevant information on assets, of whatever nature, that where subject to forfeiture under judicial decision should be registered. To that end an electronic network, with the appropriate security precautions, was developed.

3. Finally, the recently created Unit for the Recovery of Assets in the scope of the Attorney General's Office (PGN), established by Resolution PGN N. 339/2014, issued on December 3, 2014, has among its competence, the function of developing, under the coordination of the various specialized prosecutors, an active policy designated to detect, identify and seize assets and proceeds of crime, especially this linked with the complex crime and organized crime, generating a database with the available information.

28. Is your country providing technical assistance to developing countries aimed at helping the recovery and return of proceeds of corruption?

YES  NO

If yes, please provide details.

#### TRANSPARENCY OF LEGAL ENTITIES



29. Does your country have transparency requirements for legal persons, including companies, bodies corporate, foundations and partnerships?

YES  NO

If yes, please provide details.

Ability to gain timely access to adequate, accurate, and current information on the beneficial ownership and control of legal persons under law 19.550 is limited by the lack of a centralized registration system, as each of the 24 jurisdictions maintains its own registry. An attempt to unify and centralize all data on legal persons throughout the country began with Law 26.047 (National Register of Corporations) of 7 July 2005. This law empowers the Inspección General de Justicia (IGJ) to organize and operate national registries of shareholding companies (the National Registry of Companies Divided by Shares), created by article 2 of Law 19.550 and incorporated into the operational structure of IGJ by Executive Order 1755/2008, non-shareholding companies, foreign companies, civil associations and foundations. These functions and faculties are regulated by IGJ Resolution 7/IGJ/05. IGJ, within the Ministry of Justice and Human Rights, manages the Public Registry of Commerce in the City of Buenos Aires and the other registers for the city.

However, in order to implement the registries at a national level as envisioned in Law 26.047, each of the 23 provinces shall enact a provincial law in order to be part of this system. So far 15 provinces have done so and are now participating in the centralized registries: Chaco, La Pampa, La Rioja, Mendoza, Jujuy, Rio Negro, Salta, Santa Cruz, Tierra del Fuego, Entre Ríos, Buenos Aires, San Juan, Neuquén, Chubut and Tucuman; plus the City of Buenos Aires (16 jurisdictions in total). The Provinces of Catamarca, Corrientes, Misiones and Santa Fe are working on the legislative requirement to adhere.

30. Does your country require that the beneficial ownership and company formation of all legal persons organized for profit be reported by the legal person?

YES  NO

If yes, to whom is it reported?

Any new company must register before the Public Registry of Commerce and also with the tax administration. The registration with the Commercial register cannot be completed until the new company has a tax identification number. In practice, to create a company in Argentina, the founders must first provide information to AFIP in order to get a temporary tax identification number, and then register with the Public Registry of Commerce, before obtaining their definitive tax identification number.

All companies must disclose their ownership structure to AFIP, as well as report on identity information regarding their directors, managers and other representatives (according to General Resolution 4120 of 8 June 1996, as replaced by GR 2763 of 5 February 2010). In addition, according

to General Resolution 3293 of 22 March 2012, not only are taxpayers required to declare their shares and interests in Argentine companies and partnerships, but now the companies and partnerships (as well as permanent establishment of foreign companies) must also declare the identity of the holders of their shares, including their tax identification number or identity number, their domicile, and the number and value of their shares. This obligation applies, whether the person is a tax resident in Argentina or not, and whether the person is an individual, company or other type of shareholder.

Pursuant to the last mentioned General Resolution, companies must also provide information on their subsidiaries, parent companies and related companies: corporate name, tax identification number and domicile, whether in Argentina or in another country. Submissions must be made electronically to the AFIP in July, for the preceding tax year, starting with 2011. Ownership information on companies is available in relation to periods prior to this date pursuant to the reporting obligations set out under the previous General Resolutions mentioned above. The new regime facilitates cross-checks.

The transfer of shares and other corporate rights must also be reported to AFIP within 10 working days by the alienator, the buyer and the company itself, as well as by any public notary who might be involved in the transfer. The information to be provided electronically to the AFIP includes the date and type of transaction (purchase, sale, free transfer, etc.), identity information on the company at stake and participants in the transfer, the date and amount of the payment (in the currency used and in Argentinean pesos), as well as the corresponding change of corporate control. The obligation applies to all transfers performed after 1 January 2012.

Even before this new obligation was introduced, stock brokers were already obliged to report to AFIP the transactions they are involved in, pursuant to General Resolution 2386/2007. Under article 7 of this resolution, they must send to AFIP a summary of their operations indicating the amount of the transactions performed for each client when the amount is above ARS 150 000 (USD 33 450, EUR 26 820). Again, with the new regime AFIP can now cross-check electronically the information provided by the companies and shareholders online.

As a result of the various laws and regulations applicable, AFIP maintains full ownership information on Argentinean companies and in any event, the AFIP has full access to the national and provincial registers (Law N° 26.047, art. 3).

Identity information is also maintained on ordinary and financial trusts (fideicomisos) since 2005, pursuant to requirement for trustees (fiduciarios) to report such information under General Resolution 2419/08. On 18 April 2012, AFIP adopted a new General Resolution 3312 introducing a regime of information and registration of the operations of financial and non-financial Argentinean fideicomisos and foreign trusts. Accordingly, some operations affecting fideicomisos must be registered with the AFIP within 10 days of their occurrence and information must be provided on a yearly basis by the trustee. These obligations apply whether or not any income may be taxable in Argentina.

First, the trustee of any financial or non-financial fideicomiso must inform the AFIP, within the next 10 working days of the creation and termination of a fideicomiso, any change of settlor (fiduciante) or beneficiary, the transfer of participations or rights in the fideicomiso, the addition of assets, any modification to the contract, and the allocation of benefits (article 8 and Annex IV).

31. If yes, is this information available to the public?

YES x      NO

Note: It must be required, but not all information of IGJ and AFIP is available to the public. i.e. economical information of companies is protected by the tax secrecy.

The information contained in the various Registers of Commerce can be consulted by the public physically (Law N° 19.550, s. 9) but information maintained by AFIP is confidential.

Argentina's domestic legislation contains relevant confidentiality provisions under section 101 of Law 11.683 (Tax Procedure Law): the statements, information and returns that taxpayers or third persons submit to AFIP are secret and the AFIP officials have the obligation to keep the information that they are aware of because of their functions absolutely secret. They cannot communicate it to anyone, even with the consent of the person concerned, except to their superior authorities. An infringement to this secrecy duty is a criminal offence punished by imprisonment, from a month to two years, and exclusion from public service for one to four years, pursuant to section 157 of the Criminal Code.

32. If this information is not available to the public, is it available to law enforcement?

YES x      NO

### WHISTLE BLOWER PROTECTION

33. Does your country have legislation to protect whistleblowers:

a. In the public sector      YES x      NO

b. In the private sector      YES       NO x

**Note:** Although not having specific legislations it must be mentioned that are several tools available to give protection to witnesses, victims and complaints:

1.- The Code of Criminal Procedure contains general rules (Articles 79 to 81) which compels the National State to ensure that victims and witnesses of crime are treated with dignity and respect by the competent authorities; the suffrage of the expenses to move to the place where the designated authority, the protection of the physical and moral integrity, including their family, and to be informed about the results of the procedural act which has participated. Judges are the main responsible to ensure that rights.

2.- In addition, by Law No. 25,764 was created the National Program for Protection of Witnesses and Suspects, which is mainly linked to crimes against individual freedom and kidnappings, as well as drug-related crimes and acts of terrorism. While corruption cases are not specifically covered by this

program, it provides a mechanism to extend protection to certain offenses of corruption, related to organized crime. This extension must be requested by a judicial authority and approved by the Ministry of Justice. This program includes special protection measures such as custody, accommodation in quiet places, change of address, the provision of economic, labour reinsertion and providing documentation under another identity.

3.- Also regarding with the receipt of complaints the Anti-Corruption Office (AO) has been established as a channel agile and of easy access. Unlike complaints to the judiciary or the prosecution, a complaint before AO is needles of formal requirements. In order to facilitate their access, have enabled various channels: (i) in person at the offices of the AO; (ii) through a common telephone line and an free telephone line; (iii) through the institutional website ([www.anticorruccion.gov.ar](http://www.anticorruccion.gov.ar)), having implemented a new application that facilitates the user's task informing him about the different alternatives of complaint, offering payroll agencies involved in the control universe of AO, as well as enabling their specific and effective control over the complaints entered ; (iv) by email; and (v) by post. Moreover, one of the most important aspects to promote the effective participation of citizens reporting alleged corruption issues is that AO representing a secure channel to access the complaint.

In this regard, Article 1, paragraph a) of the Rules of the AO Investigations Directorate, approved by Resolution No. 1316/2008 is broad because it allows complainants to file complaints: (i) identifying themselves, informing their minimum personal data and/or contact information that serve to identify and posterior location, facilitating research in so far as it is possible to consult or if further information be necessary to furnish timely ; (ii) under confidentiality of identity, in which case their data will be kept confidential and shall not be disclosed except a court order, this allows during the investigation, the complainant's identity is not known to the investigated, but they are able to be consulted in case of need to expand furnish timely information; and (iii) anonymously where this is reasonably detailed and plausible, when there is gravity on the facts alleged and reasonableness of the complainant's intention of anonymity. This type of complaint is received by any means without the author indicating data to be identified. This makes it impossible to extend the information provided in the complaint, if necessary. For AO ensure safety to report acts of corruption is essential as complaints are often people who have an employment or business relationship with the National Public Administration (employees, suppliers and contractors or employees of these suppliers and contractors, etc.).

4.- Finally with regard to protection in the private sector, every worker enjoys the protection provided by the Labour Contract Law (Law No. 20744) against the abuses that may be committed by their employers. This law, for example, contains mechanisms that protect employees against arbitrary dismissal, guaranteeing the right to receive compensation and the possibility of a worker to invoke an indirect dismissal because of a substantial change in working conditions.

34. Have changes to whistle blower protection legislation been proposed or implemented since the last monitoring report?

YES  NO

If yes, please provide details.

35. Since the last progress report, has your country implemented any measures to protect journalists reporting incidents of corruption?

No

If yes, please provide details

**PROCUREMENT**

36. Does your country publish online any of the following?

- a. Procurement laws and policies including any legislation defining the use of exceptions      YES x      NO
  
- b. Selection and evaluation criteria      YES x      NO
  
- c. Awards of contracts and modifications of contracts      YES x      NO

Please provide details.

The transparency principle governing Argentina's public procurement system is based on free and public access to information on all acquisitions made by the various agencies, posted on the National Procurement Office's website called "*Argentina Compra*" ([www.argentinacompra.gov.ar](http://www.argentinacompra.gov.ar)). The system has two platforms of consultation: a free access one for the public at large and another one for procuring entities and registered vendors. Public at large could search information through the following query tools:

A.- *Searches by Purchases*: This tool allows the public and individuals or companies interested in offering their goods and services to easily obtain timely information on the purchases already made (under "*Contrataciones Históricas*" [History of Purchases]) and purchases in progress (under "*Contrataciones vigentes*" [Current Purchases]), thus enabling them to see the entire process beginning with the invitation to bid up to the contract award and the subsequent issuance of the related purchase orders.

After a specific purchase is selected, the system provides information on the selection procedure number, the type of bidding, the goods and services required, the dates and places where the bidding terms and conditions were available, submission of bids, and opening of bids. Additionally, information is provided on the bids submitted, the selection criteria used, the amounts of the contracts, etc.

B.- *Searches by Purchasing Units*: Alternatively, to learn about the goods and services the

government requires, enquiries on “*Argentina Compra*” may be made by accessing a list of all licensed Purchasing Units, where information is shown about the relevant agency, address, phone number and other contact information, as well as the people managing each agency's purchases.

C.- Searches by Goods or Services Required: For purposes of setting homogeneous criteria to identify the goods and services required, their classification and coding, and the management of real and personal property, a Goods and Services Catalogue System was created. This makes it easier for vendors and the public at large to find out on “*Argentina Compra*”, easily and in real time, the goods and services that the government needs to acquire and the current requirements or processes. To arrange and classify the required information, the system allows making searches by commercial areas, by generic name or by specific name of the product or service. This service provides necessary information about the procuring entity, the required goods or services, the type of bidding, the identification of the procuring process and the deadlines for the submission and opening of bids.

D.- Suppliers: The system also provides *supplier information*, that is to say, information regarding all bidders and contractors in the various public bidding processes, for the public at large to know the vendors that supply goods and services to the government, their basic information, their licences and background. The information can be accessed based on different search criteria, including: basic information of supplier (company name and tax ID number), commercial areas in which it participates, status (enabled, disabled or suspended), background, type of organization (individual, legal entity, cooperative, etc.), and province where it operates. In some cases it is possible to find the reference prices offered by suppliers for their goods and services.

Additionally, any person interested in participating in public biddings may pre-register as a supplier on the ONC's portal to be eligible to participate. After this pre-registration, the prospective bidder must submit all necessary documents and after these documents have been checked and accepted the prospective bidder will become “registered” and may take part in any public bidding it may wish.

For the public at large it is very important to be able to have information on the supplier database the government has for its purchases and, at the same time, for potential suppliers it is important to be aware of and join the system that will bring about new business opportunities, by actively participating in the purchases of the National Public Administration.

E.- Other Information of Interest: In addition to the entire set of rules and regulations, the searches described and the institutional information of the ONC, its decisions and statistics, “*Argentina Compra*” provides access to the most relevant news regarding government procurement and a FAQ section about how the public procurement system works.

37. Since the last progress report, have any new initiatives to promote public procurement transparency and integrity been proposed or implemented?

No.

If yes, please provide details.

38. Are there regulations and procedures for public procurement officials to govern conflicts of interest?

YES  NO

If yes, please provide details.

The **Public Ethics Act (Nº 25.188)** of 1-11-1999, at Chapter V sets out incompatibilities and conflicts of interest for civil servants (Articles 13 to 17). The executive has issued regulations (Decree 164/99 of December 28, 1999) for this Act only in the framework of the central and decentralized civil service.

Articles 14 and 15 of Act Nº 25.188 have been amended by **Decree Nº 862/2001** (July 2, 2001), in accordance with the powers delegated to the executive branch.

Articles 13 to 17 of Act Nº 25.188 provide the following:

**ARTICLE 13.** — It is incompatible with the duties of the civil servant to:

- a) Direct, administer, represent, sponsor, advise, or otherwise provide services to anyone who manages or holds a concession, is a purveyor to the State, or engages in activities regulated thereby, while the position held has direct functional jurisdiction over contracting, procurement, management or oversight of such concessions, benefits or activities;
- b) Be a purveyor in their own right, or for third parties, to any agency of the State where they perform their duties.

**ARTICLE 14.** — Civil servants who have been involved in a decision-making capacity in planning, implementation and finalization of privatizations or concessions of state-owned companies and utilities, are barred from participation in the regulating bodies or committees of said companies or utilities for three years after the last award in which they took part."

**ARTICLE 15.** — Should any of the incompatibilities provided in Article 13 be met at the time of their appointment, the civil servant shall:

- a) Desist from such activities as a precondition to taking up their duties; and
- b) Refrain, during their tenure, from involvement in any matter specifically connected with persons or affairs with which they were involved during the previous three years, or in which

they might have a corporate participation."

**ARTICLE 16.** — These incompatibilities shall apply without prejudice to those contained in the special standards for each office.

**ARTICLE 17.** — When any of the assumptions contained in Articles 13, 14 and 15 are met in connection with decisions issued by the persons contained in Article 1, those decisions shall be absolutely null and void, without prejudice to the rights of third parties who acted in good faith. Should the matter concern an administrative act, that act shall become absolutely null and void under the terms of Article 14 of Act 19.549.

The contracting firms and concessionaires bear joint and several responsibility for reparation of any damages caused to the State.

Moreover, according with Act No. 26.857 (of 21/05/2013), article 2, paragraph t), Any public official or employee who forms part of bidding award commissions, or commissions of acquisition or reception of goods, or who participates in the decision-making process of biddings or acquisitions must submit his/her assets disclosure on an annually basis. Thus they must disclose the information about their annual income and expenses derived from work under another employment contract or from the exercise of professional or independent activities.

With regard to mechanisms to enforce the acts and decrees mentioned above, Decree 164/99, which contains the rules for application of Act **25.188**, provides at Article 22 that officials shall present a statement of compliance with the standards on conflicts of interest set down in the Public Ethics Act.

The Anti-Corruption Office processes cases that arise from three separate sources:

- a) Integrated Financial Disclosures Unit;
- b) Complaints filed by private individuals or civil servants both anonymously and overtly;
- c) Queries made by implicated persons with respect to a given situation of conflict of interest.

The punishment specifically provided for decisions issued in situations of conflict of interests is absolute nullity (Act 25.188, Article 17). The chapter on conflicts of interest in Act 25.188 does not contain any punishment for officials responsible.

Nevertheless, Article 15 of that Act, amended by Decree 862/01, provides the obligation of self-disqualification from involvement in matters that entail a conflict of interests. That obligation applies to all civil servants or person hired to perform public duties. Under Article 3 of Act 25.188, breach of the above obligation gives rise to liability to the punishments provided in the Public Employment Act (Nº 25.164), namely caution, suspension, dismissal or discharge.

In the case of political officials (under-secretaries, secretaries y ministers), while the



decisions they issue are declared null and void, there are no punishments for them provided in Act 25.188, nor does Act 25.164 apply to them. Accordingly, it is necessary to advise the executive branch should such a situation arise.

Furthermore, such conduct may constitute the crime of incompatible transactions (**Article 265 of the Criminal Code**).

39. Are companies that have been found to be involved in corrupt contracting practices excluded from future participation in public tenders?

YES

NO

**Note:** There is not an exclusively exclusion rule for corrupt contracting practices. But article 28 of Decree No. 1023/01 (one of the most important regulations of the *legal framework* for Argentina's public procurement system) establishes in its article 28, that any natural or legal person cannot contract with the Public Administration in the following situations:

- a) Natural or legal persons sanctioned for contractual breaches (according to article 29, paragraph b) 2 and 3 from the Decree 1023/99);
- b) The officers and employees of the National Public Sector and those companies which have sufficient participation to influence corporate decisions.
- c) Those convicted for fraud, for a period equal to twice the sentence.
- d) People indicted for crimes against property or against the National Public Administration, or against public faith or of offenses covered by the Inter-American Convention against Corruption. This exclusion applies only to natural persons because still does not exist criminal liability of legal persons.
- e) Natural or legal persons who have not complied with their tax and social security obligations.

Another relevant feature is that the system includes an *anticorruption provision* (article 10 of Decree No. 1023/99): it expressly provides that giving or offering any pecuniary or other advantage to public officials involved in the procurement process for them to: a) do or refrain from doing any action in connection with their duties; or b) use their title to influence other public officials involved in the procurement process into doing or refraining from doing any action in connection with their duties; or c) the use by any person of their connections or influence over any public official or employee involved in the procurement process for them to do or refrain from doing any action in connection

with their duties, would result in the dismissal of the bid or the automatic termination of the contract.

If yes, please provide details.

40. If yes, is the debarment list of International Financial Institutions taken into account?

YES  NO

41. Are the names of companies excluded from future participation in public tenders made publicly available?

YES  NO

If yes, please provide details.

**DISCLOSURE BY PUBLIC OFFICIALS**

42. Does your country require disclosure by public officials of:

- |                          |   |  |
|--------------------------|---|--|
| a. Income                | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| b. Assets                | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| c. Conflicts of interest | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| d. Gifts                 | YES <input type="checkbox"/>            | NO <input checked="" type="checkbox"/> |
| e. Other                 | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |

If yes, please provide details.

Each obligated official must report in their assets disclosure all of his or her assets located in Argentina or abroad. They must also report all marital property or property held jointly as domestic partners, according to their share percentage (Article 6, Law No. 25188).

On account of the enactment of Law 26,857 (published in the Official Gazette on 23 May 2013), related to the public nature of the comprehensive financial affidavits submitted by officials within the framework of the Plan for Institutional Transparency provided for by resolution PGN 914/13, on 2 July 2013 resolution PGN 1302/13 was entered, which approved the new “Financial Affidavits Regulations for the Public Prosecutor’s Office” aimed at strengthening access to public information related to the performance of the Public Prosecutor’s Office and guaranteeing that financial affidavits are public.

This transparency policy had already been implemented within this institution through, among other measures, the publication on the website of the Public Prosecutor’s Office of a full list of all the officials required to submit financial affidavits (resolution PGN 145/12) and the facilitation of access to affidavits of different prosecutors and officials, including the Argentine Attorney General. Resolution PGN 1302/13 provided for a new set of regulations which incorporated the regulatory developments in the matter and formally established the public nature, as well as free access and free consultation through adequate technological means, of the financial affidavits of prosecutors or public officials of the Public Prosecutor’s Office. The regulations were reformulated and updated very recently through resolution PGN 792/2014 of 29 April 2014, mainly for the purpose of optimizing the systems for the preparation and uploading of financial affidavits.

Within the Public Prosecutor’s Office, generally speaking, the obligation to submit an annual affidavit applies to all prosecutors and officials with a position equal or superior to that of secretary of a first instance prosecuting office or a comparable position, irrespective of the contractual relationship. The obligation to submit an affidavit also applies to officials and employees with a position lower than that of secretary of a first instance prosecuting office or a comparable position who, due to the nature of their tasks, administer or participate in the management or administration of public funds, are part of commissions for the allocation and receipt of assets, or participate in any kind of purchase and/or bidding proceedings of the Public Prosecutor’s Office of the Argentine Republic, pursuant to the terms of items t) and u) of article 5 of law 25,188, replaced by law 26,857. With regard to the content, these affidavits contain information related to property located in the country (real property, rights over real property, automobiles, ships, aircraft, property owned by corporations or sole proprietorships, stock, shares, public and private securities, loans, money deposits, cash, movable property subject to registration, personal property and household movable property, among others); property located abroad; debts (with individuals, other debts in the country and debts abroad), and income (resulting from their positions and other, such as that resulting from pension schemes or contractual relations).

Furthermore, to preserve the confidentiality of certain personal and assets data, some information such as home addresses, bank account numbers, credit card numbers, etc., is protected and remains free of publicity. A similar situation is presented in relation to the information of the spouse or partner and their minor children in charge (Article 6e. of Law 25.188, Article 5 of Law 26.857, Article 18 of Decree 164/1999, Article 5 of Annex I of Decree 895/13 and Article 2b. of the AFIP GR No. 3511/13).

## PUBLIC OFFICIALS' IMMUNITIES

43. Does your country provide immunities from prosecution to individuals holding public offices for corruption related offences?

- |   |   |  |
|---|---|--|
| a. All public office holders                        | YES <input type="checkbox"/>            | NO <input checked="" type="checkbox"/> |
| b. Certain public office holders                    | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| c. No immunities available to public office holders | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| d. While in office                                  | YES <input type="checkbox"/>            | NO <input type="checkbox"/>            |
| e. Permanently                                      | YES <input type="checkbox"/>            | NO <input type="checkbox"/>            |

If yes, which public office holders are immune and if immunity is limited, please explain.

There is not an immunity rule, but Argentine legal framework contains certain prerogatives to certain public officials. A prerogative entails special treatment but no an immunity.

Thus the correct answer must be "*some prerogatives to certain public officials*". Since the enactment of Law 25.320 of September 2000, if any person suspected of having committed a crime is a legislator, public officer or judicial officer subject to outrage, removal or impeachment, those fact is not an obstacle to the competent authorities to continue with the criminal investigation or prosecution and the process could end in a conviction, even without previously declared the outrage, suspension or dismissal.

However these officials still retain some prerogatives inherent to their fundamental rights as the arrest, detention, or in some cases the house search, interception of correspondence or telephone calls (more details on this issue is provided in the response to Article 30, paragraph 1 of the UNCAC, available on the website of the OA: [www.anticorrupcion.gob.ar/documentos/AR\\_UNCAC\\_2010.pdf](http://www.anticorrupcion.gob.ar/documentos/AR_UNCAC_2010.pdf))

## EDUCATIONAL INITIATIVES

44. Is your country involved in any of the following international anti-corruption educational initiatives?

- |   |   |  |
|---|---|--|
| International Anti-Corruption Academy                         | YES <input type="checkbox"/>            | NO <input checked="" type="checkbox"/> |
| UNODC Anti-Corruption Academic Initiative                     | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| Other international anti-corruption educational initiative(s) | YES <input type="checkbox"/>            | NO <input type="checkbox"/>            |

If yes, please provide details.

45. Does your country provide anti-corruption educational/training programs for officials, including public office holders?

YES  NO

If yes, please provide details.

The Anticorruption Office has developed its Training System on Public Ethics (SICEP), which aims to provide training at a distance for public officials, by the e-learning courses methodology. These courses have several modules of transparency and prevention of corruption. A few years ago began running a new course on the criminal aspects of the fight against corruption aimed at lawyers and officials of the National Public Administration who work in the areas of Legal and Summaries. From this course, together with UNDP, was published the work of the AO's Investigations Direction "*PERSPECTIVA DEL DERECHO PENAL SOBRE LOS ACTOS DE CORRUPCIÓN – EL ROL DE LA OFICINA ANTICORRUPCIÓN*".

Between 12 and 21 November, the Anti-Corruption Office (OA) issued within the scope of the Ministry of National Security, the course "*Ethics and transparency in the public service*" for officers and staff of the agency. The course was coordinated and developed by officials of the OA and has been approved by the National Institute for Public Administration (INAP\*), which gives the attendants credits in his career. The Workshop aimed recipients to acquire a basic knowledge of current legislation on public ethics for their implementation and management tasks in the sector in which they operate.

\*The INAP is the division of the Chief of the Cabinet of Ministers Office responsible for informing public policies regarding professional education, and training of public officials and employees. Additionally, it is responsible for researching, compiling and publishing materials on training, education, and the role of the Government.

On 3 and 4 June, the Annual Conference on Financial Management for the staff of the National Gendarmerie developed. In this framework, with the participation of officials of the Anti-Corruption Office (OA) and teachers of the National Procurement Office of the Cabinet of Ministers, a training course in Procurement and Contracting was issued. In this course aspects of the new regime of the National Public Procurement Administration regulated by Decree 893/12, game of Decree 1023-1001, where concepts and modifications implemented by that standard were updated, as well as deepened developed workshops, case studies on the application of tools of transparency in this issue.

It is worth also highlighting that the Argentine Attorney General's Office runs courses, workshops, seminars, and conferences to permanently update and provide training for the officials and employees of the Public Prosecutor's Office. In particular, within its structure, the General Prosecuting Office for Education, Training and High Studies especially works on the design of education, training, and refresher programs for all members of the entity.

Recently, resolution PGN 204/14 provided for the creation of the Directorate for Training in Prosecuting Strategy (DCFE in the Spanish acronym), which has the specific mission of

planning and executing professional training and specialization processes for prosecutors, officials, and agents of the Public Prosecutor's Office. Such processes are aimed at responding to the institutional strategies, objectives, and goals of the entity, among which the battle against corruption has a preponderant place.

In particular, at this point it is worth mentioning the development of a course on "Strategies of the Public Prosecutor's Office in the battle against Financial Crime in Argentina and the Region", run by PROCELAC. Within the framework of this course, training classes have been given for the Public Prosecutor's Office's staff in relation to topics such as the recovery of assets of unlawful origin, precautionary measures, seizure in advance, the system for the administration of seized assets and its potential, the National Registry of Seized Assets, legislative solutions in comparative law, extinction of ownership, crimes against the public administration, the problem of corruption, and an introduction to the administrative system for the battle against corruption, the Anticorruption Office and the Federal Prosecutor's Office for Administrative Investigations.

PROCELAC members received training within the framework of the "Programme of One-Day Conferences for the Division for Economic Crimes and Money Laundering (PROCELAC)" held on 9 and 10 August 2013 (approved by resolution PGN 1406/13). The one-day conferences were addressed to approximately eighty members of the different areas of PROCELAC and included the participation of speakers external to the administration of justice who interact with the Division. Among them, it is worth mentioning the Financial Information Unit, the Central Bank of the Argentine Republic, the Argentine Federal Tax Authority, the Anticorruption Office, and the Argentine Securities and Exchange Commission, as well as enforcement authorities such as the Airport Security Police, the Argentine Border Police, and Interpol.

Likewise, through resolution PGN 470/2014, the schedule and contents of the Specialization Level courses of the "Education and Training School" proposed for 2014 were approved. In relation to the topic of financial crime and recovery of assets, the abovementioned course on "Strategies of the Public Prosecutor's Office in the battle against Financial Crime in Argentina and the Region" is still included, and the "Workshop on detection and confiscation of assets of unlawful origin" will be incorporated and given by the head of the Unit for Asset Recovery of the Argentine Attorney General's Office, accountant Judith König, during September 2014.

46. Does your country or business associations in your country promote anti-corruption training for the private sector?

YES x      NO

If yes, please provide details.

Please, see details provided in question No. 13

47. Has your country disseminated G20 products and documents developed by the group with relevant domestic authorities?

YES  NO

If yes, please provide details.

The High Level Principles on MLA were sent to the National Central Authority for information and requesting its use in publications and websites.  
On the other hand, in national coordination meetings, competent areas are informed of the results of G-20, as well as the further steps to be taken.

**JUDICIARY**

48. Has your country taken any measures to promote and disseminate the Bangalore Principles for Judicial Integrity?

N/A

If yes, please provide details

[Empty text box for details]

49. Has your country taken other measures to promote the accountability and independence of the Judiciary?

If yes, please provide details

[Empty text box for details]

**SECTOR-SPECIFIC TRANSPARENCY INITIATIVES**

50. Is your country supporting or implementing any sector-specific initiatives?

Extractive Industries Transparency Initiative (EITI)

Implementing

YES

NO

Support

YES

NO

Construction Sector Transparency Initiative (CoST)

Implementing

YES

NO

Support

YES

NO

Other (specify below)

Implementing

YES

NO

Support

YES

NO

Please provide details on other sectoral initiatives supported by your country, or domestic measures taken in relation to specific sectors.

51. Does your government have integrity pacts with the business sector?

YES  NO

If yes, please provide details.

**FISCAL AND BUDGET TRANSPARENCY**

52. Has your country taken steps to implement the IMF Good Practices in Fiscal Transparency?

YES  NO

If yes, please provide details.

The main policies aimed at improving fiscal and budget transparency already implemented (or under implementation) are listed below.

- Argentina is implementing a substantial reform in its integrated financial management



system(e- SIDIF). This system allows budget elaboration and execution of the 116 units that make the central government budget. Using the ESIDIF, 90% of the payments are made through the single treasury account and 25% of financial transactions are processed through automatic registration. The purpose of government is that all budgetary, financial and accounting operations of the central government are made via e- SIDIF from 2014.

- Central SIDIF: created within the mandate of the Administrative and Financial Reform of the Public Sector Act in 1992 (Law 24156), the SIDIF (Integrated Financial Information System) was designed, developed and implemented in house from the previous central SIDIF system of 1993, as a system that allowed the formulation of the national budget and its amendments, scheduling of budget execution, budget execution and cost accounting resources and overall transaction level, movements of funds, orders and enforceable debt, bank reconciliation, electronic transfer of payments, liens, and assignments, among others. Besides government funding, part of the development was supported by the World Bank and the Inter-American Development Bank. The SIDIF only applied to the Central Administration, ie. without application in decentralized institutions. However it allowed for the integration of the budget, accounting and treasury systems, adding features such as obtaining balances according to the method of double entry and financial programming.
- e- SIDIF : its development began after 2003, and as in-house customized system, in order to technologically upgrade the SIDIF, adapting it to a Web environment, promoting e-government in all its dimensions , and managing the financial management of the State for both the central level and decentralized agencies. The software used to code the system is freeware, with decentralized operation, and centralization of data bases and applications in a central location. The J2EE architecture platform (Java) is used. It incorporates modules for Budget, Treasury, Public Credit, Accounting and Procurement, and incorporates the use of electronic signatures, the progressive disappearance of paper in administrative procedures and greater transparency which provides instant access to updated data for public vendors, reports on the budgetary situation of the government, including accounting and treasury.
- The implementation of the esidif modules is being phased, and, at present, 116 units and 10000 users work with this system. This allows us to work with Results Based Management, evaluation of public policies, and incorporating new agencies, previously out of SIDIF, such as trust funds or unincorporated bodies . It is a system exclusively designed for the Federal Government.
- Within the esidifsystem, a BI tool is the revamped citizen's portal ([sitiodelciudadano.mecon.gov.ar/sici/](http://sitiodelciudadano.mecon.gov.ar/sici/)), in which civil society can access weekly updated information on budget execution by institution, nature of expenditure and income, program, degree of implementation of the budget and public debt position, among others. Furthermore, the system of consultation and monitoring of payments to vendors (e- PROV), in the framework of e-government, aims to streamline government vendors' consultation and monitoring payments. The two instruments are important developments in terms of transparency of public finances.
- There is a medium-term budget framework covering three years and a results-based budget that also identifies three years' spending, goals and objectives for programs, while

distinguishing outcomes and outputs, and subject to quarterly monitoring.

- The Financial Administration Act (LAF) 24156 of 1992 and the Federal Regime and Fiscal Responsibility Act (LRF) approved by Law 25917 of 2004, both modified by Law 26078 of 2006, are the two main standards that constitute the legal framework governing public finances. The LAF defines rules for structuring, formulation and implementation of the budget, closing the accounts, assessing budget execution, public credit, cash management, and accounting and includes also the systems of internal and external control. The LRF created a Fiscal Responsibility Council comprising the Minister of the Ministry of Economy and Finance and the finance ministers of the provinces and the Autonomous City of Buenos Aires, with the objective of evaluating the fiscal rules and sanctions.
- According to the LRF, the central government , the provinces and the Autonomous City of Buenos Aires are required to :
  1. Prepare a medium-term fiscal framework , with three years of projections and present it to the Council;
  2. Publish a quarterly report on the implementation of the budget , including public debt and the number of public officials;
  3. Ensure that the nominal increase in current and capital expenditures , as well as financial costs and social spending does not exceed the growth rate of nominal GDP;
  4. Ensure that capital inflows are used only to fund capital expenditures;
  5. Maintain debt service in an amount that represents less than 15 percent of net income;
  6. Define rules for reporting of transparency;
  7. Define penalties for breaking the law, such as suspension of voluntary transfers from the central government, new loans, and restrictions on tax concessions to private companies in the relevant province.
- The Investment Account (statements of central government) consolidates the accounts of the entities that are part of the central administration, decentralized agencies (excluding national universities) and social security institutions. Other public authorities, national universities, public companies and trusts only incorporate their net worth.
- The National Executive produces and presents annually to the National Congress a national multi-annual budget in compliance with the provisions of Law 25152, Public Resources Management (LARP). The multiannual budget covers three years. Its content includes at least: a) Resource projections by object; b) Projections of expenditure according to purpose, functions and economic nature ; c) investment program period; d) Programming of credit operations from multilateral agencies; e) General criteria for capturing other sources of funding; f) Agreements concluded - programs and their respective amounts; g) Description of budgetary policies that support projections and expected economic and financial results .
- The Quarterly Physical and Financial Monitoring Report on the Administration reflects the evolution and performance of budget policies and programs, according to the sectoral approach based on classification by purpose and function of the expenditure. To monitor the physical and financial budget implementation, programs are aggregated on their service nature, regardless of institutional affiliation or jurisdiction of the agency responsible for its

implementation. The report provides an analysis of budget execution and performance of the main concepts that make spending in each of the functions. This grouping concepts do not necessarily coincide with the programmatic classification and allows for concepts to meet programs, groups of programs, or a set of allegations designed to meet a common goal.

- The Executive Power presents the Proposal of the General Budget Law to the Chamber of Deputies by 15 September of each previous year, accompanied by a message (report), which contains the objectives to reach and explanations of the methodology used for resource estimates and the determination of authorizations to spend.
- The Office of the Comptroller General (SIGEN) is responsible for the internal control of the jurisdictions that comprise the National Executive and the decentralized agencies and state enterprises and companies that depend on it.
- The General Audit Office is responsible for the ex post external control of budget, economic, financial, estate, legal management, and the review of financial statements of the central administration, decentralized organizations, companies and state companies, utility regulators and private entities winners of privatization processes, in terms of the obligations under the respective contracts.

53. Has your country taken steps to implement the OECD Best Practices on Budget Transparency?

YES  NO

If yes, please provide details.

Please see answer N° 52

**Thank your for your time in completing this questionnaire.**