

M E M M

Multilateral Evaluation Mechanism

**Inter-American Drug Abuse
Control Commission
(CICAD)**

**Secretariat for
Multidimensional
Security
(SMS)**

Argentina

**EVALUATION
OF PROGRESS
IN DRUG CONTROL**

**IMPLEMENTATION OF RECOMMENDATIONS
FIFTH EVALUATION ROUND**

2012



**Organization of
American States**



Organization of
American States



Inter-American Drug Abuse
Control Commission

Multilateral Evaluation Mechanism (MEM)

ARGENTINA

Evaluation of Progress in Drug Control

Implementation of Recommendations from the Fifth Evaluation Round

2012



PREFACE

The Multilateral Evaluation Mechanism (MEM) is an instrument designed to measure progress in actions taken by the member states of the Organization of American States (OAS) to address the global drug problem and other related offenses.

The Inter-American Drug Abuse Control Commission (CICAD), an OAS specialized agency, implemented this Mechanism in 1998, pursuant to a mandate from the Second Summit of the Americas held in Santiago, Chile in April 1988.

The MEM is not only a diagnostic tool but has also become a vehicle for disseminating information on the progress achieved through the individual and collective efforts of OAS member state governments, catalyzing hemispheric cooperation, promoting dialogue among member state government authorities, and precisely channeling assistance to areas requiring greater attention by optimizing resources.

The evaluation reports are drafted by the Governmental Expert Group (GEG), a multidisciplinary group composed of experts designated from all OAS/CICAD member states. Each expert functions independently from his or her own government, and experts do not participate in the evaluation of their own countries. Additionally, each country has the opportunity to review and comment on the contents of the evaluations, ensuring an open and participatory process.

The Fifth Evaluation Round, covering the period 2007-2009, consisted of two phases. The full evaluation phase assessed progress made by all member states in combating the drug problem in the subject areas of institutional strengthening, demand reduction, supply reduction and control measures. This culminated with the publication of national reports containing 350 recommendations for individual member states. The follow-up phase evaluated progress made in the implementation of the recommendations assigned in the Fifth Round.



RECOMMENDATION 1

EXPAND PREVENTION ACTIVITIES TO INCLUDE THE ENTIRE EDUCATION CYCLE, FROM PRESCHOOL THROUGH SECONDARY SCHOOL.

Argentina reports that with regard to the school population, during the evaluation period the country implemented a prevention program for elementary school students between 10 and 11 years of age, and high school students between 12 and 14 years of age, which covered a significant portion of the school cycle.

The country indicates that the program continues in operation, having been implemented in 18 provinces (Jujuy, Neuquén, Río Negro, Salta, Santa Fe, Santiago del Estero, Catamarca, Chaco, Chubut, San Juan, Santa Cruz, Tucumán, Entre Ríos, Córdoba, Mendoza, La Rioja, Corrientes, and La Pampa), covering more than 2,780 schools and reaching a total of 231,120 students and 9,570 teachers.

Argentina states that, in addition to the prevention programs, there are preventive activities aimed at the general population which includes children and youth throughout the school cycle, from preschool through high school.

During the 2006-2009 period, these preventive activities, which include distribution of pamphlets, dissemination of information at public events, and mass media campaigns, among others, reached more than 500,000 people, including school-age children and youth.

CICAD notes the information provided by Argentina and considers the recommendation fulfilled.

RECOMMENDATION 2

IMPLEMENT A REGISTER ON THE NUMBER OF SEIZURES AND QUANTITIES OF PHARMACEUTICAL PRODUCTS SEIZED, A RECOMMENDATION REITERATED FROM THE FOURTH EVALUATION ROUND, 2005-2006.

Argentina reports that it has strengthened its system for the control of pharmaceutical products, in accordance with the spirit of the recommendation, through the following national laws and regulations: Ministry of Health resolution No. 435/2011 and Directive No. 3683/2011 of the National Administration of Medicine, Food, and Medical Technology (ANMAT) on the Traceability System, and Ministry of Health resolution No. 1644/08. The country notes that under its federal system, regulation and control of health products and establishments is distributed among different jurisdictions with powers to dictate regulations and control such activities and, within the framework of said function, seize pharmaceutical products. The country reports that this makes it impossible to determine the number of seizures at the national level.

CICAD takes note of the information provided and urges the country to implement this recommendation, given that it was assigned in the Fourth Evaluation Round, 2005-2006.



RECOMMENDATION 3

IMPLEMENT A REGISTER ON THE NUMBER OF PENAL AND ADMINISTRATIVE SANCTIONS IMPOSED IN CASES OF THE DIVERSION OF PHARMACEUTICAL PRODUCTS, A RECOMMENDATION REITERATED FROM THE FOURTH EVALUATION ROUND, 2005-2006.

Argentina reports that it has strengthened its system for the control of pharmaceutical products, in accordance with the spirit of the recommendation, through the following national laws and regulations: Ministry of Health resolution No. 435/2011 and Directive No. 3683/2011 of the National Administration of Medicine, Food, and Medical Technology (ANMAT) on the Traceability System, and Ministry of Health resolution No. 1644/08. At the same time, the country notes that under its federal system, regulation and control of these products is distributed among different jurisdictions. The multiplicity of existing jurisdictions, with their corresponding distribution and the coexistence of exclusive and concurrent powers, prevents the centralization of this kind of information.

CICAD takes note of the information provided and urges the country to implement this recommendation, given that it was assigned in the Fourth Evaluation Round, 2005-2006.

RECOMMENDATION 4

IMPLEMENT AN AUTOMATED INFORMATION MANAGEMENT SYSTEM TO FACILITATE THE CONTROL OF PHARMACEUTICAL PRODUCTS THROUGHOUT THE COUNTRY.

Argentina reports that it has adopted Ministry of Health Resolution No. 435/2011 and its regulations, (ANMAT) No. 3683/11.

The country states that the first of the abovementioned legislation establishes that “individuals or corporations taking part in the marketing chain, distribution and dispensation of specialty medications included in the National Administration of Medicine, Food, and Medical Technology (ANMAT) Specialty Medications Registry (REM), shall implement a traceability system to ensure the control and tracking of those medications from the moment the product is manufactured or imported until it is purchased by the user or patient.”

The country reports that the first stage of implementation began on December 15, 2011, which includes laboratories, distributors, logistics operators, and drugstores that are involved in the federal drug distribution chain.

Argentina indicates that in the months that passed between the enactment of the resolution and the beginning of this first phase, there had been continuous work in coordination with the operators involved, providing assistance and support at the various stages of implementation and conducting individual workshops for laboratories, distributors and drugstores, as well as follow-up inspections and workshops.



The country reports that joint meetings were held with the various pharmaceutical industry chambers and pharmacy and drugstore associations, and individual interviews were carried out with the various operators who so requested, to collaborate on the implementation process.

CICAD recognizes the progress made and encourages the country to implement the recommendation.

RECOMMENDATION 5

ADOPT LEGISLATION TO ALLOW FOR THE DETERMINATION OF THE FINAL DISPOSITION OF SEIZED CHEMICAL SUBSTANCES, WHICH INCLUDES A REGISTER OF INFORMATION ON THE QUANTITIES OF CHEMICAL SUBSTANCES DISPOSED OF.

Argentina reports that in 2010, the Secretariat for Programming Drug Abuse Prevention and the Fight against Drug Trafficking (SEDRONAR) issued Resolution No. 128/10, which established the Unit for the Investigation and Control of the Diversion of Chemical Precursors within the jurisdiction of SEDRONAR, which regulates the final disposition of chemical substances seized, including a registry with data on the quantities of chemical substances disposed of.

CICAD views with satisfaction the implementation of the recommendation.

RECOMMENDATION 6

APPROVE AND IMPLEMENT LAWS TO CONTROL THE SALE AND DISTRIBUTION OF PHARMACEUTICAL PRODUCTS AND OTHER DRUGS OVER THE INTERNET, A RECOMMENDATION REITERATED FROM THE FOURTH EVALUATION ROUND, 2005-2006.

Argentina reports that ANMAT Regulation No. 2340/2002 incorporated into national legislation the MERCOSUR document "Use of Reimbursement Systems for the Purchase/Sale of Narcotics and Psychotropic Substances" adopted by GMC Resolution No. 46/99. Article 1 of this document specifically "prohibits the purchase/sale of narcotics and psychotropic substances through the reimbursement system by any means of communication, including the postal service and electronic communications."

Argentina reports that Article 9 of Ministry of Health Resolution No. 1644/08 specifically "prohibits, under the provisions of Law No. 17.565 and its Regulations, the home delivery or any other type of direct or indirect delivery of pharmaceutical products to the public or to establishments not licensed for that purpose. This prohibition shall extend to electronic sales, sales via the postal service, telephone sales, Internet sales or any other method that could be considered beyond the scope of the authorization granted to each individual or corporation in their listing and registration process."

CICAD views with satisfaction the implementation of the recommendation.



RECOMMENDATION 7

IMPLEMENT A SYSTEM TO RECORD THE NUMBER OF FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS SEIZED IN RELATION TO THE NUMBER OF ARRESTS FOR DRUG TRAFFICKING.

Argentina states that it maintains records on the quantities of firearms, ammunition, explosives and other related materials seized in relation to the number of arrests for drug trafficking.

The country indicates that it has a “National Register of Firearms and Controlled Materials Seized or Forfeited,” which centralizes information regarding firearms, their parts and components, ammunition and other controlled materials that have been forfeited or seized for any type of violation.

Likewise, the country reports that it has information on the quantities of firearms, ammunition and explosives and other related materials seized in law enforcement operations for violations of the provisions of the Narcotics Law. This information is obtained from the data provided by the various police and security forces in the country. Information on all seized firearms, ammunition, explosives, and other related materials is available in judicial settings.

CICAD takes note of the information provided by Argentina and considers the recommendation fulfilled.

RECOMMENDATION 8

EXPAND THE OBLIGATION TO REPORT SUSPICIOUS TRANSACTIONS TO PREVENT MONEY LAUNDERING TO INCLUDE LAWYERS AND REAL ESTATE AGENTS, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

Argentina reports that it has included the real estate sector among those obligated to comply with the Anti-Money Laundering and Counter Terrorism Financing (AML/CTF) legislation, through Law 26.683 of June 1, 2011. The country adds that a bill has passed the Honorable Senate and is soon to be taken up by the Honorable Chamber of Representatives, that would include lawyers acting as corporate trustees among the entities required to comply with AML/CTT laws.

Argentina reports that the AML/CTF obligations specific to individuals in the real estate sector have been established through regulations contained in Financial Intelligence Unit resolution No. 16/2012 of January 25, 2012.

CICAD recognizes the progress made and urges the country to implement this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.



RECOMMENDATION 9

INCLUDE IN THE SPECIAL INVESTIGATIVE TECHNIQUES FOR MONEY LAUNDERING INVESTIGATIONS UNDERCOVER OPERATIONS, USE OF INFORMANTS, CONTROLLED DELIVERY AND SENTENCE REDUCTION FOR COOPERATING WITNESSES.

Argentina reports the enactment of Law No. 26.683 on June 1, 2011, which amends Law No. 25.246 (AML/CTF Law) and introduces several special investigative techniques and measures, including undercover operations, use of informants, controlled delivery, and sentence reduction for cooperating witnesses, that magistrates conducting proceedings for money laundering crimes may use.

CICAD notes with satisfaction the implementation of this recommendation.



CONCLUSIONS

In the Fifth Evaluation Round 2007-2009, nine recommendations were assigned to Argentina. Five of these have been implemented and four are in progress.

CICAD recognizes that the country has implemented the recommendation to expand prevention activities to include the entire education cycle, from preschool through secondary school.

CICAD recognizes that Argentina has enacted laws and regulations to determine the final disposition of seized chemical substances, which include a register to record data on the quantities of chemical substances disposed of. In addition, the country has made progress in the implementation of an automated system to facilitate the control of pharmaceutical products. CICAD observes that the country has not implemented a register on the number of seizures or quantities of pharmaceutical products seized, nor a register on the number of penal and administrative sanctions imposed in cases of diversion of pharmaceutical products.

CICAD takes note that Argentina has enacted laws to control the sale and distribution of controlled pharmaceutical products and other drugs over the Internet, and has implemented a system to register of the quantities of firearms, ammunition, explosives and other related materials seized, in relation to the number of arrests connected with drug trafficking.

In addition, it is important to note that Argentina enacted Law No. 26.683 on June 1, 2011, which introduces several special investigative techniques and measures for money laundering cases. In addition, the real estate sector has been included among those obligated to comply with the Anti-Money Laundering and Counter Terrorism Financing laws (AML/CTF), and regulations for these activities have been enacted. However, the inclusion of lawyers among those obligated to report suspicious transactions remains pending.

CICAD recognizes the Republic of Argentina's participation in and commitment to the Multilateral Evaluation Mechanism process, and encourages the country to fulfill the pending recommendations.

Antigua
and Barbuda Argentina
The Bahamas Barbados Belize Bolivia B
Canada Chile Colombia Costa Rica Dominica
Republic Ecuador El Salvador Grenada Guatemal
Honduras Jamaica Mexico Nicaragua Panama Paragu
and Nevis Saint Lucia Saint Vincent and the Grenadines
Tobago United States of America Uruguay Venezuela Ant
Bahamas Barbados Belize Bolivia Brazil Canada and Barbuda
Republic Ecuador El Salvador Grenada Guat The Bahamas Barb
Panama Paraguay Peru Saint Kitts and Brazil Canada Chile Colomb
Trinidad and Tobago United States of Dominican Republic Ecuad
Bahamas Barbados Belize Bolivia Brazil Guatemala Guyana Haiti Hondu
El Salvador Grenada Guatemala Guyana Panama Paraguay Peru Saint Kitts
Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines Suriname Trinidad
Uruguay Venezuela Antigua and Barbuda Uruguay Venezuela Antigua and Barb
Costa Rica Dominica Dominican Republic Belize Bolivia Brazil Canada Chile Colombi
Nicaragua Panama Paraguay Peru Ecuador El Salvador Grenada Guatemala
Tobago United States of America U Nicaragua Panama Paraguay Peru Saint Kitt
Canada Chile Colombia Costa Rica the Grenadines Suriname Trinidad and Tobago
Jamaica Mexico Nicaragua Panam Antigua and Barbuda Argentina The Bahama
Trinidad and Tobago United State Colombia Costa Rica Dominica Dominican Rep
Bolivia Brazil Canada Chile Colomb Guyana Haiti Honduras Jamaica Mexico Nicaragu
Honduras Jamaica Mexico Nicaragua Saint Lucia Saint Vincent and the Grenadines S
Trinidad and Tobago United States America Uruguay Venezuela Antigua and Barbuda
Brazil Canada Chile Colombia Cos Brazil Canada Chile Colombia Costa Rica Dominica
Jamaica Mexico Nicaragua Panam Guatemala Guyana Haiti Honduras Jamaica Mexico
and Tobago United States of Ame Nevis Saint Lucia Saint Vincent and the Gre
Canada Chile Colombia Costa Rica America Uruguay Venezuela Antigua and Barbuda
Mexico Nicaragua Panama Paragu Brazil Canada Uruguay Venezuela Antigua and Barbuda
Tobago United States of America U Guatemala Guyana Haiti Honduras Jamaica Mex
Chile Colombia Costa Rica Domin and Nevis Saint Lucia Saint Vincent and the Gre
Mexico Nicaragua Panama Parag States of America Uruguay Venezuela Antigua
and Tobago United States of Ame Belize Bolivia Brazil Canada Chile Colombia Cos
Brazil Canada Chile Colombia Cos El Salvador Grenada Guatemala Guyana Haiti
Honduras Jamaica Mexico Nicaragua Paraguay Peru Saint Kitts and Nevis Sain
Suriname Trinidad and Tobago Uni Suriname Trinidad and Tobago United Sta
Barbados Belize Bolivia Brazil Canada and Barbuda Argentina The Bahamas Ba
Guatemala Guyana Haiti Honduras Colombia Costa Rica Dominica Dominic
Saint Vincent and the Grenadines Sur Guatemala Guyana Haiti Honduras
and Barbuda Argentina The Bahamas Paraguay Peru Saint Kitts and Ne
Dominican Republic Ecuador El Salvador the Grenadines Suriname Trini
Panama Paraguay Peru Saint Kitts and Ne of America Uruguay Venez
and Tobago United States of America U Argentina The Bahamas
Barbados Belize Bolivia Brazil Canada Chile Brazil Canada
Ecuador El Salvador Grenada Guatemala Guyana
Panama Paraguay Peru Saint Kitts and Nevis Saint Lucia Saint
Suriname Trinidad and Tobago United States of America Uru
and Barbuda Argentina The Bahamas Barbados Belize B
Chile Colombia Costa Rica Dominica Dominican R
El Salvador Grenada Guatemala Guyana Hai
Jamaica Mexico Nicaragua Panama Par
Peru Saint Kitts and Nevis Saint



Organization of American States
1889 F Street, NW
Washington, DC 20006
Tel: (202) 458 3000
www.cicad.oas.org

ISBN 978-0-8270-5794-4