

**IMPORT LICENSING SYSTEM OF ARGENTINA**

Questions from the UNITED STATES, the EUROPEAN COMMUNITIES, CANADA,  
CHINA, and JAPAN to ARGENTINA

The following communication, dated 9 April 2009, is being circulated at the request of the delegation of the United States.

In response to Argentina's recent notifications dated 19 January 2009 and 19 March 2009 under Article 5, we have the following questions regarding Argentina's import licensing requirements:

Has Argentina provided copies of the regulations below to the WTO Secretariat? If not, we would greatly appreciate a copy of the following regulations:

- Regulation No. 47/2007
- Regulation No. 343/2007
- Regulation No. 16/2008, cited in G/LIC/N/2/ARG/4/Add.1
- Regulation No. 329/2008, cited in G/LIC/N/2/ARG/7/Add.3
- Regulation No. 330/2008, cited in G/LIC/N/2/ARG/12/Add.1
- Regulation No. 589/2008, cited in G/LIC/N/2/ARG/14
- Regulation No. 588/2008, cited in G/LIC/N/2/ARG/15

These regulations should be notified under Articles 1.4, 5.1 and 8.2 of the Agreement on Import Licensing Procedures and copies of them made available to the WTO Secretariat for review by interested WTO Members.

Automatic import license requirements (G/LIC/N/2/ARG/4/Add.1)

- Please clarify the apparent contradiction between the statements in sections (e) and (g) of the notifications. Are these automatic or non-automatic licensing measures?
- G/LIC/N/2/ARG/4/Add.1 includes approximately 130 tariff lines for which import license procedures (apparently automatic) are now required.
  - Are these requirements in addition to those previously notified by Argentina in G/LIC/N/2/ARG/4, dated 5 March 1999? Or does G/LIC/N/2/ARG/4/Add.1 replace the previous list of tariff lines subject to automatic import licenses?
  - How and according to what criteria was it determined that the importation of these items should require an automatic import license?
  - Approximately what percentage of the total value of Argentina's imports in a recent representative period is covered by the notified lines?

- Argentina states that the purpose of the automatic licensing requirements is: “to ensure that imports are subject to a regime which permits the advance supply of descriptive information to the historical records in order to be able to carry out a rapid analysis of their evolution, and which averts delays that could cause irreparable damage to different production sectors.”
  - It is not clear what Argentina’s objective with respect to the new requirements is, based on the above explanation. Could Argentina please elaborate further regarding the administrative purpose for these automatic import licensing procedures?
  - Specifically, what sorts of “delays” are intended to be averted? Delays in importation or delays in determining whether imports should be restricted? What is meant by “delays that could cause irreparable damage to different production sectors”? Could Argentina please provide an example of such a delay and of the “irreparable damage?”
  - Could Argentina please also explain what measures have been taken to ensure that the automatic licensing requirements are the most transparent and least trade restrictive for achieving these objectives?
- What is the statutory or regulatory length of time allowed to the government for processing applications for automatic import licenses?

Non-automatic import license requirements<sup>1</sup>

- Two of Argentina’s notifications are addenda to earlier notifications (G/LIC/N/2/ARG/7/Add.3 and G/LIC/N/2/ARG/12/Add.1).
  - Do the tariff lines listed in these addenda replace the tariff lines listed in earlier notifications (G/LIC/N/2/ARG/7 and G/LIC/N/2/ARG/12), or are they additional tariff lines now subject to non-automatic import licenses?
  - If the notifications are with respect to additional tariff lines now subject to non-automatic import licenses, could Argentina please explain how and according to what criteria the items covered by these tariff lines were selected?
  - What percentage of the total value of Argentina’s imports is now covered by these non-automatic licensing requirements?
- What prompted the addition of new products subject to non-automatic import license requirements, per the four notifications in January 2009 and the notification in March 2009?
- Argentina indicates that these new non-automatic import licenses are required in order to establish a pre-release verification mechanism.
  - Please describe how the non-automatic import license requirements establish a pre-release verification mechanism to monitor and control imports.
  - Please explain how the pre-release verification mechanism works.
    - Why does Argentina consider this mechanism necessary?
    - What information must be provided by importers?
    - What is being verified?
    - What sort of control is applied?
    - How long before entry may application for the license be made?
    - How does this mechanism affect imports?
    - Is there an appeals process?

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<sup>1</sup> G/LIC/N/2/ARG/7/Add.3; G/LIC/N/2/ARG/12/Add.1; G/LIC/N/2/ARG/14; G/LIC/N/2/ARG/15; G/LIC/N/2/ARG/16.

- Please explain the criteria used by Argentina for granting and/or allocating its non-automatic import licenses.
  - Are applications considered on a first-come first served basis, or are they considered simultaneously?
  - What is the approximate length of time for processing applications for non-automatic import licenses?
    - In practice, the time required by Argentinean authorities for processing applications for non-automatic import licenses, by average, is far longer than the time-period prescribed by Article 3.5(f) of the WTO Import Licensing Agreement.
    - What are the reasons for these delays?
    - Do importers have any remedy in case of excessive delays in processing applications?
  - If the automatic import license requirements identified in G/LIC/N/2/ARG/4 are still in effect (i.e., not replaced by those listed in G/LIC/N/2/ARG/4/Rev.1), then it would appear that there are some tariff lines for which both an automatic and non-automatic import license is required. Please clarify this, with particular reference to the following points:
    - G/LIC/N/2/ARG/4 notifies automatic import licenses for approximately 49 different HS chapters, including 52-60 and 84. G/LIC/N/2/ARG/14 notifies non-automatic import license requirements for certain products classified within chapters 52, 54, 55, and 60. G/LIC/N/2/ARG/15 establishes non-automatic requirements for certain products that fall under chapter 84. A number of tariff lines are notified in more than one document.
    - In such cases, are importers required to file two separate applications?
    - If so, what is the reason for these duplicate procedures?
  - On 22 January, the Government of Argentina published Regulation 26/2009, establishing a non-automatic import licensing procedure for new tyres.
    - What is the justification for requiring non-automatic import license requirements for these particular products?
    - Approximately what percentage of the total value of Argentina's imports in a recent representative period is covered by the notified lines?
  - On 6 March, the Government of Argentina published Regulation 61/2009, through which Argentina has extended the coverage of import licenses to new product lines.
    - What is the justification for requiring non-automatic import license requirements for these particular products?
    - Approximately what percentage of the total value of Argentina's imports in a recent representative period is covered by the new product lines?
  - In view of the progressive extension of the product coverage of the non-automatic import licensing requirements in Argentina, what percentage of the total value of Argentina's imports, in a recent representative period, is currently covered by those requirements?
  - Argentinean Regulations establishing import licensing requirements refer to the "provisional" ("transitoria") imposition of these requirements. However, import licensing requirements as those established by Regulation 47/2007 and 343/2007 have not only be maintained until present but have been extended to an increasing number of product lines since 2008. How does Argentina explain this?
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