

WORLD TRADE ORGANIZATION

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ARGENTINA – MEASURES AFFECTING THE IMPORTATION OF GOODS

Request for Consultations by the European Union

The following communication, dated 25 May 2012, from the delegation of the European Union to the delegation of Argentina and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the Government of the Republic of Argentina ("Argentina"), pursuant to Articles 1 and 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, Article XXII of the *General Agreement on Tariffs and Trade, 1994* (GATT 1994), Article 19 of the *Agreement on Agriculture*, Article 6 of the *Agreement on Import Licensing Procedures* and (the ILP Agreement) Article 8 of the *Agreement on Trade Related Investment Measures* (the TRIMS Agreement) and Article 14 of the *Agreement on Safeguards*, with respect to certain measures imposed by Argentina on the importation of goods into Argentina.

Argentina subjects the importation of goods into Argentina to the presentation for approval (*validación*) of a so-called *Declaración Jurada Anticipada de Importación* (DJAI). The relevant legal instruments are listed in Annex I.

Argentina subjects the importation of certain goods into Argentina to various types of licenses: *Licencias No Automáticas de Importación* in the form of *Certificados de Importación* (CIs); *Licencias Automáticas Previas de Importación* (LAPI); and *Certificados de Libre Circulación* (CLCs). The legal instruments providing for these measures are listed in Annex II, Annex III and Annex IV, respectively.

Argentina often requires the importers of goods to undertake certain commitments, including, *inter alia*, to limit their imports, to balance them with exports, to make or increase their investments in production facilities in Argentina, to increase the local content of the products they manufacture in Argentina, not to transfer benefits abroad and/or to control their prices.

The issuance of LAPIs, CIs and CLCs and the approval of DJAIs is being systematically delayed or refused by the Argentinean authorities on non-transparent grounds. Often the Argentinean authorities make the issuance of LAPIs, CIs and CLC and the approval of DJIAs conditional upon the importers undertaking to comply with the trade restrictive commitments mentioned above.

These measures restrict imports of goods and discriminate between imported and domestic goods. They do not appear to be related to the implementation of any measure justified under the WTO Agreement, but instead aimed at advancing the Argentinean Government's stated policies of re-industrialization, import substitution and elimination of trade balance deficits.

The legal measures through which Argentina imposes these restrictions include, but are not limited to, the legal instruments listed in the Annexes, as well as any amendments, replacements, extensions, implementing measures or related measures.

Argentina's measures appear to be inconsistent with Argentina's obligations under the following provisions of the covered agreements:

- (i) Articles III:4, VIII; X:1, X:3 and XI:1 of the GATT 1994;
- (ii) Article 2 of the TRIMs Agreement;
- (iii) Articles 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 2.2, 3.2, 3.3, 3.4 and 3.5 of the ILP Agreement.
- (iv) Article 4.2 of the Agreement on Agriculture;
- (v) Article 11 of the Safeguards Agreement.

Argentina's measures appear to nullify or impair the benefits accruing to the European Union directly or indirectly under the covered agreements.

The European Union reserves the right to raise additional measures and claims regarding these matters in the course of the consultations.

The European Union looks forward to receiving in due course a reply from Argentina to this request. The European Union is ready to consider with Argentina mutually convenient dates to hold consultations.

Annex I

Declaración Jurada Anticipada de Importación

(DJAI)

- Resolución AFIP 3252/2012
- Resolución AFIP 3255/2012
- Resolución AFIP 3256/2012
- Resolución AFIP 3276/2012
- Resolución SCI 1/2012
- Comunicación del Banco Central “A” 5134 of 1.11.2010
- Any amendments, replacements, extensions, implementing measures or related measures.

Annex II

Non-automatic licenses (*Licencias No Automáticas de Importación*) in the form of import certificates (*Certificados de Importación*)

- Import certificate for shoes (*productos del sector calzado*) - C.I.C.: Resolución MEyOSP 977/99, Resolución SICM 736/99 and Resolución MEyP 486/2005
- Import certificate for paper (*papel*) – C.I.P.: Resolución MEyOSP 1117/99 and Resolución SICyM 798/99
- Import certificate for household products (*artículos para el hogar*) - C.I.A.H.: Resolución MEyP 444/2004 and Resolución SICPME 177/2004;
- Import certificate for toys (*juguets*) – C.I.J.: Resolución MEyP 485/2005
- Import certificate for motorcycles (*motocicletas*) – C.I.M. : Resolución MEyP 689/2006,
- Import Certificate for bicycle tyres (*cubiertas y neumáticos de bicicleta*): - C.I.C.C.N.B. : Resolución MEyP 694/2006
- Import certificate for miscellaneous manufactured products (*manufacturas diversas*) – C.I.M.D.: Resolución MEyP 47/2007
- Import certificate for shoe parts (*partes de calzado*) – C.I.P.C.: Resolución MEyP 61/2007
- Import certificate for balls (*pelotas*) C.I.P.: Resolución MEyP 217/2007
- Import certificate for textile products (*productos textiles*) – C.I.P.T. : Resolución MEyP 343/2007
- Import certificate for metal products (*productos metalúrgicos*) – C.I.P.M: Resolución MEyP 588/2008
- Import certificate for yarns (*hilados y tejidos*) – C.I.H.T.: Resolución MEyP 589/2008
- Import certificate for tyres (*neumáticos*) – C.I.N: Resolución MP 26/2009
- Import certificate for miscellaneous products (*productos varios*) – C.I.P.V.: Resolución MP 61/2009

- Import certificate for screws and similar products (*tornillos y afines*) – C.I.T.A.: Resolución MP 165/2009
- Import certificate for autoparts (*autopartes y afines*) – C.I.A.P.A.: Resolución MP 337/2009
- Import certificate for motor vehicles (*vehículos automóbiles*) – C.I.V.A.: Resolución MI 45/2011
- Any amendments, replacements, extensions, implementing measures or related measures.

Annex III

Automatic import licenses

(Licencias Automáticas Previas de Importación or LAPI)

- Resolución MEyOSP 17/99
- Resolución SICM 59/99
- Resolución SICM 150/99
- Resolución MEyOSP 820/99
- Resolución SICM 465/99 y AFIP 451/99
- Decreto PEN 509/2007
- Any amendments, replacements, extensions, implementing measures or related measures.

Annex IV

Certificados de Libre Importación for food products

- Ley 1824/1969
 - Decreto 2092/1991
 - Resolución M.S y A.S. 876/97
 - Resolución ANMATM 5434/98.
 - Any amendments, replacements, extensions, implementing measures or related measures.
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