

**ARGENTINA – MEASURES AFFECTING THE IMPORTATION
OF GOODS**

Request for Consultations by the United States

The following communication, dated 21 August 2012, from the delegation of the United States 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 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 6 of the *Agreement on Import Licensing Procedures* ("Import Licensing Agreement"), Article 8 of the *Agreement on Trade-Related Investment Measures* ("TRIMS Agreement") and Article 14 of the *Agreement on Safeguards* ("Safeguards Agreement"), concerning 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 non-automatic import license, the so-called *Declaración Jurada Anticipada de Importación* ("DJAI"). The relevant legal instruments through which Argentina maintains these measures include those listed in Annex I.

Argentina also subjects the importation of certain goods into Argentina to other non-automatic licenses: *Licencias No Automáticas de Importación* in the form of *Certificados de Importación* ("CIs"). The legal instruments through which Argentina maintains these measures include those listed in Annex II.

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 investment in production facilities in Argentina, to increase the local content of products manufactured in Argentina (and thereby discriminate against imported products), to refrain from transferring revenue or other funds abroad and/or to control the price of imported goods.

The issuance of CIs and the approval of DJAIs are being systematically delayed or refused by the Argentinean authorities on non-transparent grounds. The Argentinean authorities often make the issuance of CIs and the approval of DJAIs conditional upon the importers undertaking to comply with the above-mentioned trade-restrictive commitments.

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 appear to be aimed at advancing Argentina's stated policies of re-industrialization, import substitution and elimination of trade balance deficits.

The legal instruments through which Argentina maintains these measures 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, X:1, X:2, X:3(a) and XI:1 of the GATT 1994;
- (ii) Article 2 of the TRIMs Agreement;
- (iii) Articles 1.2, 1.3, 1.4, 3.2, 3.3, 3.4, 3.5, 5.1, 5.2, 5.3 and 5.4 of the Import Licensing Agreement; and
- (iv) Article 11 of the Safeguards Agreement.

We look forward to receiving your reply to the present request and to fixing a mutually convenient date for 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
- Comunicación del Banco Central "A" 5274 of 1.30.2012
- 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 (juguetes) - C.I.J.: Resolución MEyP 485/2005
 - Import certificate for motorcycles (motocicletas) - C.I.M.: Resolución MEyP 689/2006
 - Import certificate for bicycle tires (cubiertas y cámaras neumáticas de bicicletas) - 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 tires (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 automóviles) - C.I.V.A.: Resolución MI 45/2011
 - Any amendments, replacements, extensions, implementing measures or related measures.
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