

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

Request for Consultations by Japan

The following communication, dated 21 August 2012, from the delegation of Japan 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 Argentine Republic ("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* 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 non-automatic licenses: *Licencias No Automáticas de Importación* in the form of *Certificados de Importación* (CIs). The legal instruments providing for these measures are 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, not to transfer benefits abroad and/or to control their prices.

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 are aimed at advancing the Argentinean Government's stated policies of re-industrialization, import substitution and elimination of trade balance deficits.

The legal instruments 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:2, X:3 and XI:1 of the GATT 1994;
- (ii) Articles 2 and 6.1 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, 3.5, 5.1, 5.2, 5.3 and 5.4 of the ILP Agreement;
- (iv) Article 11 of the *Agreement on Safeguards*.

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

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

Japan looks forward to receiving Argentina's reply in due course to this request for consultations. Japan is ready to consider with Argentina mutually convenient dates for consultations in Geneva.

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 tyres (*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 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 automóviles*) – C.I.V.A.: Resolución MI 45/2011
- Any amendments, replacements, extensions, implementing measures or related measures¹

¹ This includes, for example, Resolución MI 45/2011.