

# WORLD TRADE ORGANIZATION

G/SG/N/8/ARG/5/Suppl.2  
G/SG/N/10/ARG/5/Suppl.2  
G/SG/N/11/ARG/5/Suppl.2  
26 November 2008

(08-5803)

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Committee on Safeguards

Original: Spanish

**NOTIFICATION UNDER ARTICLE 12.1(b) OF THE AGREEMENT ON  
SAFEGUARDS ON MAKING A FINDING OF SERIOUS INJURY OR  
THREAT THEREOF CAUSED BY INCREASED IMPORTS**

**NOTIFICATIONS UNDER ARTICLE 12.1(c) AND ARTICLE 9,  
FOOTNOTE 2, OF THE AGREEMENT ON SAFEGUARDS**

ARGENTINA

Compact Discs-Recordable (CD-R)

Supplement

The following communication, dated 23 October 2008, is being circulated at the request of the delegation of Argentina.

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The delegation of Argentina hereby informs that pursuant to Resolution No. 481 of the Ministry of the Economy and Production, of 14 October 2008, published in the Official Journal of 16 October 2008, it has been decided to apply the safeguard measure on imports of compact discs-recordable (CD-R), implemented under Resolution No. 351/07 of the Ministry of the Economy and Production, to the People's Republic of China.

A copy of Resolution No. 481 of the Ministry of the Economy and Production is attached.

**Ministry of the Economy and Production**

**FOREIGN TRADE**

**Resolution No. 481/2008**

**Applying the safeguard measure established by Resolution No. 351/07 on imports of compact discs-recordable (CD-R) to the People's Republic of China.**

Buenos Aires, 14 October 2008

**HAVING REGARD** to File No. S01:0367488/2007 of the Registry of the MINISTRY OF THE ECONOMY AND PRODUCTION, and

**WHEREAS:**

By Resolution No. 351 of 29 May 2007 of the MINISTRY OF THE ECONOMY AND PRODUCTION, the safeguard investigation concerning imports of compact discs-recordable (CD-R) was closed with the establishment of a safeguard measure in the form of minimum specific duties on imports of the product in question.

In the above-mentioned File, the ARGENTINE CHAMBER OF MANUFACTURERS OF MAGNETIC AND OPTICAL MEDIA (CAFMO) requested that the safeguard measure be extended to the PEOPLE'S REPUBLIC OF CHINA.

The Legal Service for Industry, Trade and Small and Medium-Sized Enterprises attached to the General Directorate of Legal Affairs of the LEGAL UNDER-SECRETARIAT of the LEGAL AND ADMINISTRATIVE SECRETARIAT of the MINISTRY OF THE ECONOMY AND PRODUCTION issued Opinion No. 12.072 of 25 April 2008, which states as follows: "Therefore, the competent bodies having concluded that the requisite conditions under Article 9.1 of the Agreement on Safeguards relating to the exclusion of developing countries were not satisfied, the opinion of this Legal Service is that it would be appropriate to apply the measure to the countries concerned."

For its part, the Directorate for Unfair Competition, attached to the National Directorate for the Management of Foreign Trade of the UNDER-SECRETARIAT FOR TRADE POLICY AND MANAGEMENT of the SECRETARIAT OF INDUSTRY, TRADE AND SMALL AND MEDIUM-SIZED ENTERPRISES of the MINISTRY OF THE ECONOMY AND PRODUCTION, submitted a report relating to Article 9.1 of the Agreement on Safeguards, approved by Law No. 24.425.

The report mentioned in the preceding preambular paragraph was endorsed by the UNDER-SECRETARIAT FOR TRADE POLICY AND MANAGEMENT, attached to the SECRETARIAT OF INDUSTRY, TRADE AND SMALL AND MEDIUM-SIZED ENTERPRISES.

Resolution No. 763 of 7 June 1996 and Resolution No. 381 of 1 November 1996, both of the former MINISTRY OF THE ECONOMY AND PUBLIC WORKS AND SERVICES, have established the contents and procedures for the presentation of a certificate in the context of the monitoring of non-preferential origin for import transactions subject to such a requirement, in accordance with the provisions of the Agreement on Rules of Origin, which forms part of the General Agreement on Tariffs and Trade 1994, approved by Law No. 24.425.

In accordance with the provisions of the Resolutions cited in the preceding preambular paragraph, the SECRETARIAT OF INDUSTRY, TRADE AND SMALL AND MEDIUM-SIZED ENTERPRISES is the implementing authority for the regime in question and, as such, decides when and how such monitoring is to take place.

Accordingly, it may decide to require certificates of origin when goods are subject to the application of anti-dumping, countervailing or specific duties or safeguard measures in accordance with the provisions of Article 2(b) of Resolution No. 763/96 of the former MINISTRY OF THE ECONOMY AND PUBLIC WORKS AND SERVICES.

In view of what has been stated in the preceding preambular paragraphs, the General Directorate of Customs, attached to the FEDERAL PUBLIC REVENUE ADMINISTRATION, an autonomous body within the MINISTRY OF THE ECONOMY AND PRODUCTION, must be instructed to maintain the requirement concerning certificates of origin.

The SECRETARIAT OF ECONOMIC POLICY of the MINISTRY OF THE ECONOMY AND PRODUCTION has taken the appropriate action within its sphere of competence.

The General Directorate of Legal Affairs of the MINISTRY OF THE ECONOMY AND PRODUCTION has taken the appropriate action within its sphere of competence.

This measure is issued under the powers conferred by the Agreement on Safeguards, incorporated into Argentine legislation by Law No. 24.425 and the Ministerial Law (text harmonized by Decree No. 498/92) and amendments thereto.

Therefore,

## **THE MINISTER OF THE ECONOMY AND PRODUCTION**

### **DECIDES THE FOLLOWING:**

**Article 1** – The safeguard measure established by Resolution No. 351 of 29 May 2007 of the MINISTRY OF THE ECONOMY AND PRODUCTION concerning exports to ARGENTINA of compact discs-recordable (CD-R) is hereby applied to the PEOPLE'S REPUBLIC OF CHINA.

**Article 2** – The General Directorate of Customs, attached to the FEDERAL PUBLIC REVENUE ADMINISTRATION, an autonomous body within the MINISTRY OF THE ECONOMY AND PRODUCTION, is hereby notified that imports for customs clearance of the product described in Article 1 of this Resolution are subject to the regime for the monitoring of non-preferential origin under the terms of Article 2(b) of Resolution No. 763 of 7 June 1996 of the former MINISTRY OF THE ECONOMY AND PUBLIC WORKS AND SERVICES.

**Article 3** – The requirement mentioned in the preceding Article shall be consistent with the conditions and procedures established by Resolutions Nos. 763/96 and 381 of 1 November 1996, both of the former MINISTRY OF THE ECONOMY AND PUBLIC WORKS AND SERVICES.

**Article 4** – This resolution shall take effect from the day following its publication in the Official Journal.

**Article 5** – The publication of this resolution in the Official Journal shall be deemed sufficient notification for all purposes.

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**Article 6** – For communication, publication, transmittal to the National Directorate of Official Records and archiving.

- Carlos R. Fernández

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