



ARGENTINA - MEASURES AFFECTING THE IMPORTATION OF GOODS

STATUS REPORT BY ARGENTINA

The following communication, dated 14 January 2016, from the delegation of Argentina to the Chairperson of the Dispute Settlement Body, is circulated pursuant to Article 21.6 of the DSU.

Status Report Regarding Implementation of the
DSB Recommendations and Rulings in the Disputes
Argentina - Measures Affecting the Importation of Goods
(WT/DS438, WT/DS444 and WT/DS445)

Argentina submits this report pursuant to Article 21.6 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("Article 21.6 of the DSU").

At its meeting of 26 January 2015, the Dispute Settlement Body ("DSB") adopted the conclusions and recommendations of the Panel in *Argentina - Measures Affecting the Importation of Goods* (WT/DS438/R, WT/DS444/R and WT/DS445/R), as modified by the Appellate Body (Reports WT/DS438/AB/R, WT/DS444/AB/R and WT/DS445/AB/R).¹

At the DSB meeting of 23 February², Argentina informed the DSB that it intended to implement the recommendations and rulings adopted by the DSB and that it would need a reasonable period of time in which to do so.

On 2 July 2015, Argentina and the three co-complainants informed the DSB that they had agreed that the reasonable period of time for Argentina to implement the DSB recommendations and rulings would expire on 31 December 2015.³

The aforementioned period having expired, Argentina accordingly submits this report within the period of time and in the format required by Article 21.6 of the DSU.

Argentina has implemented the conclusions and recommendations in section 7 of the Panel Report (document WT/DS438/R, WT/DS444/R and WT/DS445/R) and in section 6 of the Appellate Body Report (document WT/DS438/AB/R, WT/DS444/AB/R and WT/DS445/AB/R) in their entirety, and has therefore fully complied with its obligations within the time-frames jointly agreed with the three co-complainants.

As regards the measure identified as "TRRs" (Trade-Related Requirements) during the proceedings, Argentina ceased to apply it, as it informed the three complainants in due time, in the course of 2015.

As regards the measure identified as the "DJAI" (*Declaración Jurada Anticipada de Importación*), or Advance Sworn Import Declaration, the legislation under which it was established was repealed by General AFIP Resolution 3823 of 21 December 2015. As at the date of expiry of the reasonable

¹ WT/DSB/M/356.

² WT/DSB/M/357.

³ Documents WT/DS438/22; WT/DS444/22; WT/DS445/22.

period of time for implementation, there were no more DJAIs pending approval by the authorities involved within the terms of the findings of the Panel⁴ and the Appellate Body⁵, leaving only a certain number of approved operations in process of execution.

In order to comply fully with the transparency requirements that should guide the actions of Members of this Organization, Argentina also wishes to report on the new measures that have been adopted by the Government that took office on 10 December last.

On 21 December 2015, the Federal Administration of Public Revenue (*Administración Federal de Ingresos Públicos* (AFIP)) issued General AFIP Resolution 3823. The Resolution in question established the Comprehensive Import Monitoring System (*Sistema Integral de Monitoreo de Importaciones* (SIMI)).

The SIMI operates through a virtual platform and its purpose is to facilitate the exchange of information and monitoring of the import process from inception to customs clearance. The AFIP is working on the system's user guides and operating manuals, to be made available to exporters and importers.

The information registered in the SIMI will be placed at the disposal of entities that become part or are already part of the Single Window for Foreign Trade (*Ventanilla Única de Comercio Exterior* (VUCE)), according to their relevant spheres of competence, and within a reasonable period of time, the purpose being not to hinder foreign trade operations.

Moreover, on 22 December last the Ministry of Production published Resolution 5/2015, announcing the establishment of an Automatic (LA) and Non-Automatic (LNA) Import Licensing Regime. Under this regime, the first type of licence (LA) will cover around 85% of tariff headings, while the remaining headings will be subject to the second type (LNA). The Secretariat of Trade, attached to the Ministry of Production, will be the authority responsible for implementing this regime.

The licensing regime will operate through the SIMI's online platform, and the objective is that import applications should be processed within the shortest possible time. The Ministry of Production is still evaluating the issuing of regulations relating to the regime, the user manuals and management guidelines, which, if adopted, will be published promptly.

One aspect worthy of mention in the context of this report is that, by means of Resolution 2/2016, the Secretariat of Trade repealed Resolution 1/2012 of the Secretariat of Domestic Trade empowering that body to intervene in all foreign trade operations. By reason of Resolutions 5/2015 of the Ministry of Production and 2/2016 of the Secretariat of Trade, the Secretariat's remit focuses on the LA and LNA regime.

In light of the foregoing, Argentina considers that it has fully implemented the recommendations and conclusions of the Panel and the Appellate Body adopted by the DSB on 26 January 2015, within the time-frame agreed with the three complainants pursuant to Article 21.3(b) of the DSU.

A copy of the legislation referred to in this communication is attached for joint circulation as part of this status report in accordance with Article 21.6 of the DSU.

⁴ WT/DS438/R, WT/DS444/R and WT/DS445/R, para. 7.2.

⁵ WT/DS438/AB/R, WT/DS444/AB/R and WT/DS445/AB/R, para. 6.3.