

# WORLD TRADE ORGANIZATION

G/ADP/N/1/ARG/1/Suppl.4  
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7 February 2000  
(00-0441)

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Committee on Anti-Dumping Practices  
Committee on Subsidies and Countervailing Measures

Original: Spanish

## NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

ARGENTINA

### Supplement

The following communication, dated 23 December 1999, has been received from the Permanent Mission of Argentina.

\_\_\_\_\_

HAVING REGARD TO File No. 061-009228/99 in the Registry of the Ministry of the Economy and Public Works and Services, and

#### WHEREAS:

Decree No. 1326, enacted on 10 November 1998, contains rules and regulations for the effective implementation of the agreements on anti-dumping and countervailing duty regimes contained in Law No. 24,425;

Chapter 7 of the above-mentioned Decree provides for the possibility of requesting a review of the measures in force prior to expiry of the period of their validity;

Likewise, the Chapter in question refers to the possibility of a changed-circumstance review, provided that one (1) year has elapsed since the adoption of a final measure or since the last overall review;

The purpose of the final and/or changed-circumstance review is to determine whether the anti-dumping or countervailing duty duly imposed should be maintained, modified or terminated;

Accordingly, it is necessary to lay down the requirements for submission of a request for a final or changed-circumstance review, as well as the time-frame for its implementation;

To that end, the Undersecretariat for Foreign Trade, a unit of the Secretariat for Industry, Trade and Mining in the Ministry of the Economy and Public Works and Services, and the National Commission for Foreign Trade, a decentralized agency of the Secretariat for Industry, Trade and Mining in the Ministry of the Economy and Public Works and Services, have intervened within their respective spheres of competence, and in so doing have taken into account the suggestions duly formulated;

The Directorate for Legal Affairs in the Area of Industry, Trade and Mining attached to the General Directorate for Legal Affairs in the Ministry of the Economy and Public Works and Services has taken appropriate action within its sphere of competence;

This Resolution is enacted in exercise of the powers conferred under Article 3 of Decree No. 1326 of 10 November 1998, Decree No. 1450 of 12 December 1998 and Administrative Decision No. 623 of 21 December 1998.

Wherefore,

The Secretary of State for Industry, Trade and Mining

**RESOLVES:**

Article 1. A request for final review of an anti-dumping or countervailing duty owing to the expiry of its period of validity may be submitted by or on behalf of the domestic industry to the Office of the Incoming Communications and Notifications Directorate of this Secretariat, located at Avenida Julio A. Roca 651, ground floor, sectors 11 and 12, no later than nine (9) months prior to the end of the period of imposition of the anti-dumping or countervailing duty whose termination it is wished to avoid.

Article 2. The time-limit laid down in Article 1 shall not apply to requests for final review of an anti-dumping or countervailing duty due to expire between 1 February and 1 November 2000. In such cases, the request shall be presented no later than three (3) months prior to the end of the period for which the duty was imposed.

Article 3. The time-limits provided for in Articles 1 and 2 of this Resolution shall not apply to anti-dumping or countervailing duties which expire prior to 1 February 2000.

Article 4. The request referred to in Articles 1 and 2 shall contain sufficient evidence to show that termination of the duties would be likely to lead to continuation or recurrence of dumping or subsidization and injury. Accordingly, the questionnaire in Annex 1 comprising seventeen (17) pages, which forms part of this Resolution, must be completed.

Article 5. A request for a changed-circumstance review of an anti-dumping or countervailing duty may be submitted by the interested parties to the Office of the Incoming Communications and Notifications Directorate of this Secretariat, located at Avenida Julio A. Roca 651, ground floor, sectors 11 and 12, after the lapse of one (1) year from the imposition of a final measure.

Article 6. The request referred to in Article 5 shall contain sufficient evidence to show that the continued imposition of the measure would not be necessary to counteract dumping or subsidization, and/or that the injury would be likely to continue or recur if the duty were removed or varied, or that the existing duty would be inadequate to offset dumping or subsidization and their harmful effects. To that end, the relevant questionnaire in Annex 1 comprising seventeen (17) pages, which forms part of this resolution, shall be completed.

Article 7. The implementing authority may initiate ex officio a final review and/or a changed-circumstance review of an anti-dumping or countervailing duty, where it possesses sufficient evidence in accordance with the provisions of the existing regulations. Prior to the initiation of the review, it shall request the Undersecretariat for Foreign Trade and the National Commission for Foreign Trade to take a decision within their respective spheres of competence.

Article 8. Following the decision to initiate a final review and/or a changed-circumstance review, the competent technical bodies may request any information required for the conduct of the review and shall give ample opportunity to the interested parties to submit in writing any evidence they consider relevant for the defence of their interests.

Article 9. This resolution shall enter into force from the day following its publication in the Official Journal.

Article 10. This resolution shall be proclaimed, published, transmitted to the National Directorate of Official Records and filed.

Resolution No. 826

Dr. Alieto A. Guadagni – Minister of Industry, Trade and Mining

**ANNEX I - RESOLUTION No. 826**

1. GENERAL INFORMATION

- 1.1 Resolution to be reviewed: \_\_\_\_\_  
\_\_\_\_\_
- 1.2 Date of publication in the official journal: \_\_\_\_\_  
\_\_\_\_\_
- 1.3 Product subject to anti-dumping/countervailing duty: \_\_\_\_\_  
\_\_\_\_\_
- 1.4 Tariff heading under which the product is imported: \_\_\_\_\_  
\_\_\_\_\_
- 1.5 Country/countries of origin subject to review: \_\_\_\_\_  
\_\_\_\_\_
- 1.6 Period of validity of the measure: \_\_\_\_\_  
\_\_\_\_\_
- 1.7 Type of review requested: \_\_\_\_\_  
\_\_\_\_\_

2. GENERAL INFORMATION ON THE ENTERPRISE

- 2.1 Registered name: \_\_\_\_\_  
\_\_\_\_\_
- 2.2 Domicile (full, giving postal code of the city, province, telephone and fax numbers):  
Actual: \_\_\_\_\_  
\_\_\_\_\_  
Headquarters: \_\_\_\_\_  
\_\_\_\_\_  
Industrial plant(s): \_\_\_\_\_  
\_\_\_\_\_  
Domicile elected in the Federal capital: \_\_\_\_\_  
\_\_\_\_\_
- 2.3 Name of legal representative, title and telephone: \_\_\_\_\_  
\_\_\_\_\_

2.4 Name of expert responsible for providing information, title and telephone: \_\_\_\_\_

2.5 Chambers of commerce, trade associations and federations of which the enterprise is a member: \_\_\_\_\_

2.6 Documents to be attached:

- Memorandum and articles of association.
- Most recent document appointing authorities and distributing posts.
- Corresponding power of attorney.

As the legal representative of the firm, data concerning which are contained in this questionnaire, I declare that all the information furnished is complete and truthful and that the confidential information submitted has not been published elsewhere. Accordingly, I undertake that in the event of failure to identify confidential information properly, the implementing authority will be exempt from liability if said information is published. I also undertake to report any changes to any or all of the information herein supplied to the Secretariat, and declare that I am aware that the information submitted may be verified by the technical staff of the competent authority, subject to the approval of the enterprise.

I herewith attach the duly certified documents attesting to the status indicated above.

Finally, I have been notified, for all relevant purposes, that if any or all of the information submitted is false, the implementing authority may shelve the file and I renounce any claim arising out of such a measure.

Signature \_\_\_\_\_

Name (print) \_\_\_\_\_

Title \_\_\_\_\_

### 3. ECONOMIC DATA ON THE COMPANY AND THE MARKET

3.1 Indicate whether the applicant occupies a representative position in the domestic industry producing the like product (submit certification from the corresponding association, chamber of commerce or trade federation relating to the percentage share of the applicant in domestic output of the like product, and provide attestation of the quantity of the applicant's output during the last calendar year).

3.2 Give a detailed description of the like domestic product produced by the company, and indicate whether any changes were recorded in the physical and technical characteristics of the imported product forming the subject of the application.

3.3 Indicate whether any changes were recorded in the production process and in the physical and technical characteristics of the like domestic product, during the three (3) years prior to the date of submission of the request for review.

3.4 Output of the like domestic product - both the applicant's output and the domestic total - for the period referred to in paragraph 3.3. Information must be given on the total output of all the companies applying and/or supporting the application. Complete Tables 1 and 2 at the end of this Annex.

3.5 Annual exports of the like domestic product - both by the applicant and the national total - expressed in quantities and values corresponding to the period referred to in paragraph 3.3. Complete Table 1 at the end of this Annex.

3.6 Annual imports - both from the country of origin subject to measures and from other origins - expressed in quantities and values (dollars f.o.b.) corresponding to the period referred to in paragraph 3.3. Complete Tables 1 and 2 at the end of this Annex.

3.7 Annual sales of the like domestic product in the domestic market, expressed in quantities (net of returns) and values (excluding VAT and domestic taxes and net of refunds and trade discounts) for the period referred to in paragraph 3.3. Complete Tables 2 and 3 at the end of this Annex.

3.8 For production cost structures, furnish the basis for the allocation of shared costs and, if any of the items are royalties or other payments, indicate under which heads they are quantified, in relation to the period referred to in paragraph 3.3. Complete Table 4 at the end of this Annex.

3.9 Financial statements for the preceding three (3) complete financial years.

3.10 Explain the grounds for the allegation that there would be a recurrence of injury to the industry upon expiry of the period of application of the duty, and attach any relevant supporting information.

### 4. DATA ON THE DOMESTIC MARKET OF THE EXPORTING COUNTRY AND ON THE INTERNATIONAL MARKET

4.1 Indicate whether the current producers/exporters are the same as those examined in the initial investigation.

4.2 Update the sale prices on the domestic market of producers/exporters of the product under investigation, indicating the adjustments that would need to be made in order to determine the ex-factory value. The values in question should be updated for the twelve (12) months prior to the

date of submission of the request for review. Complete Tables 5 A/B, 6, 7 and 8 at the end of this Annex, on the basis of the appropriate alternative under Articles 2.1 and 2.2 of the Anti-Dumping Agreement and Article 66 of Decree No. 1326/98.

4.3 Update the export prices to the Argentine Republic practised by the producers/exporters in the countries of origin investigated, for the period referred to in paragraph 4.2. Complete Table 9 at the end of this Annex.

4.4 Furnish the export prices applied to third markets other than Argentina by the producer/exporter companies in question, for the period referred to in paragraph 4.2. Indicate the source or attach supporting documentation.

4.5 As far as possible, provide quantitative or qualitative information on the situation of exporters and domestic market conditions in the exporting country (production volumes, inventories, installed capacity etc.). Indicate the source or attach supporting documentation.

4.6 As far as possible, provide quantitative or qualitative information on the international market. Indicate the source or attach supporting documentation.

4.7 International price series. Indicate the source or attach supporting documentation.

4.8 Explain the grounds for the allegation that there would be a recurrence of dumped or subsidized exports to the Argentine Republic after the expiry of the period of application of the duty, and attach any relevant supporting information.

4.9 Explain the reasons why, in the light of the change in circumstances of an anti-dumping or countervailing duty, it would not be necessary to continue imposing the duty in order to counteract dumping or subsidization or why the injury would be unlikely to continue or recur if the duty were removed or varied, or why it is inadequate to counteract dumping or subsidization and the harmful effects thereof.

4.10 If possible, attach background information on dumping or subsidy investigations in other countries against the exporters under investigation.

4.11 In the case of subsidy reviews, the following information must be included:

- Indicate whether the legal rules under which the duly identified subsidy mechanisms were implemented in the country of origin in question remain in force during the period under consideration. List the rules concerned and attach supporting documentation.
- Type of subsidy, pursuant to the definitions contained in Article 1 of the Agreement on Subsidies and Countervailing Measures adopted under Law No. 24.425.
- Demonstrate the specificity of the subsidy pursuant to Article 2 of the Agreement on Subsidies and Countervailing Measures adopted under Law No. 24.425.
- Indicate whether the subsidy under review is prohibited or actionable.

- Indicate whether there has been any change in the duly determined amount of the subsidy. If so, specify the discrepancy detected and explain the methodology used for that purpose.
- Indicate the international prices of the main world exporters of the product covered by the application.

5. GENERAL

The preceding list is not exhaustive. The Undersecretariat for Foreign Trade and the National Commission for Foreign Trade may request additional information in the light of the specific circumstances of each investigation (or of the investigation which resulted in the application of the measure for which a review is requested).

In the case of changed-circumstance reviews, the applicant should determine which parts of this Annex need to be completed.

The formalities (treatment of confidential information, translations, certification of supporting documentation, etc.) for submission of the application for initiation of the review shall be governed by the provisions of Resolution SICM No. 224/99.

Moreover, applications made by or on behalf of the domestic industry for the initiation of an overall review shall be governed, in cases where the applicant did not participate in the initial investigation, by the provisions of Resolution SICM No. 224/99.



**TABLE 1**

	31/12/Year:	Year 1:	Year 2:	Year 3:	Current year January -	Previous year January -
Domestic product (quantity)						
Output, <i>enterprise(s)</i> (quantity)						
Inventories (quantity)						
Domestic sales						
Quantity						
Value (\$)						
Exports						
Quantity						
Dollars f.o.b.						
Total imports from country of origin investigated (1)						
Quantity						
Dollars f.o.b.						
Total imports from other origins						
Quantity						
Dollars f.o.b.						
Apparent national consumption (2) (quantity)						
Domestic production capacity (quantity)						
Production capacity, <i>enterprise(s)</i> (quantity)						
Employment						
Number of employees						
Wages paid (\$)						

(1) If there are several countries of origin investigated, break down these data by country of origin.

(2) Apparent national consumption is obtained by adding domestic output, the imports under investigation and total imports from other countries of origin and subtracting total exports.

**TABLE 2**

		Output	Domestic sales		Imports	
			Quantity	Pesos	Quantity	f.o.b. values
Year 1:	January					
	February					
	March					
	April					
	May					
	June					
	July					
	August					
	September					
	October					
	November					
	December					
Year 2:	January					
	February					
	March					
	April					
	May					
	June					
	July					
	August					
	September					
	October					
	November					
	December					
Year 3:	January					
	February					
	March					
	April					
	May					
	June					
	July					
	August					
	September					
	October					
	November					
	December					
Current year:	January					
	February					
	March					
	April					
	May					
	June					
	July					
	August					
	September					
	October					
	November					
	December					

**TABLE 3**

**Domestic Sale Prices of Domestic Product/Model/Size/Article  
Most Representative of Own Production**

Year 1:	January	
	February	
	March	
	April	
	May	
	June	
	July	
	August	
	September	
	October	
	November	
	December	
Year 2:	January	
	February	
	March	
	April	
	May	
	June	
	July	
	August	
	September	
	October	
	November	
	December	
Year 3:	January	
	February	
	March	
	April	
	May	
	June	
	July	
	August	
	September	
	October	
	November	
	December	
Current year:	January	
	February	
	March	
	April	
	May	
	June	
	July	
	August	
	September	
	October	
	November	
	December	

Criteria for selecting most representative model/size/article

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**TABLE 4**

Production cost structures of .....

Item	Year 1 average:		Year 2 average:		Year 3 average:		Current year average:	
	Pesos	Share of AUC	Pesos	Share of AUC	Pesos	Share of AUC	Pesos	Share of AUC
Domestic inputs								
Imported inputs								
Direct labour								
Variable manufacturing costs								
Royalties								
Indirect labour								
Other fixed production costs								
Others (general, selling, etc.)								
Average unit cost (AUC)		100%		100%		100%		100%
Ex-factory unit price								

Apparent national consumption (2) (quantity): \_\_\_\_\_

Basis for allocation of shared costs: \_\_\_\_\_

\_\_\_\_\_

**TABLE 5/A**

**INFORMATION ON THE NORMAL VALUE**  
**IN THE COUNTRY/COUNTRIES OF ORIGIN CONCERNED**

Source (1)	Date (2)	Quantity (3)	Unit of measurement (4)	Unit price (5)	Total price (6)	Exchange rate (7)	Total price in US\$ (8)	Unit price in US\$ (9)

1. Source of the data supplied: # Market study by a recognized international consultant, # Price lists, # Invoices, # Other.
2. Date of issue of supporting documents presented. If a specialized publication, give the date of publication and date/period of the reported price.
3. Quantity of the product involved in the transaction.
4. Unit of measurement (unit, kilogram, tonne, litre, other) in which the reported quantity is expressed.
5. Unit price of the product expressed in the currency of the transaction as shown in the supporting documents.
6. Total price of the product in currency of origin (column 3 times column 5).
7. Exchange rate for converting the currency of origin into United States dollars, on the date of issue of the supporting documents.
8. Total price of the product in United States dollars (column 6 times column 7).
9. Unit price in dollars (column 8 divided by column 3).

**TABLE 5/B**  
**ADJUSTMENT TO BE MADE TO THE NORMAL VALUE**  
**IN THE COUNTRY/COUNTRIES OF ORIGIN CONCERNED**

Total price in US\$	Level of trade			Quantity discount		Financing*			Indirect taxes deductible *			Domestic freight*	Technical/physical differences	Adjusted normal value
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

1. Unit price in dollars, from column 9 of Table 5/A.
2. State the corresponding level: (a) ex-factory, (b) distributor/representative, (c) wholesaler, (d) retailer.
3. Should the reported price not tally with the ex-factory level, state the percentage adjustment needed to arrive at said level.
4. Amount of the adjustment. Obtained by applying the percentage under (3) to (1).
5. Percentage discount applicable.
6. Amount of discount (column 5 times column 1).
7. Time-frame, indicate financing period.
8. Indicate financing rate.
9. Amount of interest (obtained from columns 1, 7 and 8).
10. Name of tax and in round brackets the number of the page containing a copy of the relevant law.
11. Percentage tax rate.
12. Amount of tax deductible (column 11 over column 1).
13. Domestic freight charges.
14. Quantification of technical/physical differences. In an attachment to this table, give a detailed description of their characteristics.
15. Column 1 minus columns 4, 6, 9, 12, 13 and 14.

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\* Optional: These data must be submitted insofar as available to the applicant.

**TABLE 6**

**NORMAL VALUE IN THE COUNTRY/COUNTRIES OF ORIGIN CONCERNED, DETERMINED ACCORDING  
TO THE ALTERNATIVE OF THE PRICES OF EXPORTS TO THIRD COUNTRIES**

Product
One questionnaire must be completed for each product model/code/type or family deemed to be covered by the application.
MERCOSUR Common Nomenclature (MCN) heading

Transaction date	Importing country	Importing firm	Code/ model	Quantity	Unit of measurement	F.o.b. unit price in US\$	Total f.o.b. value in US\$	Terms of payment			Adjusted f.o.b. unit price in US\$
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)*	(10)*	(11)*	(12)*

1. Transaction date, based on inward customs clearance in the third country.
2. Importing country.
3. Importer's corporate name.
4. State the code, model or article number that identifies the product.
5. Quantity of the product imported by the third country in each customs clearance operation.
6. Unit of measurement used for clearance purposes.
7. F.o.b. unit price in US\$, per article.
8. Total value f.o.b. in US\$, for each article or product.
9. Time-frame, indicate financing period.
10. Indicate financing rate.
11. Amount of interest prorated per unit of each article or product.
12. Adjusted f.o.b. unit value in US\$. Result of subtracting the value in column (11) from the value in column (7).

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\* Optional: These data must be submitted insofar as available to the applicant.

**TABLE 7**

**NORMAL VALUE IN THE COUNTRY/COUNTRIES**  
**OF ORIGIN CONCERNED BASED ON THE**  
**CONSTRUCTED COST ALTERNATIVE**

Product				
Model / code / type				
Unit cost (a)				
Item	Input/output ratio (b)	Unit cost of each input (c)	Cost per input (d)	% share of AUC (e)
1. Materials				
1.1 Domestic				
1.2 Imported				
2. Direct labour				
3. General manufacturing costs				
3.1 Indirect materials				
3.2 Indirect labour costs				
3.3 Energy				
3.4 Depreciation				
3.5 Sundry				
4. Other				
4.1 Royalties				
4.2 Administrative costs				
4.3 Selling costs				
4.4 Interest charges				
4.5 Sundry				
Average unit cost (AUC)				100%
Profit				
Ex-factory unit price				

- (a) Unit cost. Determine the cost in US\$ per corresponding unit of measurement. (E.g. US\$/kg., US\$/t., etc.)
- (b) Input/output ratio. Quantity of input used, in terms of the corresponding unit of measurement for each item making up the cost of each unit of the product, or the percentage share of the total cost incurred (the case of interest charges, etc.).
- (c) Unit cost of each input. State the value of each separate input in terms of the corresponding unit of measurement. (E.g.: US\$/kg., US\$/t., US\$/man hour, etc.) or, in the case of administrative, or selling costs, or interest charges, the total spent under each head, making it possible to allocate to each item a share in each unit produced in accordance with column (b).
- (d) Cost per input. This column should show the cost by input used to produce one unit of the product. Result of multiplying columns (b) and (c).
- (e) Percentage share. This column must show the percentage share of each input in the average unit cost.



**TABLE 8**

**ESTIMATED PRICE, FIRST SALE IN THE ARGENTINE REPUBLIC, OF THE  
PRODUCT FORMING THE SUBJECT OF THE APPLICATION**

Product
One questionnaire must be completed for each product model/code/type or family deemed to be covered by the application.
MCN heading

Adjusted f.o.b. unit price (US\$) (1)	Importation costs (US\$) (2)	Cost at importer's warehouse (US\$) (3)	Selling costs and profit (US\$) (4)	First sale price (US\$) (5)	Exchange rate US\$/Arg\$ (6)	First sale price (Arg\$) (7)

1. Adjusted f.o.b. unit price. From column (13) of Table 5.
2. Cost of importation. Apply to column (1) the percentage determined in paragraph 4.8 of the questionnaire.
3. Cost at importer's warehouse. Add columns (1) and (2).
4. Selling costs and profit. This column must be completed when the importer resells the imported goods. On an attached sheet, give a breakdown of the headings and amounts that justify this item.
5. First sale price in US\$. Add columns (3) and (4).
6. Selling exchange rate (US\$/Arg\$), rate quoted by the *Banco de la Nación Argentina*, in effect thirty (30) days from inward customs clearance, or if supporting documentation is available, the rate prevailing on the date shown therein.
7. First sale price (Arg\$.) Column (5) times column (6).

**TABLE 9**  
**EXPORT PRICE IN COUNTRY OF ORIGIN/PROVENANCE CONCERNED**

Product
One questionnaire must be completed for each product model/code/type or family deemed to be covered by the application.
MCN heading

Date of customs clearance (1)	Clearance No. (2)	Customs office (3)	Importer (4)	Code/ model (5)	Quantity (6)	Unit of measurement (7)	F.o.b. unit price in US\$ (8)	Total f.o.b. value in \$US (9)	Terms of payment			Adjusted f.o.b. unit price (US\$) (13)*
									(10)*	(11)*	(12)*	

3. Code of the customs office where the operation took place.
4. Importer's corporate name.
5. State the code, model or article number.
6. Amount of the product under investigation involved in the operation.
7. Units of measurement in which reported amount is expressed.
8. F.o.b unit price in US\$
9. Total f.o.b. value in US\$
10. Time-frame, indicate period financed.
11. Interest rate.
12. Amount of interest prorated per unit of each article or product.
13. Adjusted f.o.b. value in US\$. Result of subtracting column (12) from column (8).

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\* Optional: These data must be submitted insofar as available to the applicant.