

NOTIFICATIONS OF LAWS AND REGULATIONS UNDER  
ARTICLE 12.6 OF THE AGREEMENT

Questions to ARGENTINA<sup>1</sup>  
Posed by Mexico

The following communication, dated 2 April 1997, has been received from the Permanent Mission of Mexico.

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Mexico wishes to raise the following questions concerning the notification submitted by Argentina on 24 October 1996 concerning its safeguards legislation:

1. How does Argentina intend to reconcile its WTO obligations, in particular the provisions of the Agreement on Safeguards, with the provisions of the Latin American Integration Association Agreement?
2. Article 4 of Decree 1059/96 (the Decree) establishes that confidential information will be treated as such when "this has been so stated at the appropriate time by the Under-Secretariat and the Commission respectively". Does this mean that the Argentine investigating authority has the power to classify the information submitted by the parties? And if so, can it not be considered that this Article grants excessively broad powers to the Argentine investigating authority? How does Argentina seek to reconcile these facts with the obligation under Article 3.2 of the Agreement on Safeguards whereby the investigating authority of a member is authorized to refuse confidential treatment of information only where such treatment is not duly warranted?
3. What would be the reasons for which the Argentine authority would consider that a request for confidential treatment was unwarranted and how would it reconcile this with its obligations under the Agreement on Safeguards?
4. In accordance with Article 13 of the Decree, when it is decided that it is appropriate to initiate an investigation, the decision will be published in the Official Journal, but this Article does not say whether the parties considered to have an interest in the investigation will be notified. Does this mean that it is not mandatory to notify the other parties of the initiation of the investigation? Otherwise, what is the time-period for notifying the initiation of the investigation to the other parties? What time-period will be granted to exporters to exercise their right to make representations? Is it planned

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<sup>1</sup>G/SG/N/1/ARG/3+ Suppl. 1.

to use investigation questionnaires? If so, will these questionnaires be sent together with the notification of initiation of the investigation?

5. In accordance with Article 32 of the Decree, the decision adopted in connection with an investigation or as a result thereof is not open to appeal. Does this mean that there is no means of defence that parties can use to intervene in the proceeding? What means of defence would an exporter have in the case of procedural or constitutional violations, for example?