

ARGENTINA – MEASURES RELATING TO TRADE IN GOODS AND SERVICES

Report of the Appellate Body WT/DS453/AB/R and Add.1*

*Adopted by the Dispute Settlement Body
 on 9 May 2016*

Panama, *Appellant/Appellee*
 Argentina, *Other Appellant/Appellee*

Australia, *Third Participant*
 Brazil, *Third Participant*
 China, *Third Participant*
 Ecuador, *Third Participant*
 European Union, *Third Participant*
 Guatemala, *Third Participant*
 Honduras, *Third Participant*
 India, *Third Participant*
 Oman, *Third Participant*
 Saudi Arabia, *Third Participant*
 Singapore, *Third Participant*
 United States, *Third Participant*

Appellate Body Division:
 Chang, Presiding Member
 Bhatia, Member
 Zhang, Member

The Notices of Appeal and Other Appeal and the executive summaries of written submissions contained in this Addendum are attached as they were received from the participants and third participants. The content has not been revised or edited by the Appellate Body, except that paragraph and fn numbers that did not start at one in the original may have been re-numbered to do so, and the text may have been formatted in order to adhere to WTO style. The executive summaries do not serve as substitutes for the submissions of the participants and third participants in the Appellate Body's examination of the appeal.

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ABBREVIATIONS USED IN THIS REPORT

Abbreviation	Description
AFIP	Federal Administration of Public Revenue
AFIP Resolution No. 3.576/2013	General Resolution No. 3.576 of the Federal Administration of Public Revenue (AFIP) of 27 December 2013
Argentina's Constitution	Constitution of the Republic of Argentina
Argentine Central Bank	Central Bank of the Argentine Republic
Commercial Companies Law	Law No. 19.550 on Commercial Companies of 3 April 1972
Communication "A" No. 4662	Communication "A" No. 4662 of the Central Bank of the Argentine Republic of 11 May 2007
Communication "A" No. 4692	Communication "A" No. 4692 of the Central Bank of the Argentine Republic of 31 July 2007
Communication "A" No. 4940	Communication "A" No. 4940 of the Central Bank of the Argentine Republic of 12 May 2009
cooperative countries	countries that Argentina classifies as "countries cooperating for tax transparency purposes"
CPC	UN Central Product Classification
Criminal Tax Law	Criminal Tax Law No. 24.769
Decree No. 589/2013	Decree No. 589 of the Federal Administration of Public Revenue (AFIP) of 27 May 2013
DSB	Dispute Settlement Body
DSU	Understanding on Rules and Procedures Governing the Settlement of Disputes
FATF	Financial Action Task Force
G-20	Group of Twenty
Gains Tax Law	Law No. 20.628 on Gains Tax of 29 December 1973
GATS	General Agreement on Trade in Services
GATT 1994	General Agreement on Tariffs and Trade 1994
Global Forum	Global Forum on Transparency and Exchange of Information for Tax Purposes
Law against Money Laundering	Law No. 25.246 of 5 May 2000 on Concealment and Laundering of Money of Criminal Origin
Law on Tax Procedure	Law No. 11.683, consolidated text of 1978, and amendments thereto, approved by Decree No. 821/1998 of 13 July 1998, published in the <i>Official Journal of the Argentine Republic</i> on 20 July 1998
non-cooperative countries	countries that Argentina classifies as "countries not cooperating for tax transparency purposes"
OECD	Organisation for Economic Co-operation and Development

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Abbreviation	Description
Panel Report	Panel Report, <i>Argentina – Measures Relating to Trade in Goods and Services</i> , WT/DS453/R
Resolution on Companies Incorporated Abroad	General Resolution No. 7 of the General Justice Inspectorate (IGJ) of 25 August 2005, as modified by General Resolution No. 1/2014 of the General Justice Inspectorate (IGJ) of 8 April 2014
Rules of the National Securities Commission	Rules of the National Securities Commission, New Text 2013 (Title XI), approved by General Resolution No. 622
SSN	National Insurance Supervisory Authority
SSN Resolution No. 35.615/2011	Resolution No. 35.615 of the National Insurance Supervisory Authority (SSN) of 11 February 2011, amended by Article 4 of SSN Resolution No. 35.794/2011 and Articles 1 and 2 of SSN Resolution No. 38.284/2014
SSN Resolution No. 35.794/2011	Resolution No. 35.794 of the National Insurance Supervisory Authority (SSN) of 19 May 2011
SSN Resolution No. 38.284/2014	Resolution No. 38.284 of the National Insurance Supervisory Authority (SSN) of 21 March 2014
TBT Agreement	Agreement on Technical Barriers to Trade
Working Procedures	Working Procedures for Appellate Review, WT/AB/WP/6, 16 August 2010
WTO	World Trade Organization

PANEL EXHIBITS CITED IN THIS REPORT

Panel Exhibit(s)	Description
ARG-22	OECD Report, <i>Addressing Base Erosion and Profit Shifting</i> (2013)
ARG-25	Financial Action Task Force (FATF) Recommendations, International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation (February 2012)
ARG-27	Resolution No. 35.615 of the National Insurance Supervisory Authority (SSN) of 11 February 2011, as amended by Article 4 of SSN Resolution No. 35.794/2011 and Articles 1 and 2 of SSN Resolution No. 38.284/2014
ARG-31 / PAN-71	Communication "A" No. 4940 of the Central Bank of the Argentine Republic of 12 May 2009
ARG-32	Law No. 25.246 of 5 May 2000 on Concealment and Laundering of Money of Criminal Origin
ARG-33 / PAN-62	General Resolution No. 7 of the General Justice Inspectorate (IGJ) of 25 August 2005, as modified by General Resolution No. 1/2014 of the General Justice Inspectorate (IGJ) of 8 April 2014
ARG-35 / PAN-3	Decree No. 589 of the Federal Administration of Public Revenue (AFIP) of 27 May 2013
ARG-37 / PAN-3	General Resolution No. 3.576 of the Federal Administration of Public Revenue (AFIP) of 27 December 2013
ARG-41	Global Forum on Transparency and Exchange of Information, <i>Tax Co-operation 2009: Towards a Level Playing Field</i> (OECD, 2009)
ARG-42 / PAN-4	Law No. 20.628 on Gains Tax of 29 December 1973
ARG-43 / PAN-34	Law No. 19.550 on Commercial Companies of 3 April 1972
ARG-45 / PAN-9	Law No. 11.683, consolidated text of 1978, and amendments thereto, approved by Decree No. 821/1998 of 13 July 1998, published in the <i>Official Journal of the Argentine Republic</i> on 20 July 1998
ARG-47	Resolution No. 38.284 of the National Insurance Supervisory Authority (SSN) of 21 March 2014
ARG-48 / PAN-40	Resolution No. 35.794 of the National Insurance Supervisory Authority (SSN) of 19 May 2011
ARG-50 / PAN-58	Rules of the National Securities Commission, New Text 2013 (Title XI), approved by General Resolution No. 622
ARG-69 / PAN-67	Communication "A" No. 4662 of the Central Bank of the Argentine Republic of 11 May 2007
ARG-70 / PAN-68	Communication "A" No. 4692 of the Central Bank of the Argentine Republic of 31 July 2007
ARG-135	Resolution No. 38.708 of the National Insurance Supervisory Authority (SSN) of 6 November 2014, and Annex thereto (General Regulation for Insurance Activities)

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Panel Exhibit(s)	Description
PAN-7	Notarized sworn statement of 14 March 2014 prepared by a legal expert on banking matters
PAN-36	Resolution No. 35.615 of the National Insurance Supervisory Authority (SSN) of 11 February 2011, as amended by Article 4 of SSN Resolution No. 35.794/2011
PAN-72	Communication "B" No. 7953 of the Central Bank of the Argentine Republic of 15 August 2003