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**EUROPEAN UNION AND CERTAIN MEMBER STATES - CERTAIN MEASURES CONCERNING
PALM OIL AND OIL PALM CROP-BASED BIOFUELS**

REQUEST TO JOIN CONSULTATIONS

Communication from Argentina

The following communication, dated 29 January 2021, from the delegation of Argentina to the delegations of the European Union, France and Lithuania and the delegation of Malaysia, is circulated to the Dispute Settlement Body in accordance with Article 4.11 of the DSU.

Pursuant to Article 4.11 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), my authorities have instructed me to request the European Union, in light of Argentina's substantial trade interest in the matter, to join the consultations that were requested by Malaysia in its communication of 19 January 2021 entitled *European Union and certain Member States – Certain measures concerning palm oil and oil palm crop-based biofuels* (WT/DS600/1).

Since 2018, Argentina has been the main source of biodiesel exports to the European Union (41.5% of that market's total imports in 2018) and therefore considers that it has a substantial trade interest in this dispute. Argentina also has a systemic interest in the proper interpretation and application of the TBT Agreement, particularly insofar as this can affect trade in agricultural products and products that are sources of renewable energy.

Argentina has one of the most important industrial oilseed complexes in the world, namely the Gran Rosario oilseed complex, which is the largest in the world in terms of geographical concentration.¹

The Argentine companies that export diesel follow sustainability criteria and are certified under schemes approved by the European Union in its RED I and II Renewable Energy Sources Directives, such as ISCC and 2BS.

Malaysia has clearly identified the measures at issue in the above-mentioned request for consultations. These include certain measures imposed by the European Union and the EU Member States that appear to affect mainly palm oil and oil palm crop-based biofuels. However, the measures identified by Malaysia adopted by certain Member States, such as France, appear to have a direct impact on exports of Argentine biodiesel based on soybean oil. In particular, the recent enactment of the 2021 budget law appears to discriminate de jure against soybean oil and biodiesel² in amending Article 266 *quindecies* of the French Customs Code.

In view of this substantial trade interest, and mindful of the rights and obligations of WTO Members under Article 4.11 of the DSU, Argentina looks forward to receiving your reply, together with details regarding the date and venue of the consultations.

¹ The Gran Rosario area is unique in worldwide geographical terms in having so many large-scale factories in a limited sector of only 70 km along the Paraná River and within a 40-km radius of the city of Rosario.

² Article 58 of the 2021 Finance Law (No. 2020-1721 of 29 December 2020). Available at: <https://www.legifrance.gouv.fr/jorf/id/JORFARTI000042753606>.