

REPLIES TO QUESTIONS POSED BY JAPAN¹ CONCERNING
THE NOTIFICATION OF LAWS AND REGULATIONS OF
MEXICO² UNDER ARTICLE 12.6 OF THE AGREEMENT

The following communication, dated 9 February 1996, has been received from the Permanent Mission of Mexico.

1. Are there any provisions in the notified legislation which set out conditions referred to in Article 7 of the Agreement on Safeguards such as mid-term review, the progressive liberalization of measures, non-application period?

The provisions which apply are contained in Articles 133 and 134 of the Regulations under the Foreign Trade Act. In relation to reviews, Article 133 provides that "Once the appropriate safeguard measure has been imposed, the Ministry shall regularly review the progress of the adjustment programme in order to make sure that it is being duly implemented and, when necessary, shall consider any change of circumstances that may be preventing its implementation, authorizing the appropriate changes and modifications."

At the same time, for the purposes of determining the duration of measures, Article 134 provides that the Ministry will evaluate the implementation of the adjustment programme and will, furthermore, comply with the provisions on "the duration of the safeguard measures" as contained in international treaties and conventions to which Mexico is a party. This means that, for all GATT member States, Articles 7 and 9.2 of the Agreement on Safeguards of the GATT 1994 will apply with regard to the "duration and review of safeguard measures".

Regardless of the foregoing, the General Agreement on Tariffs and Trade (GATT) of 1994 is law in Mexico.

2. Are imports from the member States of NAFTA subject to safeguard measures in the same manner as imports from non-member States?

The North American Free Trade Agreement sets out a number of specific provisions which apply solely to the Agreement's signatory countries and only under certain conditions. These provisions allow for imports of goods from the other Parties to be excluded from the measure if they meet certain requirements. Nonetheless, even where such conditions are met, if the country imposing a measure determines that an exclusion of this sort reduces the effectiveness of the measure, that country has the right to apply the same treatment as is given to the rest of the world.

¹G/SG/W/80.

²G/SG/N/1/MEX/1.