

MEXICO



Decision of 28.9.2000
[OJ L 276/44 of 28.10.2000](#)

Agreement: 19
[OJ L 276/48](#)

Decision No 2/2000 of 23.3.2000,
Art. 17
[OJ L 157/17 of 30.6.2000](#)

Annex on MAA: Decision No
5/2004 of 15.12.2004
[OJ L 66/15 of 12.3.2005](#)

II

(Acts whose publication is not obligatory)

COUNCIL

**COUNCIL DECISION
of 28 September 2000**

concerning the conclusion of the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part

(2000/658/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 44(2), 47, 55, 57(2), 71, 80(2), 133 and 181 thereof, in conjunction with the second sentence of Article 300(2) and the second subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the assent of the European Parliament ⁽²⁾,

Whereas the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, signed in Brussels on 8 December 1997, should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, together with the declarations made by the Community unilaterally or jointly with the other Party, is hereby approved on behalf of the European Community.

The texts of the acts referred to in the first subparagraph are attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 60 of the Agreement on behalf of the Community.

Article 3

1. The position to be taken by the Community within the Joint Council and the Joint Committee established by the Agreement, shall be adopted by the Council, on a proposal from the Commission, in accordance with the corresponding provisions of the Treaty.

2. The President of the Council shall, in accordance with Article 46 of the Agreement, preside over the Joint Council and present the position of the Community. In accordance with Article 48 of the Agreement, a representative of the Commission shall preside over the Joint Committee and present the position of the Community.

Done at Brussels, 28 September 2000.

For the Council

The President

D. VAILLANT

⁽¹⁾ OJ C 350, 19.11.1997, p. 6.

⁽²⁾ OJ C 279, 6.5.1999, p. 404.

Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part

THE KINGDOM OF BELGIUM,
THE KINGDOM OF DENMARK,
THE FEDERAL REPUBLIC OF GERMANY,
THE HELLENIC REPUBLIC,
THE KINGDOM OF SPAIN,
THE FRENCH REPUBLIC,
IRELAND,
THE ITALIAN REPUBLIC,
THE GRAND DUCHY OF LUXEMBOURG,
THE KINGDOM OF THE NETHERLANDS,
THE REPUBLIC OF AUSTRIA,
THE PORTUGUESE REPUBLIC,
THE REPUBLIC OF FINLAND,
THE KINGDOM OF SWEDEN,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Parties to the Treaty establishing the European Community and the Treaty on European Union, hereinafter referred to as the 'European Community Member States',

THE EUROPEAN COMMUNITY, hereinafter referred to as the 'Community',
of the one part, and

THE UNITED MEXICAN STATES, hereinafter referred to as 'Mexico',
of the other part,

CONSIDERING their common cultural heritage and the strong historical, political and economic ties which unite them;

MINDFUL of the broader aim to develop and reinforce the overall framework of international relations, in particular, between Europe and Latin America;

CONSIDERING the significant contribution made by the Framework Agreement for Cooperation between the Community and Mexico signed on 26 April 1991 in Luxembourg to strengthen these ties;

CONSIDERING their mutual interest in establishing new contractual links in order to further strengthen their bilateral relations, mainly through greater political dialogue, progressive and reciprocal liberalisation of trade, liberalisation of current payments, capital movements and invisible transactions, promotion of investment, and through broader cooperation;

CONSIDERING their full commitment to respecting democratic principles and fundamental human rights set out in the Universal Declaration of Human Rights, as well as to the principles of international law regarding friendly relations and cooperation between States in accordance with the United Nations Charter, the principles of the rule of law and good government, as set out in the Rio Group/European Union Ministerial Declaration adopted in São Paulo in 1994;

MINDFUL that in order to intensify relations in all fields of common interest, their political dialogue should be institutionalised at both the bilateral and international levels;

CONSIDERING the importance which both Parties attach to the principles and values set out in the final Declaration of the World Summit for Social Development in Copenhagen in March 1995;

MINDFUL of the importance that both Parties attach to the proper implementation of the principle of sustainable development, as agreed and set out in Agenda 21 of the 1992 Rio Declaration on Environment and Development;

CONSIDERING their attachment to the principles of the market economy and mindful of the importance of their commitment to free international trade in conformity with the rules of the World Trade Organisation (WTO) and in their capacity as members of the Organisation for Economic Cooperation and Development (OECD), with particular emphasis on the importance of open regionalism;

MINDFUL of the terms of the Joint Solemn Declaration signed in Paris on 2 May 1995 in which both Parties decided to give their bilateral relationship a long term perspective in all areas,

HAVE DECIDED to conclude this Agreement:

(b) coordination and supervision of the implementation of sectoral agreements provided for in this Agreement, as well as the examination of the possibility of new agreements of this type.

2. The Joint Council shall also establish a regular dialogue on economic matters that shall include the analysis and exchange of information, in particular on the macro-economic aspects, in order to stimulate trade and investments.

Article 14

Industrial cooperation

1. The Parties shall support and promote measures to develop and strengthen efforts to set in motion a dynamic, integrated and decentralised management of industrial cooperation in order to create a climate conducive to economic development, taking account of their mutual interests.

2. Such cooperation shall focus in particular on:

- (a) strengthening contacts between both Parties' economic operators, by means of conferences, seminars, missions to seek out industrial and technical opportunities, round tables and general and sector-specific fairs, with a view to identifying and exploiting areas of mutual business interest and to boosting trade, investment and industrial cooperation and technology-transfer projects;
- (b) strengthening and extending the existing dialogue between both Parties' economic operators through the promotion of further consultation and coordination activities in order to identify and eliminate obstacles to industrial cooperation, to encourage respect for competition rules, to ensure the consistency of overall measures and to help industry adapt to market requirements;
- (c) promoting industrial cooperation initiatives in the context of the process of privatisation and liberalisation of both Parties in order to encourage investments by means of industrial cooperation between undertakings;
- (d) supporting modernisation, diversification, innovation, training, research and development and quality initiatives;
- (e) promoting the participation of both Parties in pilot projects and in special programmes according to their specific terms.

Article 15

Investment promotion

The Parties shall help to create an attractive and stable environment for reciprocal investment.

Such cooperation shall take the form *inter alia* of:

- (a) arrangements for information, identification and dissemination relating to legislation and investment opportunities;
- (b) support for the development of a legal environment conducive to investment between the Parties, where appropriate, by the conclusion between the Member States and Mexico,

of agreements to promote and protect investment and agreements to prevent double taxation;

- (c) the development of harmonised and simplified administrative procedures;
- (d) the development of mechanisms for joint investments, in particular, with the small and medium-sized enterprises of both Parties.

Article 16

Financial services

1. The Parties undertake to establish cooperation in the financial services sector, in conformity with their laws, regulations and policies and in accordance with the rules and disciplines of the GATS, in light of their mutual interest and long and medium-term economic objectives.

2. The Parties agree to work together both bilaterally and at the multilateral level to increase mutual understanding and awareness of their respective business environments and to bring about exchanges of information on financial regulations, financial supervision and control and other aspects of common interest.

3. Such cooperation shall have the particular objective of encouraging improved and diversified productivity and competitiveness in the financial services sector.

Article 17

Cooperation on small and medium-sized enterprises

1. The Parties shall promote a favourable environment for the development of small and medium-sized enterprises.

2. Such cooperation shall consist in:

- (a) promoting contacts between economic operators, encouraging joint investments and establishing joint ventures and information networks through existing horizontal programmes such as ECIP, AL-INVEST, BRE and BC-NET;
- (b) facilitating access to finance, providing information and stimulating innovation.

Article 18

Technical regulations and conformity assessment

The Parties undertake to cooperate on technical regulations and conformity assessment.

Article 19

Customs

1. The purpose of customs cooperation shall be to ensure fair trade. The Parties undertake to promote customs cooperation with a view to improving and consolidating the legal framework for their trade relations.

2. Such cooperation shall deal, in particular, with the following:

- (a) exchanges of information;
- (b) the development of new training techniques and coordination of activities which should be undertaken within the international organisations specialising in this field;
- (c) exchanges of officials and senior personnel from the customs and tax administrations;
- (d) the simplification of customs procedures for the clearance of goods;
- (e) technical assistance, whenever necessary.

3. Without prejudice to other forms of cooperation provided for under this Agreement, the Parties state their interest in considering, in the future, the conclusion of a Protocol on mutual assistance in the field of customs, within the institutional framework laid down in this Agreement.

Article 20

The information society

1. The Parties recognise that information and communication technologies are key elements of modern life and of vital importance to economic and social development.

2. Cooperation in this area shall focus in particular on:

- (a) a dialogue on all aspects of the information society;
- (b) exchanges of information and any technical assistance required in connection with regulations and standardisation, conformity testing and certification for information and telecommunications technologies;
- (c) the dissemination of new telecommunications and information technologies and the refining of new services in advanced communication, services and information technology facilities;
- (d) promoting and undertaking joint research and technological and industrial development projects in the field of new information, communication, telematics and information society technologies;
- (e) promoting the participation of both Parties in pilot projects and in special programmes according to their specific terms;
- (f) the interconnection and interoperability of telematic networks and services;
- (g) a dialogue on regulatory cooperation concerning international on-line services, including aspects related to the protection of privacy and personal data;
- (h) the reciprocal access to data bases according to terms to be agreed upon.

Article 21

Cooperation in agriculture and the rural sector

1. The Parties undertake to promote development and cooperation in the agricultural, agro-industrial and rural sectors.

2. To this end they shall examine, *inter alia*, the following:

- (a) measures to harmonise health, plant-health and environmental standards and rules, with a view to facilitating trade, taking account of the legislation in force for both Parties and in conformity with the rules of the WTO, in addition to the terms of Article 5;
- (b) the potential for exchanging information and setting up projects and activities, with that aim in mind, notably in the fields of information, scientific and technical research and the development of human resources.

Article 22

Cooperation on mining

The Parties agree to promote cooperation in mining, chiefly through operations aimed at the following:

- (a) promoting exploration, exploitation and profitable use of minerals in accordance with each Party's legislation in this field;
- (b) promoting exchanges of information, experience and technology relating to mining exploration and exploitation;
- (c) promoting exchanges of experts and performing joint research to increase opportunities for technological development;
- (d) developing measures to promote investment in this field.

Article 23

Cooperation on energy

1. Cooperation between the Parties shall aim to develop their respective energy sectors, concentrating on the promotion of transfer of technology and exchanges of information about their respective legislation.

2. Cooperation in this sector shall mainly be carried out through exchanges of information, training of human resources, transfer of technology and joint technological development and infrastructure projects, designing more efficient energy generation processes, promoting the rational use of energy, supporting the use of alternative renewable sources of energy which protect the environment, and the promotion of recycling and processing residues for use in generating energy.

**DECISION No 2/2000 OF THE EC-MEXICO JOINT COUNCIL
of 23 March 2000**

(2000/415/EC)

THE JOINT COUNCIL,

Having regard to the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the United Mexican States, of the other part, signed in Brussels on 8 December 1997 (hereinafter the 'Interim Agreement'), and in particular Articles 3, 4, 5, 6 and 12, in conjunction with Article 9 thereof,

Mindful of their rights and obligations under the Marrakesh Agreement establishing the World Trade Organisation (hereinafter 'the WTO'),

Whereas:

(1) Article 3 of the Interim Agreement provides that the Joint Council shall decide on the arrangements and timetable for a bilateral, progressive and reciprocal liberalisation of tariff and non-tariff barriers to trade in goods, in accordance with Article XXIV of the General Agreement on Tariffs and Trade 1994 (hereinafter 'the GATT 1994').

(2) Article 4 of the Interim Agreement provides that the Joint Council shall decide on the appropriate arrangements and timetable for the gradual and mutual opening of agreed government procurement markets on a reciprocal basis.

(3) Article 5 of the Interim Agreement stipulates that the Joint Council shall establish mechanisms of cooperation and coordination among the authorities of the Parties with responsibility for the implementation of competition rules.

(4) Article 6 of the Interim Agreement provides that the Joint Council shall establish a mechanism of consultation with a view to reaching mutually satisfactory solutions in the event of difficulties in the protection of intellectual property.

(5) Article 12 of the Interim Agreement mandates the Joint Council to establish a specific trade or trade related dispute settlement procedure,

HAS DECIDED AS FOLLOWS:

TITLE I

GENERAL PROVISIONS

Article 1

Objectives

The Joint Council hereby lays down the necessary arrangements for implementing the following objectives of the Interim Agreement:

- (a) the progressive and reciprocal liberalisation of trade in goods, in conformity with Article XXIV of GATT 1994;
- (b) opening the agreed government procurement markets of the Parties;
- (c) establishing a cooperation mechanism in the field of competition;
- (d) setting up a consultation mechanism in respect of intellectual property matters; and
- (e) establishing a dispute settlement mechanism.

TITLE II

FREE MOVEMENT OF GOODS

Article 2

Objective

The Community and Mexico shall establish a Free Trade Area over a transitional period lasting a maximum of 10 years starting from the entry into force of this Decision, in accordance with the provisions of this Decision and in conformity with Article XXIV of the GATT 1994.

CHAPTER I

Elimination of customs duties

Section 1

Common provisions

Article 3

1. The provisions of this Chapter concerning the elimination of customs duties on imports shall apply to products originating in the territory of the Parties. For purposes of this

7. In the cases specified in this Article, before taking the measures provided for therein or, in the cases to which paragraph 8(b) of this Article applies, as soon as possible, the Community or Mexico, as the case may be, shall supply the Joint Committee with all relevant information, with a view to seeking a solution acceptable to the two Parties.

8. For the implementation of the above paragraphs the following provisions shall apply:

- (a) The difficulties arising from the situation referred to in this Article shall be referred for examination to the Joint Committee, which may take any decisions needed to put an end to such difficulties.

If the Joint Committee or the exporting Party has not taken a decision putting an end to the difficulties or no other satisfactory solution has been reached within 30 days of the matter being referred to the Joint Committee, the importing Party may adopt the appropriate measures to remedy the problem, and, in the absence of mutually agreed compensation, the Party against whose product the measure is taken may take compensatory tariff action in accordance with this Article. Such compensatory tariff action shall be immediately notified to the Joint Committee. In the selection of safeguard measures and compensatory tariff action, priority must be given to those which least disturb the functioning of the arrangements established in this Decision.

- (b) Where exceptional and critical circumstances requiring immediate action make prior information or examination, as the case may be, impossible, the Party concerned may, in the situations specified in this Article, apply forthwith precautionary measures necessary to deal with the situation and shall inform the other Party immediately thereof.
- (c) The safeguard measures shall be notified immediately to the Joint Committee and shall be the subject of periodic consultations within that body, particularly with a view to establishing a timetable for their abolition as soon as circumstances permit.

9. In the event of the Community or Mexico subjecting imports of products liable to give rise to the difficulties referred to in this Article to an administrative procedure having at its purpose the rapid provision of information on the trend of trade flows, it shall inform the other Party.

Article 16

Shortage clause

1. Where compliance with the provisions of Chapter I or Article 12 leads to:

- (a) a critical shortage, or threat thereof, of foodstuffs or other products essential to the exporting Party; or
- (b) a shortage of essential quantities of domestic materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilisation plan; or

- (c) re-export to a third country of a product against which the exporting Party maintains export customs duties or export prohibitions or restrictions,

and where the situations referred to above give rise, or are likely to give rise to major difficulties for the exporting Party, that Party may adopt export restrictions or export customs duties.

2. In the selection of measures, priority must be given to those which least disturb the functioning of the arrangements in this Decision. Such measures shall not be applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination where the same conditions prevail, or a disguised restriction on trade and shall be eliminated when the conditions no longer justify their maintenance. In addition, the measures which may be adopted pursuant to paragraph 1(b) of this Article shall not operate to increase the exports of or the protection afforded to the domestic processing industry concerned, and shall not depart from the provisions of this Decision relating to non-discrimination.

3. Before taking the measures provided for in paragraph 1 of this Article or, as soon as possible in cases to which paragraph 4 of this Article applies the Community or Mexico, as the case may be, shall supply the Joint Committee with all relevant information, with a view to seeking a solution acceptable to the two Parties. The Parties within the Joint Committee may agree on any means needed to put an end to the difficulties. If no agreement is reached within 30 days of the matter being referred to the Joint Committee, the exporting Party may apply measures under this Article on the exportation of the product concerned.

4. Where exceptional and critical circumstances requiring immediate action make prior information or examination, as the case may be, impossible, the Community or Mexico, whichever is concerned, may apply forthwith the precautionary measures necessary to deal with the situation and shall inform the other Party immediately thereof.

5. Any measures applied pursuant to this Article shall be immediately notified to the Joint Committee and shall be the subject of periodic consultations within that body, particularly with a view to establishing a timetable for their elimination as soon as circumstances permit.

Article 17

Customs cooperation

1. The Parties shall cooperate in order to guarantee compliance with the provisions of Title II, as they relate to customs matters, and Annex III, and with a view to achieving the necessary coordination of their customs systems.

2. Cooperation may include the following in particular:

- (a) the exchange of information;
- (b) the organisation of seminars and placements;
- (c) the introduction of the single administrative document (SAD);
- (d) the simplification of inspection and formalities in respect of the carriage of goods;

- (e) the improvement of working methods;
- (f) the respect of transparency, efficiency, integrity and accountability of operations; and
- (g) technical assistance where appropriate.

3. The administrations of both Parties shall provide mutual administrative assistance in customs matters in accordance with the provisions of an Annex on mutual administrative assistance on customs matters to be adopted by the Joint Council no later than one year from the entry into force of this Decision.

4. The Joint Council hereby establishes a Special Committee on Customs Cooperation and Rules of Origin composed of representatives of the Parties. Its functions shall include:

- (a) monitoring the implementation and administration of this Article and of Annex III;
- (b) providing a forum to consult and discuss on all issues concerning customs, including in particular customs procedures, tariff regimes, customs nomenclature, customs cooperation and mutual administrative assistance in customs matters;
- (c) providing a forum to consult and discuss on issues relating to rules of origin and administrative cooperation;
- (d) enhancing cooperation on the development, application and enforcement of customs procedures, mutual administrative assistance in customs matters, rules of origin and administrative cooperation.

5. The Special Committee shall be comprised of representatives of the Parties. The Special Committee shall meet at least once a year, on a date and with an agenda agreed in advance by the Parties. The office of chairman of the Special Committee shall be held alternatively by each of the Parties. The Special Committee shall report annually to the Joint Committee.

6. The Parties may agree to hold ad hoc meetings for customs cooperation or for rules of origin and mutual administrative assistance.

Article 18

Customs valuation

From 1 January 2003, each Party shall not afford less favourable treatment in respect of customs valuation to imports of products originating in the other Party than to imports of products originating in any other country, including countries with which it has concluded an agreement notified under Article XXIV of GATT 1994.

Article 19

Standards, technical regulations and conformity assessment procedures

1. This Article applies to standards, technical regulations and conformity assessment procedures as defined in the WTO Agreement on Technical Barriers to Trade (hereinafter 'the TBT Agreement') that may directly or indirectly affect trade in products. It does not apply to sanitary and phytosanitary measures, which are covered by Article 20 of this Decision.

2. The Parties confirm their rights and obligations relating to standards, technical regulations and conformity assessment procedures under the TBT Agreement.

3. The Parties shall intensify their bilateral cooperation in this field in light of their mutual interest to facilitate access to both Parties markets and to increase mutual understanding and awareness of their respective systems.

4. To this end, the Parties shall work towards:

- (a) exchanging information on standards, technical regulations and conformity assessment procedures;
- (b) holding bilateral consultations concerning specific technical barriers to trade;
- (c) promoting the use of international standards, technical regulations and conformity assessment procedures; and
- (d) facilitating the adoption of their respective standards, technical regulations and conformity assessment procedures on the basis of international requirements.

5. Each Party shall, on request of the other Party, provide to that Party technical advice and assistance on mutually agreed terms and conditions to enhance that Party's standards, technical regulations or conformity assessment procedures, and related activities, processes and systems.

6. In order to achieve the objectives set out in paragraph 4, the Joint Council hereby establishes a Special Committee on Standards and Technical Regulations. The Special Committee shall be comprised of representatives of the Parties. The Special Committee shall meet once a year on a date and with an agenda agreed in advance by the Parties. The office of chairman of the Special Committee shall be held alternatively by each of the Parties. The Special Committee shall report annually to the Joint Committee.

7. The Special Committee's functions shall include:

- (a) monitoring the implementation and administration of this Article;
- (b) providing a forum to consult and discuss on issues relating to standards, technical regulations and conformity assessment procedures;
- (c) working towards the approximation and simplification of labelling requirements, including voluntary schemes, the use of pictograms and symbols, and the convergence of the terms applied to leather products with international practices; and
- (d) enhancing cooperation on the development, application and enforcement of standards, technical regulations and conformity assessment procedures.

Article 20

Sanitary and phytosanitary measures

1. The Parties shall cooperate in the area of sanitary and phytosanitary measures with the objective of facilitating trade. The Parties reaffirm their rights and obligations set out in the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 5/2004 OF THE EU-MEXICO JOINT COUNCIL

of 15 December 2004

adopting, pursuant to Article 17(3) of Decision No 2/2000, an Annex to the said Decision on mutual administrative assistance in customs matters

(2005/201/EC)

THE JOINT COUNCIL,

Having regard to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part⁽¹⁾ (hereinafter the 'Agreement'),

Having regard to the EU-Mexico Joint Council Decision No 2/2000⁽²⁾, and in particular Article 17(3) thereof,

Whereas Article 17(3) of Decision No 2/2000 envisages that the administrations of both Parties are to provide mutual administrative assistance in customs matters in accordance with the provisions of an Annex on mutual administrative assistance on customs matters to be adopted by the Joint Council no later than one year from the entry into force of Decision No 2/2000,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex on mutual administrative assistance in customs matters to Council Decision No 2/2000 set out in the Annex hereto is hereby adopted.

Article 2

This Decision shall enter into force on the first day of the month following that in which it is adopted by the Joint Council.

Done at Brussels, 15 December 2004.

For the Joint Council

The President

L. E. DERBEZ

⁽¹⁾ OJ L 276, 28.10.2000, p. 45.

⁽²⁾ OJ L 157, 30.6.2000, p. 10.

ANNEX

'ANNEX

ON MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS*Article 1***Definitions**

For the purposes of this Annex:

- (a) "customs legislation" shall mean any legal or regulatory provisions adopted by the European Community and Mexico governing the import, export, and transit of goods and their placing under any other customs regime or procedure, including measures of prohibition, restriction and control;
- (b) "applicant authority" shall mean a competent customs authority which has been designated by a Party for this purpose and which makes a request for assistance on the basis of this Annex;
- (c) "requested authority" shall mean a competent customs authority which has been designated by a Party for this purpose and which receives a request for assistance on the basis of this Annex;
- (d) "customs authority" shall mean for the European Community, the competent services of the Commission of the European Communities and the customs authorities of its Member States; and for Mexico, the Secretaria de Hacienda y Crédito Público or its successor;
- (e) "personal data" shall mean all information relating to an identified or identifiable individual;
- (f) "operation in breach of customs legislation" shall mean any violation or attempted violation of customs legislation;
- (g) "information" shall mean any data, documents, reports, certified or authenticated copies thereof or other communications, including information which has been processed and/or analysed to provide an indication relevant to an operation in breach of customs legislation.

*Article 2***Scope**

1. This Annex is intended solely for the mutual administrative assistance between the Parties, the provisions of this Annex shall not give rise to a right on the part of any private person to obtain, suppress or exclude any evidence or to impede the execution of a request.
2. The Parties shall assist each other, in the areas within their competence, in the manner and under the conditions laid down in this Annex, to ensure the correct application of the customs legislation, in particular by preventing, investigating and combating operations in breach of that legislation.
3. Assistance in customs matters, as provided for in this Annex, shall apply to any administrative authority of the Parties which is competent for the application of this Annex. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of a judicial authority, except where communication of such information is authorised by that authority.

4. Assistance to recover duties, taxes or fines is not covered by this Annex.

Article 3

Assistance on request

1. At the request of the applicant authority, the requested authority shall provide it with all relevant information which may enable it to ensure that customs legislation is correctly applied, including information regarding activities noted or planned which are or could be operations in breach of customs legislation.
2. At the request of the applicant authority, the requested authority shall inform it:
 - (a) whether goods exported from the territory of one of the Parties have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods;
 - (b) whether goods imported into the territory of one of the Parties have been properly exported from the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.
3. At the request of the applicant authority, the requested authority shall, within the framework of its legal or regulatory provisions, take the necessary steps to ensure special surveillance of:
 - (a) natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
 - (b) places where stocks of goods have been or may be assembled or subject to operations in such a way that there are reasonable grounds for believing that these goods are intended to be used in operations in breach of customs legislation;
 - (c) goods in transport or in storage in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation;
 - (d) means of transport that are, have been or may be used in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation.

Article 4

Spontaneous assistance

The Parties shall assist each other, at their own initiative and in accordance with their legal or regulatory provisions, if they consider that to be necessary for the correct application of customs legislation, particularly by providing information obtained pertaining to:

- (a) activities, which are or appear to be operations in breach of customs legislation and which may be of interest to the other Party;
- (b) new means or methods employed in carrying out operations in breach of customs legislation;
- (c) goods known to be subject to operations in breach of customs legislation;
- (d) natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
- (e) means of transport in respect of which there are reasonable grounds for believing that they have been, are, or may be used in operations in breach of customs legislation.

*Article 5***Delivery, notification**

At the request of the applicant authority, the requested authority shall, in accordance with legal or regulatory provisions applicable to the latter, take all necessary measures in order:

- (a) to deliver any documents; or
- (b) to notify any decisions,

emanating from the applicant authority and falling within the scope of this Annex, to an addressee residing or established in the territory of the requested authority.

Requests for delivery of documents or notification of decisions shall be made in writing in an official language of the requested authority or in a language acceptable to that authority.

*Article 6***Form and substance of requests for assistance**

1. Requests pursuant to this Annex shall be made in writing. They shall be accompanied by the documents necessary to enable compliance with the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.

2. Requests pursuant to paragraph 1 shall include the following information:

- (a) the applicant authority;
- (b) the measure requested;
- (c) the object of and the reason for the request;
- (d) the legal or regulatory provisions and other legal elements involved;
- (e) indications as exact and comprehensive as possible on the natural or legal persons who are the target of the investigations;
- (f) a summary of the relevant facts and of the enquiries already carried out.

3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority. This requirement shall not apply to any documents that accompany the request under paragraph 1.

4. If a request does not meet the formal requirements set out above, its correction or completion may be requested; in the meantime precautionary measures may be ordered.

*Article 7***Execution of requests**

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Party, by supplying information already possessed, by carrying out appropriate enquiries, including verifications, inspections and the examination of records, or by arranging for them to be carried out. This provision shall also apply to any other authority to which the requested authority has addressed the request when the latter cannot act on its own.

2. Requests for assistance shall be executed in accordance with the legal or regulatory provisions of the requested Party.

3. Duly authorised officials of a Party may, with the agreement of the other Party and subject to the domestic law of the requested authority and within the conditions laid down by the latter, be present to obtain from the offices of the requested authority, or any other authority as laid down in paragraph 1, the relevant books, registers and other documents or data media held in those offices, make copies thereof, or extract any information or particulars relating to operations in breach of customs legislation which the applicant authority needs for the purposes of this Agreement.

4. Subject to the domestic law of the requested authority and to the conditions laid down by the latter, duly authorised officials of a Party may, with the agreement of the other Party and subject to the conditions laid down by the latter, be present at enquiries carried out in the latter's territory.

5. A request by either customs authority that a certain procedure be followed shall be complied with, subject to the national legal and administrative provisions of the requested authority.

Article 8

Form in which information is to be communicated

1. The requested authority shall communicate the results of enquiries and provide any information requested, subject to Article 9, to the applicant authority in writing together with relevant documents, certified copies or other items and may, where appropriate, include any relevant information for interpreting or using it.

2. This information may be in computerised form.

3. Originals of files, documents and other materials, or certified or authenticated copies thereof, shall be transmitted only in cases where copies would be insufficient.

4. Originals of files, documents and other materials that have been transmitted shall be returned at the earliest opportunity; rights of the Parties or of third parties relating thereto shall remain unaffected.

Article 9

Exceptions to the obligation to provide assistance

1. Assistance may be refused or may be subject to the satisfaction of certain conditions or requirements, in cases where a Party is of the opinion that assistance under this Annex would:

(a) be likely to prejudice the sovereignty of the Party which has been requested to provide assistance under this Annex; or

(b) be likely to prejudice public policy, security or other essential interests, in particular in the cases referred to under Article 10 (2); or

(c) violate an industrial, commercial or professional secret.

2. The requested authority may postpone assistance on the ground that it will interfere with an ongoing investigation, prosecution or proceeding. In such a case, the requested authority shall consult with the applicant authority to determine if assistance can be given subject to such terms or conditions as the requested authority may require.

3. Where the applicant authority seeks assistance which it would (itself) be unable to provide if so requested, it shall draw attention to that fact in its request. It shall then be for the requested authority to decide how to respond to such a request.

4. In the event that a request cannot be complied with, the applicant authority shall be promptly notified of that fact with a statement of the reasons and circumstances, which might be of importance for the further pursuit of the matter.

5. For the cases referred to in paragraphs 1 and 2, the decision of the requested authority and the reasons therefor must be communicated to the applicant authority without delay.

*Article 10***Information exchange and confidentiality**

1. Any information communicated in whatsoever form pursuant to this Annex shall be of a confidential or restricted nature, depending on the rules applicable in each of the Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Party that received it and the corresponding provisions applying to the Community authorities.
2. Personal data may be exchanged only where the Party, which may receive them, undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the Party that may supply them. To this end, the Parties shall communicate to each other information on their applicable rules, including, where appropriate, legal provisions in force in the Member States of the Community, including any change therein occurring after the entry into force of this Annex.
3. The use, in judicial or administrative proceedings instituted in respect of operations in breach of customs legislation, of information obtained under this Annex, is considered to be for the purposes of this Annex. Therefore, the Parties may, in their records of evidence, reports and testimonies and in proceedings, and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Annex. The competent authority, which supplied that information or gave access to those documents, shall be notified of such use.
4. Information obtained shall be used solely for the purposes of this Annex. Where one of the Parties wishes to use such information for other purposes, it shall obtain the prior written consent of the authority which provided the information. Such use shall then be subject to any restrictions laid down by that authority.

*Article 11***Experts and witnesses**

An official of a requested authority may be authorised to appear, within the limitations of the authorisation granted, as an expert or witness in judicial or administrative proceedings instituted in the territory of the other Party regarding the matters covered by this Annex, and produce such objects, documents or certified copies thereof, as may be needed for the proceedings. The request for appearance must indicate specifically before which judicial or administrative authority the official will have to appear, on what matters and by virtue of what title or qualification the official will be questioned.

*Article 12***Assistance expenses**

1. The Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Annex, except, as appropriate, for expenses to experts and witnesses, and those to interpreters and translators who are not public service employees.
2. If expenses of a substantial and extraordinary nature are, or will be required to execute the request, the Parties may consult to determine the terms and conditions under which the request will be executed as well as the manner in which the costs shall be borne.

*Article 13***Implementation**

1. Without prejudice to the terms of Article 14(3) the Parties agree that any matter arising from the implementation of this Annex may be entrusted on the one hand, to the customs authority of Mexico, and on the other hand to the competent services of the Commission of the European Communities and the customs authorities of the Member States as appropriate. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration the rules in force in particular in the field of data protection. They may recommend to the competent bodies amendments which they consider should be made to this Annex.
2. The Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Annex. In particular, before the entry into force of this Annex, the Parties shall communicate to each other the competent customs authority designated for the implementation of this Annex. Any changes thereafter shall be notified.

*Article 14***Other agreements**

1. Taking into account the respective competencies of the European Community and the Member States, the provisions of this Annex shall:
 - (a) not affect the obligations of the Parties under any other international agreement or convention;
 - (b) be deemed complementary to agreements on mutual assistance which have been or may be concluded between individual Member States and Mexico; and shall
 - (c) not affect the Community provisions governing the communication between the competent services of the Commission of the European Communities and the customs authorities of the Member States of any information obtained under this Annex which could be of interest to the Community.
 2. Notwithstanding the provisions of paragraph 1, the provisions of this Annex shall take precedence over the provisions of any bilateral agreement on mutual assistance which has been or may be concluded between individual Member States and Mexico in so far as the provisions of the latter are incompatible with those of this Annex.
 3. In respect of questions relating to the applicability of this Annex, the Parties shall consult each other to resolve the matter in the framework of the Special Committee on Customs Cooperation set up under Article 17 of Decision No 2/2000 of the EU-Mexico Joint Council.
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