

**No. 48744. Japan and Mexico**

AGREEMENT BETWEEN JAPAN AND THE UNITED MEXICAN STATES FOR THE STRENGTHENING OF THE ECONOMIC PARTNERSHIP. MEXICO CITY, 17 SEPTEMBER 2004 [*United Nations, Treaty Series*, vol. 2768, I-48744.]

PROTOCOL AMENDING THE AGREEMENT BETWEEN JAPAN AND THE UNITED MEXICAN STATES FOR THE STRENGTHENING OF THE ECONOMIC PARTNERSHIP (WITH APPENDICES). MEXICO CITY, 22 SEPTEMBER 2011

**Entry into force:** 1 April 2012, in accordance with article 5

**Authentic texts:** English, Japanese and Spanish

**Registration with the Secretariat of the United Nations:** Japan, 7 June 2013

*Only the authentic English, Japanese and Spanish texts of the Protocol, together with the French translation, are published herein. The appendices containing technical information, such as lists of products, tariff rates and customs duties, are not published herein, in accordance with article 12(2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the Secretariat.*

**N° 48744. Japon et Mexique**

ACCORD ENTRE LE JAPON ET LES ÉTATS-UNIS DU MEXIQUE RELATIF AU RENFORCEMENT DU PARTENARIAT ÉCONOMIQUE. MEXICO, 17 SEPTEMBRE 2004 [*Nations Unies, Recueil des Traités*, vol. 2768, I-48744.]

PROTOCOLE PORTANT MODIFICATION DE L'ACCORD ENTRE LE JAPON ET LES ÉTATS-UNIS DU MEXIQUE RELATIF AU RENFORCEMENT DU PARTENARIAT ÉCONOMIQUE (AVEC APPENDICES). MEXICO, 22 SEPTEMBRE 2011

**Entrée en vigueur :** 1<sup>er</sup> avril 2012, conformément à l'article 5

**Textes authentiques :** anglais, japonais et espagnol

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** Japon, 7 juin 2013

*Seuls les textes authentiques anglais, japonais et espagnol du Protocole, accompagnés de la traduction française, sont publiés ici. Les appendices contenant des informations à caractère technique, telles que les listes de produits, les taux tarifaires et les droits de douane, ne sont pas publiés ici, conformément au paragraphe 2 de l'article 12 du règlement de l'Assemblée générale destiné à mettre en application l'Article 102 de la Charte des Nations Unies, tel qu'amendé, et à la pratique du Secrétariat en matière de publication.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

PROTOCOL  
AMENDING THE AGREEMENT  
BETWEEN JAPAN AND THE UNITED MEXICAN STATES FOR THE  
STRENGTHENING OF THE ECONOMIC PARTNERSHIP

Japan and the United Mexican States (hereinafter referred to as the "Parties"),

COMMITTED to strengthening their relationships;

DESIRING to improve market access conditions on certain originating goods and to facilitate bilateral trade between the Parties;

DESIRING to introduce an Approved Exporter System as an alternative for the purpose of certifying the originating status of a good;

WISHING to amend the Agreement between Japan and the United Mexican States for the Strengthening of the Economic Partnership, signed at Mexico City on September 17, 2004, including the Protocol between Japan and the United Mexican States related to Improvement of Market Access Conditions based on paragraphs 3 and 5 of Article 5 of the Agreement between Japan and the United Mexican States for the Strengthening of the Economic Partnership, signed at Mexico City on September 20, 2006 (hereinafter referred to as "the Agreement");

HAVING CONSULTED in accordance with subparagraphs 3(a)(i) and (ii) of Article 5 of the Agreement; and

CONSIDERING the provisions established in Article 174 of the Agreement;

HAVE AGREED as follows:

Article 1

1. The Parties shall be bound by the provisions established in Appendices 1 and 2, which shall constitute an integral part of this Protocol.

2. Pursuant to paragraph 5 of Article 5 of the Agreement, Appendices 1 and 2 shall supersede the corresponding provisions set forth in Sections 2 and 3 of Annex 1 of the Agreement respectively.

#### Article 2

The table of contents of the Agreement shall be amended by deleting:

“Chapter 5    Certificate of Origin and Customs  
                 Procedures  
      Section 1    Certification of Origin  
          Article 39    Certificate of Origin”

and replacing it with the following:

“Chapter 5    Certification of Origin and Customs  
                 Procedures  
      Section 1    Certification of Origin  
          Article 39    Proof of Origin  
          Article 39A    Certificate of Origin  
          Article 39B    Origin Declaration  
          Article 39C    Validity of Proof of Origin”.

#### Article 3

Article 5 of the Agreement shall be amended by inserting the following new paragraph after paragraph 5:

“6. In cases where its most-favored-nation applied rate of customs duty on a particular good is lower than the rate of customs duty to be applied in accordance with paragraph 1 on the originating good which is classified under the same tariff line as that particular good, each Party shall apply the lower rate with respect to that originating good.”

#### Article 4

Chapter 5 of the Agreement shall be replaced by the following:

“Chapter 5  
Certification of Origin and Customs Procedures

Section 1  
Certification of Origin

Article 39  
Proof of Origin

For the purposes of this Section and Section 2, the following documents shall be considered as proofs of origin:

- (a) a certificate of origin referred to in Article 39A; and
- (b) an origin declaration referred to in Article 39B.

Article 39A  
Certificate of Origin

1. For the purposes of this Section and Section 2, upon the date of entry into force of this Agreement, the Parties shall establish a format for the certificate of origin in the Uniform Regulations referred to in Article 10.
2. The certificate of origin referred to in paragraph 1 above will have the purpose of certifying that a good being exported from one Party into the other Party qualifies as an originating good.
3. The certificate of origin referred to in paragraph 1 above shall be issued by the competent governmental authority of the exporting Party on request having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative, in accordance with paragraph 4 below. The certificate of origin must be stamped and signed by the competent governmental authority of the exporting Party or its designees at the time of issue.

For the purposes of this Article, the competent governmental authority of the exporting Party may designate other entities or bodies to be responsible for the issuance of the certificate of origin, prior authorization given under its applicable laws and regulations.

Where the competent governmental authority of the exporting Party designates other entities or bodies to carry out the issuance of the certificate of origin, the exporting Party shall notify in writing the other Party of its designees.

The exporting Party shall revoke the designation, where the issuance of certificates of origin by a designee is not in conformity with the provisions provided for in this Section and the situation warrants the revocation. For this purpose, the exporting Party shall consider views expressed by the importing Party in deciding on revoking the designation.

4. Prior to the issuance of a certificate of origin, an exporter that requests a certificate of origin must prove to the competent governmental authority of the exporting Party or its designees, that the good to be exported qualifies as an originating good.

Where an exporter is not the producer of the good, the exporter may request a certificate of origin on the basis of a declaration voluntarily provided by the producer of the good that demonstrates that such producer has proved to the competent governmental authority or its designees, that the good concerned qualifies as an originating good. Nothing in this paragraph shall be construed to oblige the producer of the good to certificate that the good qualifies as an originating good. If the producer decides not to provide the declaration concerned, the exporter shall be required to prove to the competent governmental authority or its designees that the good to be exported qualifies as an originating good.