

# **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 Sao 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:

## **Part I. Nature and Scope**

### **Article 1. Basis of the Agreement**

Respect for democratic principles and fundamental human rights, proclaimed by the Universal Declaration of Human Rights, underpins the domestic and external policies of both Parties and constitutes an essential element of this Agreement.

### **Article 2. Nature and Scope**

The object of this Agreement is to strengthen existing relations between the Parties on the basis of reciprocity and mutual interest. To this end, the Agreement shall institutionalise political dialogue, strengthen commercial and economic relations by means of the liberalisation of trade in conformity with the rules of the WTO and shall reinforce and broaden cooperation.

## **Part II. Political Dialogue**

### **Article 3.**

1. The Parties agree to institutionalize an intensified political dialogue based on the principles referred to in Article 1 covering all bilateral and international matters of mutual interest and leading to closer consultation between the Parties within the context of the international organisations to which they both belong.
2. The dialogue shall be conducted in accordance with the Joint Declaration by the European Union and Mexico on Political Dialogue, which shall form an integral part of the Agreement and which is contained in the Final Act.
3. The ministerial dialogue provided for in the Joint Declaration shall take place mainly within the Joint Council established by Article 45.

## **Part III. Trade**

### **Article 4. Objective**

The objective of this Title is to establish a framework to encourage the development of trade in goods and services, including a bilateral and preferential, progressive and reciprocal liberalisation of trade in goods and services, taking into account the sensitive nature of certain products and service sectors and in accordance with the relevant WTO rules.

### **Article 5. Trade In Goods**

In order to achieve the objective laid down in Article 4, 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

The relevant WTO rules, in particular Article XXIV of the General Agreement on Tariffs and Trade (GATT), and taking account of the sensitive nature of certain products. This decision shall include, in particular, the following matters:

- (a) coverage and transitional periods;
- (b) customs duties on imports and exports and charges having an equivalent effect;
- (c) quantitative restrictions on imports and exports and measures having equivalent effect;
- (d) national treatment including the prohibition of fiscal discrimination in respect of taxes imposed on goods;
- (e) anti-dumping and countervailing measures;
- (f) safeguard and surveillance measures;
- (g) rules of origin and administrative cooperation;
- (h) customs cooperation;
- (i) customs valuation;
- (j) technical regulations and standards, sanitary and phytosanitary legislation, mutual recognition of conformity assessment, certifications, marks systems, inter alia;
- (k) general exceptions justified on grounds of public morality, public policy or public security; the protection of human, animal or plant life or health; the protection of industrial, intellectual and commercial property, inter alia;
- (l) restrictions in case of balance of payments difficulties.

## **Article 6. Trade In Services**

In order to achieve the objective laid down in Article 4, the Joint Council shall decide on the appropriate arrangements for a progressive and reciprocal liberalisation of trade in services, in accordance with the relevant WTO rules, in particular, Article V of the General Agreement on Trade in Services (GATS), and taking due account of the commitments already undertaken by the Parties within the framework of that Agreement.

## **Article 7.**

The decisions of the Joint Council referred to in Articles 5 and 6 of this Agreement in respect of trade in goods and services, shall adequately cover all these issues within a comprehensive framework and shall enter into force as soon as they have been adopted.

# **Part IV. Capital Movements and Payments**

## **Article 8. Capital Movements and Payments**

The objective of this Title is to establish a framework to encourage the progressive and reciprocal liberalisation of capital movements and payments between Mexico and the Community, without prejudice to other provisions in this Agreement and further obligations under other international agreements that are applicable between the Parties.

## **Article 9.**

In order to achieve the objective laid down in Article 8, the Joint Council shall adopt the measures and timetable for a progressive and reciprocal elimination of restrictions on capital movements and payments between the Parties, without prejudice to other provisions in this Agreement and further obligations under other international agreements that are applicable between the Parties.

This decision shall include, in particular, the following matters:

- (a) the definition, content, extension and substance of the concepts included explicitly or implicitly in this Title;

- (b) capital transactions and payments, including national treatment, to be covered by the liberalisation;
- (c) scope of the liberalisation and transitional periods;
- (d) the inclusion of a clause allowing the Parties to maintain restrictions in this area justified on grounds of public policy, public security, public health and defence;
- (e) the inclusion of clauses allowing the Parties to introduce restrictions in this area in case of difficulties in the operation of exchange-rate or monetary policy of one of the Parties, balance of payments difficulties or, in conformity with international law, the imposition of financial restrictions on third countries.

## **Part V. Public Procurement, Competition, Intellectual Property and other Trade-related Provisions**

### **Article 10. Public Procurement**

1. The Parties shall agree to the gradual and mutual opening of agreed government procurement markets on a reciprocal basis.
2. In order to achieve this objective, the Joint Council shall decide on the appropriate arrangements and timetable. The decision shall include, in particular, the following matters:
  - (a) coverage of the agreed liberalisation;
  - (b) non-discriminatory access to the agreed markets;
  - (c) threshold values;
  - (d) fair and transparent procedures;
  - (e) clear challenge procedures;
  - (f) use of information technology.

### **Article 11. Competition**

1. The Parties shall agree on the appropriate measures in order to prevent distortions or restrictions of competition that may significantly affect trade between Mexico and the Community. To this end, the Joint Council shall establish mechanisms of cooperation and coordination among their Authorities with responsibility for the implementation of competition rules. Such cooperation shall include mutual legal assistance, notification, consultation and exchange of information in order to ensure transparency relating to the enforcement of competition laws and policies.
2. In order to achieve this objective, the Joint Council shall decide in particular, on the following matters:
  - (a) agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings;
  - (b) the abuse by one or more undertakings of a dominant position;
  - (c) mergers between undertakings;
  - (d) state monopolies of a commercial character;
  - (e) public undertakings and undertakings to which special or exclusive rights have been granted.

### **Article 12. Intellectual, Industrial and Commercial Property**

1. Reaffirming the great importance they attach to the protection of intellectual property rights (copyright including the copyright in computer programmes and databases and neighbouring rights, the rights related to patents, industrial designs, geographical indications including designation of origins, trademarks, topographies of integrated circuits, as well as protection against unfair competition as referred to in Article 10a of the Paris Convention for the Protection of Industrial

Property and protection of undisclosed information), the Parties undertake to establish the appropriate measures with a view to ensuring an adequate and effective protection in accordance with the highest international standards, including effective means to enforce such rights.

2. To this effect, the Joint Council shall decide on:

(a) a consultation mechanism with a view to reaching mutually satisfactory solutions in the event of difficulties in the protection of intellectual property;

(b) the detailed measures to be adopted in pursuance of the objective set out in paragraph 1, taking into account in particular the relevant multilateral conventions on intellectual property.

## **Part VI. Cooperation**

### **Article 13. Dialogue on Cooperation and Economic Matters**

1. The Joint Council shall institute a regular dialogue in order to intensify and improve the cooperation provided for in this Title which will include, in particular:

(a) information exchange and the periodic revision of the development of cooperation;

(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.

## **Article 24. Cooperation on Transport**

1. Cooperation between the Parties regarding transport shall seek to:

- (a) support the restructuring and modernisation of transport systems;
- (b) promote operating standards.

2. In this context, priority shall be given to:

- (a) exchanges of information between experts on the Parties' transport policies and other subjects of common interest;
- (b) economic, legal and technical training programmes aimed at economic operators and senior public officials;
- (c) exchanges of information on the Global Navigation Satellite System (GNSS);
- (d) technical assistance to help in the restructuring and modernisation of the transport system in all its forms.

3. The Parties shall look at all aspects relating to international maritime transport services to ensure that they do not hamper the mutual expansion of trade. In this context, the liberalisation of international maritime transport services shall be negotiated, in accordance with the terms of Article 6 of this Agreement.

## **Article 25. Cooperation on Tourism**

1. Cooperation between the Parties shall primarily aim to improve the exchange of information and establish best practices in order to ensure a balanced and sustainable development of tourism.

2. In this context, the Parties shall focus in particular on:

- (a) safeguarding and maximising the potential of natural and cultural heritage;
- (b) respecting the integrity and interests of local communities;
- (c) promoting cooperation between regions and towns in neighbouring countries;
- (d) improving training in the hotel industry, with particular emphasis on hotel management and administration.

## **Article 26. Cooperation on Statistics**

The Parties agree to promote the harmonisation of statistical methods and practice with a view to using, on a mutually acceptable basis, statistics on trade in goods and services and, more generally, on any area covered by this Agreement which lends itself to statistical processing.

## **Article 27. Government**

The Contracting Parties shall cooperate in matters relating to government and institutions at national, regional and local levels, with a view to promoting the training of human resources and administrative modernisation.

## **Article 28. Cooperation on Combating Drug Trafficking, Moneylaundering and Chemical Precursors**

1. The Parties shall take the appropriate measures for cooperation and liaison, that they consider appropriate, to intensify their actions for the prevention and reduction of production, distribution and illegal consumption of drugs, in conformity with their respective internal legal regulations.

2. Relying on the competent bodies in this field, such cooperation shall involve in particular:

- (a) developing coordinated programmes and measures regarding the prevention of drug abuse and the treatment and rehabilitation of drug addicts, including technical assistance programmes. These efforts may also include research and measures designed to reduce drug production by means of regional development of areas inclined to be used to produce illegal crops;
- (b) developing coordinated research programmes and projects on drug control;
- (c) exchange of information regarding legislative and administrative treatment and the adoption of appropriate measures on the control of drugs and on combating money-laundering, including measures adopted by the Community and international bodies active in this field;
- (d) preventing the diversion of chemical precursors and other substances used in the illegal production of drugs and psychotropic substances, in accordance with the Agreement on the Control of Drugs Precursors and Chemical Substances signed by the Parties on 13 December 1996, and in the 1988 United Nations Vienna Convention.

## **Article 29. Scientific and Technological Cooperation**



1. The Parties agree to cooperate in the field of science and technology in areas of mutual interest, taking account of their respective policies.
2. The aims of such cooperation shall be:
  - (a) to encourage exchanges of information and know-how on science and technology, especially on the implementation of policies and programmes;
  - (b) to promote enduring relations between the two Parties' scientific communities;
  - (c) to promote human resources training.
3. Cooperation shall take the form of joint research projects and exchanges, meetings and training of scientists, providing for the maximum dissemination of the results of research.
4. In this cooperation, the Parties shall favour the participation of their respective higher educational institutions, research centres and productive sectors, in particular small and medium-sized enterprises.
5. Cooperation between the Parties may result in a sectoral agreement on research and technological development, if deemed appropriate.

### **Article 30. Cooperation on Training and Education**

1. The Parties shall identify ways of markedly improving the situation in the education and vocational training sector. Special attention shall be paid to the education and training of the most disadvantaged social groups.
2. The Parties shall step up cooperation on education, including higher education, vocational training and exchanges between universities and businesses, in order to improve the level of expertise of senior staff in the private and public sectors.
3. The Parties shall place emphasis on measures designed to create permanent links between their respective specialist agencies and to encourage exchanges of information, know-how, experts, technical resources and in the field of youth, taking advantage of the facilities offered by the ALFA programme and the experience that both Parties have acquired in these areas.
4. Cooperation between the Parties may lead, by mutual consent, to a sectoral agreement in the field of education, including higher education, vocational training and youth related affairs.

### **Article 31. Cultural Cooperation**

1. The Parties agree to promote cultural cooperation, that duly respects their diversity, in order to increase mutual understanding and the spreading of their respective cultures.
2. The Parties shall take appropriate measures to promote cultural exchanges and carry out joint initiatives in various cultural spheres. In this regard, the Parties shall define, in due time, the relevant cooperation activities and arrangements.

### **Article 32. Cooperation In the Audiovisual Sector**

The Parties agree to promote cooperation in this sector, mainly through training programmes in the audiovisual sector and the media, including co-production, training, development and distribution activities.

### **Article 33. Cooperation on Information and Communication**

The Parties agree to encourage the exchange and dissemination of information and to undertake and support activities of mutual interest in the field of information and communication.

### **Article 34. Cooperation on the Environment and Natural Resources**

1. The need to preserve the environmental and ecological balances shall be taken into account in all cooperation measures undertaken by the Parties under this Agreement.
2. The Parties undertake to develop cooperation to prevent degradation of the environment; to promote the conservation

and sustainable management of natural resources; to develop, spread and exchange information and experience on environmental legislation, to stimulate the use of economic incentives to promote compliance; to strengthen environmental management at all levels of government; to promote the training of human resources, education in environmental topics and the execution of joint research projects; to develop channels for social participation.

3. The Parties shall encourage mutual access to programmes in this field, in accordance with the specific terms of such programmes.

4. Cooperation between the Parties may lead to the conclusion of a sectorial agreement in the field of environment and natural resources if deemed appropriate.

### **Article 35. Cooperation on Fisheries**

In view of the socio-economic importance of their respective fisheries sectors, the Parties undertake to develop closer cooperation in this field in particular through the conclusion of a sectorial fisheries agreement, in accordance with their respective legislation, if deemed appropriate.

### **Article 36. Cooperation on Social Affairs and Poverty**

1. The Parties shall conduct a dialogue on all aspects of the social agenda of interest to one or other Party.

This should include topics related to vulnerable groups and regions such as: indigenous population, the rural poor, women on low incomes and other population groups living in poverty.

2. The Parties recognise the importance of harmonising economic and social development taking into account the need to respect the basic rights of the groups mentioned in the previous paragraph. The new basis for growth should create employment and ensure a better standard of living for the least favoured sections of the population.

3. The Parties shall hold periodic consultations regarding cooperation activities involving civil society and destined to offer opportunities for the creation of jobs, vocational training and income growth.

### **Article 37. Regional Cooperation**

1. The Parties shall promote activities aimed at developing joint actions by means of cooperation, mainly in Central America and the Caribbean.

2. Priority shall be given to initiatives channelled towards promoting intra-regional trade in Central America and the Caribbean; stimulating regional cooperation on the environment and on technological and scientific research; promoting the development of the communications infrastructure needed for the economic development of the region and supporting initiatives to improve the standard of living of those living in poverty.

3. Special attention shall be given to developing the role of women, particularly in the production process.

4. The Parties shall study appropriate means for the promotion and monitoring of joint cooperation with other countries.

### **Article 38. Cooperation on Refugees**

The Parties shall endeavour to preserve the benefits of the aid already granted to Central American refugees in Mexico and shall cooperate in the search for lasting solutions.

### **Article 39. Cooperation on Human Rights and Democracy**

1. The Parties agree that cooperation in this field should promote the principles referred to in Article 1.

2. Cooperation shall focus mainly on:

(a) the development of civil society by means of education, training and public awareness programmes;

(b) training and information measures designed to help institutions function more effectively and to strengthen the rule of law;

(c) the promotion of human rights and democratic principles.

3. The Parties may carry out joint projects in order to strengthen cooperation between their respective electoral bodies as well as between other bodies responsible for monitoring and encouraging the observance of human rights.

## **Article 40. Cooperation on Consumer Protection**

1. The Parties agree that cooperation in this area should be aimed at refining their consumer protection systems and seeking, within their respective legislations, to make their systems compatible.

2. Cooperation shall focus mainly on the:

(a) exchange of information and experts and encouraging cooperation between consumer bodies of both Parties;

(b) organisation of training schemes and provision of technical assistance.

## **Article 41. Cooperation on Data Protection**

1. With regard to Article 51, the Parties agree to cooperate on the protection of personal data in order to improve the level of protection and avoid obstacles to trade that requires transfers of personal data.

2. Cooperation on personal data protection may include technical assistance in the form of exchanges of information and experts and the establishment of joint programmes and projects.

## **Article 42. Health**

1. The objectives of health cooperation shall be to strengthen activities in the fields of research, pharmacology, preventive medicine and contagious diseases such as AIDS.

2. Cooperation shall take place mainly through:

(a) projects on epidemiology, decentralisation and administration of health services;

(b) development of vocational training programmes;

(c) programmes and projects to improve health conditions and social welfare in rural and urban areas.

## **Article 43. Future Developments Clause**

1. The Parties may by mutual consent expand this Title with a view to enhancing the levels of cooperation and supplementing them by means of agreements on specific sectors or activities.

2. With regard to the implementation of this Title, the Parties may put forward suggestions for widening the scope of mutual cooperation, taking into account the experience gained in its application.

## **Article 44. Resources for Cooperation**

1. The Parties shall make available the appropriate resources, including financial means, insofar as their respective resources and regulations allow, in order to fulfil the cooperation objectives set out in this Agreement.

2. The Parties shall encourage the European Investment Bank to continue its operations in Mexico, in accordance with its procedures and financing criteria.

# **Part VII. Institutional Framework**

## **Article 45. Joint Council**

A Joint Council is hereby established which shall supervise the implementation of this Agreement. It shall meet at ministerial level, at regular intervals, and when circumstances require. It shall examine any major issues arising within the framework of this Agreement and any other bilateral or international issues of mutual interest.

## **Article 46.**

1. The Joint Council shall consist of the Members of the Council of the European Union and Members of the European Commission on the one hand, and Members of the Government of Mexico, on the other.
2. Members of the Joint Council may arrange to be represented, in accordance with the conditions laid down in its rules of procedure.
3. The Joint Council shall establish its own rules of procedure.
4. The Joint Council shall be presided in turn by a Member of the Council of the European Union and a Member of the Government of Mexico, in accordance with the provisions to be laid down in its rules of procedure.

## **Article 47.**

The joint council shall, for the purpose of attaining the objectives of this agreement, have the power to take decisions in the cases provided for herein. The decisions taken shall be binding on the parties which shall take the measures necessary to implement them. The Joint Council may also make appropriate recommendations.

It shall draw up the decisions and recommendations by agreement between the two Parties.

## **Article 48. Joint Committee**

1. The Joint Council shall be assisted in the performance of its duties by a Joint Committee composed of representatives of the members of the Council of the European Union and of the European Commission, on the one hand, and of representatives of the Government of Mexico on the other, normally at senior civil servant level.

In its rules of procedure the Joint Council shall determine the duties of the Joint Committee, which shall include the preparation of meetings of the Joint Council and how the Committee shall function.

2. The Joint Council may delegate to the Joint Committee any of its powers. In this event the Joint Committee shall take its decisions in accordance with the conditions laid down in Article 47.

3. The Joint Committee shall generally meet once a year, on a date and with an agenda agreed in advance by the Parties, in Brussels one year and Mexico the next. Special meetings may be convened by mutual agreement. The office of chairman of the Joint Committee shall be held alternately by a representative of each of the Parties.

## **Article 49. Other Special Committees**

The Joint Council may decide to set up any other special committee or body to assist it in the performance of its duties.

In its rules of procedure, the Joint Council shall determine the composition and duties of such committees or bodies and how they shall function.

## **Article 50. Dispute Settlement**

The Joint Council shall decide on the establishment of a specific trade or trade related dispute settlement procedure compatible with the relevant WTO provisions in this field.

# **Part VIII. Final Provisions**

## **Article 51. Data Protection**

1. The Parties agree to accord a high level of protection to the processing of personal and other data, in accordance with the standards adopted by the relevant international organisations and the Community.

2. To this end they shall take account of the standards referred to in the Annex which shall form an integral part of this Agreement.

## **Article 52. National Security Clause**

No provision of this Agreement shall preclude a Party taking measures:

(a) which it considers necessary to prevent disclosures of information which are contrary to the essential interests of its security;

(b) relating to the production of, or trade in, arms, munitions or war material or to research, development or production necessary to guarantee its defence, provided these measures do not adversely affect the conditions of competition regarding products which are not intended for specifically military purposes;

(c) which it considers essential to its security in the event of serious domestic disturbances liable to jeopardise public order, of war or serious international tensions that might erupt into armed conflict or to fulfil obligations it has entered into for the maintenance of peace and international security.

### **Article 53.**

The Final Act contains the Joint and Unilateral Declarations made at the signature of this Agreement.

### **Article 54.**

1. Should Most Favoured Nation treatment be granted in accordance with the provisions of this Agreement, or any arrangements adopted under this Agreement, it shall not apply to tax advantages which the Member States or Mexico are providing or may provide in the future on the basis of agreements to avoid double taxation or other tax arrangements, or domestic fiscal legislation.

2. Nothing in this Agreement, or in any arrangements adopted under this Agreement, may be construed to prevent the adoption or enforcement by the Member States or Mexico of any measure aimed at preventing the avoidance or evasion of taxes pursuant to the tax provisions of agreements to avoid double taxation or other tax arrangements, or domestic fiscal legislation.

3. Nothing in this Agreement, or in any arrangements adopted under this Agreement, shall be construed to prevent Member States or Mexico from distinguishing, in the application of the relevant provisions of their fiscal legislation, between taxpayers who are not in the same situation, in particular with regard to their place of residence, or with regard to the place where their capital is invested.

### **Article 55. Definition of the Parties**

For the purposes of this Agreement, 'the Parties shall mean, on the one hand, the Community or its Member States or the Community and its Member States, in accordance with their

Respective areas of competence, as derived from the Treaty establishing the European Community and, on the other hand, Mexico.

### **Article 56. Territorial Application**

This Agreement shall apply to the territory in which the Treaty establishing the European Community is applied under the conditions laid down in that Treaty, on the one hand, and to the territory of the United Mexican States, on the other.

### **Article 57. Duration**

1. This Agreement shall be valid for an indefinite period.

2. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the date of such notification.

### **Article 58. Fulfilment of Obligations**

1. The Parties shall adopt any general or specific measure required for them to fulfil their obligations under this Agreement and shall ensure that they comply with the objectives laid down in the Agreement.

If either Party considers that the other Party has failed to fulfil an obligation under this Agreement, it may take appropriate measures. Before doing so, except in cases of special urgency, it must supply the Joint Council with all the relevant information required for a thorough examination of the situation, within 30 days, with a view to seeking a solution acceptable to the Parties.

In this selection of measures, priority must be given to those measures which least disturb the functioning of this Agreement. These measures shall be notified immediately to the Joint Council and shall be the subject of consultations in that Council, if the other Party so requests.

2. The Parties agree that the term 'cases of special urgency in paragraph 1 of this Article means a case of material breach of the Agreement by one of the Parties. A material breach of the Agreement consists of:

- (a) repudiation of the Agreement not sanctioned by the general rules of international law;
- (b) breach of the essential elements of the Agreement referred to in Article 1.

3. The Parties agree that the 'appropriate measures referred to in this Article are measures taken in accordance with international law. If a Party takes a measure in a case of special urgency as provided for under this Article, the other Party may ask that an urgent meeting be called to bring the Parties together within 15 days.

## **Article 59. Authentic Text**

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

## **Article 60. Entry Into Force**

1. This Agreement shall be approved by the Parties in accordance with their own procedures.

2. This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

The application of Titles II and VI shall be suspended until the adoption by the Joint Council of the decisions provided in Articles 5, 6, 9, 10, 11 and 12.

3. Notification shall be sent to the Secretary-General of the Council of the European Union who shall be the depositary for the Agreement.

4. This Agreement shall replace the Framework Agreement for Cooperation between the European Community and Mexico signed on 26 April 1991 upon the date on which Titles II and VI become applicable, as provided for in paragraph 2.

5. Upon entry into force of the Agreement, any decisions adopted by the Joint Council established by the Interim Agreement on trade and trade related matters between the European Community and Mexico, signed on 8 December 1997, shall be deemed to have been adopted by the Joint Council established by Article 45.

Done at Brussels on the eighth day of December in the year one thousand nine hundred and ninety-seven.

For the Kingdom of Belgium. This signature also commits the French Community, the Flemish Community, the German-speaking Community, the Walloon Region, the Flemish Region and the Brussels-Capital Region.

For the Kingdom of Denmark

For the Federal Republic of Germany

For the Hellenic Republic

For the Kingdom of Spain

For the French Republic

For Ireland

For the Italian Republic

For the Grand Duchy of Luxembourg

For the Kingdom of Netherlands

For the Austrian Republic

For the Portuguese Republic

For the Republic of Finland

For the Kingdom of Sweden

For the United Kingdom of Great Britain and Northern Ireland

For the European Community

For the United Mexican States