

Chapter 16
Implementation and Operation of the Agreement

Article 160
Transparency

1. Each Party shall promptly publish, or otherwise make publicly available, its laws, regulations, administrative procedures and administrative rulings and judicial decisions of general application as well as international agreements to which the Party is a party, respecting any matter covered by this Agreement.

2. Each Party shall, upon request by the other Party, promptly respond to specific questions from, and provide information to, the other Party with respect to matters referred to in paragraph 1 above.

3. Nothing in this Article shall prejudice as to whether a measure adopted by a Party is consistent with this Agreement.

Article 161
Public Comment Procedures

The Government of each Party shall, in accordance with the domestic laws and regulations of the Party, endeavor to maintain public comment procedures, except in cases of emergency, *inter alia*, a real or imminent danger to the health, safety, or welfare of persons, to the preservation of the environment or to the conservation of exhaustible natural resources, in order to:

- (a) make public in advance regulations of general application that affect any matter covered by this Agreement, accompanied by an explanation of their rationale and potential effects, when the Government adopts, amends or repeals them;
- (b) provide a reasonable opportunity for comments by the public and give consideration to those comments before the adoption of such regulations; and
- (c) make public those comments. Where appropriate, those comments should be compiled and accompanied by the views of the Government on them.

Article 162
Administrative Proceedings

1. Where measures are to be adopted which pertain to or affect the implementation and operation of this Agreement, the competent authorities of a Party shall, in accordance with the domestic laws and regulations of the Party:

- (a) inform the applicant of the decision concerning the application within a reasonable period of time after the submission of an application considered complete under the domestic laws and regulations of the Party; and
- (b) provide, without undue delay, information concerning the status of the application, at the request of the applicant.

2. Where measures are to be adopted by the competent authorities of a Party which pertain to or affect the implementation and operation of this Agreement and which impose obligations on or restrict rights of a person, such competent authorities shall, prior to any final decision, when time, the nature of the measures and public interest permit and in accordance with the domestic laws and regulations of the Party, provide that person with:

- (a) a reasonable notice, including a description of the nature of the measure, specific provisions upon which such measure will be based, and the facts which may be a cause of taking such measure; and
- (b) a reasonable opportunity to present facts and arguments in support of the position of such person.

Article 163
Review and Appeal

1. Each Party shall maintain judicial or administrative tribunals or procedures for the purpose of prompt review and, where warranted, correction of administrative actions regarding matters covered by this Agreement. Such tribunals or procedures shall be impartial and independent of the authorities entrusted with the administrative enforcement.

2. Each Party shall ensure that, in any such tribunals or procedures, the parties to the proceeding are provided with the right to:

- (a) a reasonable opportunity to support or defend their respective positions; and

- (b) a decision based on the evidence and submissions of record.

3. Each Party shall ensure, subject to appeal or further review as provided in its domestic laws and regulations, that such decisions are implemented by the competent authorities of the Party with respect to the administrative action at issue.

Article 164 Confidential Information

1. Unless otherwise provided for in this Agreement, neither Party shall be required by this Agreement to provide confidential information, the disclosure of which would impede the enforcement of its domestic laws and regulations, including the law protecting the information relating to personal privacy or the financial affairs or accounts of individual customers of financial institutions, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

2. Each Party shall, in accordance with its domestic laws and regulations, maintain the confidentiality of information provided in confidence by the other Party pursuant to this Agreement.

Article 165 Joint Committee

1. The Joint Committee composed of representatives of the Governments of the Parties shall be established under this Agreement.

2. The functions of the Joint Committee shall be:

- (a) reviewing the implementation and operation of this Agreement and, when necessary, making appropriate recommendations to the Parties;
- (b) considering and recommending to the Parties any amendments to this Agreement;
- (c) by mutual consent of the Parties, serving as a forum for consultations referred to in Article 152;
- (d) supervising the work of all Sub-Committees established under this Agreement;

- (e) adopting:
 - (i) modifications to Annexes referred to in Articles 8 and 37;
 - (ii) the Uniform Regulations referred to in Article 10;
 - (iii) an interpretation of a provision of this Agreement referred to in Articles 84 and 89;
 - (iv) the Rules of Procedure referred to in Article 159; and
 - (v) any necessary decisions; and
- (f) carrying out other functions as the Parties may agree.

3. The Joint Committee may:

- (a) establish and delegate its responsibilities to Sub-Committees for the purposes of the effective implementation and operation of this Agreement; and
- (b) take such other action in the exercise of its functions as the Parties may agree.

4. The following Sub-Committees shall be established on the date of entry into force of this Agreement:

- (a) Sub-Committee on Trade in Goods.
- (b) Sub-Committee on Sanitary and Phytosanitary Measures.
- (c) Sub-Committee on Technical Regulations, Standards and Conformity Assessment Procedures.
- (d) Sub-Committee on Rules of Origin, Certificate of Origin and Customs Procedures.
- (e) Sub-Committee on Cross-Border Trade in Services.
- (f) Sub-Committee on Entry and Temporary Stay.
- (g) Sub-Committee on Government Procurement.
- (h) Sub-Committee on Cooperation in the Field of Trade and Investment Promotion.

- (i) Sub-Committee on Cooperation in the Field of Agriculture.
- (j) Sub-Committee on Cooperation in the Field of Tourism.

Other Sub-Committees may be established as the Parties may agree.

5. The Joint Committee shall establish its rules and procedures.

6. The Joint Committee shall meet alternately in Japan and Mexico at the request of either Party.

Article 166 Communications

Each Party shall designate a contact point to facilitate communications between the Parties on any matter relating to this Agreement.

Article 167 Relation to Other Agreements

1. The Parties reaffirm their rights and obligations under the WTO Agreement.

2. Nothing in Chapters 3, 7 and 8 shall be construed to prevent either Party from taking any necessary action as may be authorized by Article 22 of the Understanding on Rules and Procedures Governing the Settlement of Disputes in Annex 2 to the WTO Agreement, as may be amended.

3. The Convention on Commerce between Japan and the United Mexican States signed at Tokyo on January 30, 1969 shall expire upon the date of entry into force of this Agreement.

Chapter 17 Exceptions

Article 168 General Exceptions

1. For the purposes of Chapters 3, 4, 5, and 6, Article XX of the GATT 1994 is incorporated into and made part of this Agreement, *mutatis mutandis*.

2. For the purposes of Chapters 8 and 10, paragraphs (a), (b) and (c) of Article XIV of the GATS are incorporated into and made part of this Agreement, *mutatis mutandis*.