REGULATION (EEC) No 2411/75 OF THE COUNCIL

of 16 September 1975

on the conclusion of the Agreement between the European Economic Community and the United Mexican States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 114 thereof;

Having regard to the recommendation from the Commission;

Whereas the Agreement negotiated between the European Economic Community and the United Mexican States should be concluded,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement between the European Economic Community and the United Mexican States, the text of which is annexed to this Regulation, is hereby concluded on behalf of the Community.

Article 2

The President of the Council shall notify the other Contracting Party in accordance with Article 12 of the Agreement of the completion, as regards the Community, of the procedures necessary for the entry into force of this Agreement.

Article 3

The Community shall be represented on the Joint Committee provided for in Article 6 of the Agreement by the Commission of the European Communities, assisted by representatives of the Member States.

Article 4

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 September 1975.

For the Council

The President

M. RUMOR

AGREEMENT

between the European Economic Community and the United Mexican States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part,

THE GOVERNMENT OF THE UNITED MEXICAN STATES,

of the other part,

HAVING REGARD to the friendly relations and traditional links between the Member States of the European Economic Community and Mexico and their common desire to develop and balance their reciprocal trade and to extend their commercial and economic cooperation;

INSPIRED by their determination to strengthen, deepen and diversify these relations for their mutual benefit;

ADHERING to the spirit of cooperation which inspires them;

CONVINCED that a trade policy based on cooperation is an ideal instrument for fostering the development of international economic relations;

AFFIRMING their common will to contribute to a new phase of international economic cooperation and to facilitate the development of their respective human and material resources on the basis of freedom, equality and justice;

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Mr Mariano RUMOR,

Minister for Foreign Affairs,

President of the Council of the European Communities;

Mr François-Xavier ORTOLI,

President of the Commission of the European Communities;

THE GOVERNMENT OF THE UNITED MEXICAN STATES:

Mr Emilio O. RABASA,

Minister for Foreign Affairs;

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

The Contracting Parties are resolved to develop their trade to their mutual benefit and, to this end, will establish and encourage commercial and economic cooperation in all sectors of interest to them so as to contribute to their economic and social progress and to the balance of their reciprocal trade at the highest possible level taking into account Mexico's special situation as a developing country.

Article 2

1. The Contracting Parties shall, in their trade relations, grant each other most-favoured-nation treatment in all matters relating to :

— customs duties and charges of all kinds on imports or exports, including the procedures for collecting such duties and charges ;

— regulations concerning customs clearance, transit, warehousing or transhipment of imported or exported products ;

— taxes and other internal charges directly or indirectly imposed on imported or exported goods or services ;

— arrangements governing the quantity of imports and exports ;

— regulations concerning payments in respect of trade in goods or services, including the allocation of foreign currency and the transfer of such payments ;

— regulations affecting the sale, purchase, transport, distribution and use of goods and services on the internal market.

2. Paragraph 1 shall not apply to :

(a) advantages granted by the Contracting Parties to neighbouring countries to facilitate frontier-zone traffic ;

(b) advantages granted by the Contracting Parties with the object of establishing a customs union or a free trade area or as required by such a customs union or free trade area ;

(c) advantages which the Contracting Parties grant to particular countries in conformity with the General Agreement on Tariffs and Trade ;

(d) advantages which Mexico grants to certain countries in accordance with the Protocol on trade negotiations between developing countries in the context of the General Agreement on Tariffs and Trade ;

(e) other advantages granted or to be granted by Mexico to any Latin American or Caribbean country or group of countries.

Article 3

The Contracting Parties undertake to promote the development and diversification of their reciprocal trade to the highest possible level.

Article 4

The Contracting Parties will develop their economic cooperation, where linked with trade, in fields of mutual interest and in the light of developments in their economic policies.

Article 5

With a view to implementing Articles 3 and 4, the Contracting Parties agree to promote contacts and cooperation between their economic operators and institutions with a view to undertaking practical economic cooperation projects which are likely to contribute to the development and diversification of their trade.

Article 6

1. A Joint Committee shall be set up comprising representatives of the Community and of the United Mexican States. It shall meet once a year. Additional meetings may be convened by mutual agreement.

2. The Joint Committee shall ensure the proper functioning of this Agreement and may formulate recommendations to this end.

3. The Joint Committee shall adopt its own rules of procedure and programme of work.

4. The Joint Committee may set up specialized sub-committees to assist it in carrying out its tasks.

Article 7

The Joint Committee shall in particular :

(a) examine the difficulties which might hinder the growth and diversification of trade between the Contracting Parties ;

(b) study and devise ways of overcoming trade barriers, in particular non-tariff and quasi-tariff barriers in various sectors of trade, taking into account the principles and commitments agreed to by the two Contracting Parties within international bodies and the relevant work undertaken in this field by the international organizations concerned with such problems;

(c) seek the means necessary to foster, between the Contracting Parties, greater trade and economic cooperation such as to contribute to the development and diversification of their trade, and recommend the implementation of these means;

(d) study and recommend trade promotion measures likely to encourage the development and diversification of imports and exports so as to foster balanced trade at the highest possible level;

(e) study and recommend ways and means of facilitating contacts for cooperation between Community and Mexican firms with the aim of adapting existing trade patterns and marketing structures to the attainment of the Contracting Parties' long-term economic objectives;

(f) identify, taking into account the specific interests of Mexico, the various sectors and products likely to contribute to an expansion of reciprocal trade flows and recommend measures to promote and encourage trade which would enable these flows to develop in the mutual interest and in accordance with the economic policies of the two Parties;

(g) facilitate exchanges of information and encourage contacts on all subjects bearing upon the prospects for economic cooperation between the Contracting Parties on a mutually advantageous basis and the creation of favourable conditions for such cooperation.

Article 8

This Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; national defence or the maintenance of peace and international security; the protection of health and life of humans, animals or plants; the protection of national treasures of artistic, historical or archaeological value; the protection of industrial and commercial property; or rules relating to gold and silver or limiting the export, use or consumption of nuclear materials, radioactive products or any other material utilized in the development or use of nuclear energy. Such prohibitions or restrictions must not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Contracting Parties.

Article 9

The provisions of this Agreement shall be substituted for provisions of Agreements concluded between Member States of the Community and the United Mexican States where the latter provisions are either incompatible with or identical to the former.

Article 10

This Agreement shall apply to the territories in which the Treaty establishing the European Economic Community applies, on the conditions established in that Treaty, and to the territory of the United Mexican States.

Article 11

The Annexes form an integral part of this Agreement.

Article 12

1. This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties have notified each other of the completion of the procedures necessary for this purpose (1).

2. This Agreement is concluded for a period of five years and shall be extended from year to year if neither Contracting Party denounces it six months before it expires.

3. If both Contracting Parties agree, this Agreement may be amended to take account of emerging situations in the economic field and the evolution of economic policies on either side.

Article 13

This Agreement is drawn up in two copies in the Danish, Dutch, English, French, German, Italian and Spanish languages, each of these texts being equally authentic.

(1) The date of entry into force of this Agreement will be published in the *Official Journal of the European Communities*.

Udfærdiget i Luxembourg, den 15. juli 1975.
Geschehen zu Luxemburg am 15. Juli 1975.
Done at Luxembourg, 15 July 1975.
Fait à Luxembourg, le 15 juillet 1975.
Fatto a Lussemburgo, addì 15 luglio 1975.
Gedaan te Luxemburg, 15 juli 1975.

For Rådet for De europæiske Fællesskaber
Im Namen des Rates der Europäischen Gemeinschaften
For the Council of the European Communities
Pour le Conseil des Communautés européennes
Per il Consiglio delle Comunità Europee
Voor de Raad van de Europese Gemeenschappen
En nombre del Consejo de las Comunidades Europeas

For regeringen for Mexicos forenede stater
Für die Regierung der Vereinigten Mexikanischen Staaten
For the Government of the United Mexican States
Pour le gouvernement des États-Unis du Mexique
Per il governo degli Stati Uniti del Messico
Voor de Regering van de Verenigde Mexicaanse Staten
En nombre del Gobierno de los Estados Unidos Mexicanos

ANNEX I

Joint Declaration on Article 6 of the Agreement

1. The representatives of the Contracting Parties in the Joint Committee will transmit any agreed recommendations to their respective authorities so that they may consider them and take appropriate action as speedily and effectively as possible. In the event of the representatives of the Contracting Parties within the Joint Committee being unable to evolve a recommendation on a matter considered by either Contracting Party to be urgent or important, they will submit the views of the two sides to their authorities.

2. When making proposals and recommendations the Joint Committee will have due regard to the United Mexican States' development plans and policies and to the progress of the Community's economic, industrial, social, scientific and environmental policies as well as to the level of economic development of the Contracting Parties.

3. The Joint Committee will examine possibilities of and make recommendations for the efficient utilization of all available instruments, in addition to the most-favoured-nation clause and the Generalized Scheme of Preferences, in order to promote trade in items of interest to the United Mexican States.

4. The Joint Committee will study opportunities for expanding economic cooperation as an additional factor furthering development of mutual trade.

ANNEX II

Declaration by the European Economic Community on Generalized Preferences

On 1 July 1971 the Community autonomously introduced a Generalized Scheme of Preferences on the basis of Resolution 21 (II) of the Second United Nations Conference on Trade and Development of 1968. The Community is prepared, in the course of its endeavours to improve this system, to take into account the interest of the United Mexican States in the inclusion of new products and in the improvement of terms relating to some of those already included with a view to broadening and strengthening its trade relations with the Community.

Exchange of letters concerning transport

Sir,

I have the honour to confirm the following:

In view of the interest shown during the negotiation of the Agreement between the European Economic Community and the United Mexican States in the transport sector, particularly sea transport, the Contracting Parties have agreed to examine in the Joint Committee any problems which may arise in this sector in order to seek mutually satisfactory solutions.

Please accept, Sir, the assurance of my highest consideration.

For the Council
of the European Communities
and the Member States
of the Community

Sir,

I have the honour to confirm the following:

In view of the interest shown during the negotiation of the Agreement between the European Economic Community and the United Mexican States in the transport sector, particularly sea transport, the Contracting Parties have agreed to examine in the Joint Committee any problems which may arise in this sector in order to seek mutually satisfactory solutions.

Please accept, Sir, the assurance of my highest consideration.

For the Government
of the United Mexican States