

## **DECISION NO. 5 OF THE FREE TRADE COMMISSION OF THE CUSMA, T-MEC, AND USMCA (“THE AGREEMENT”)**

Further to the recognition in Article 26.1.1 (North American Competitiveness Committee) of the Agreement of their unique economic and commercial ties, close proximity, and extensive trade flows across their borders, the Parties to the CUSMA, T-MEC, and USMCA, Canada, the United Mexican States (Mexico), and the United States of America (the United States), referred to individually as “the Party” and collectively as “the Parties”, seek to enhance coordination and consultation to support maintaining North American trade flows in emergency situations.

Pursuant to that goal, the Free Trade Commission (Commission) decides as follows:

### **Coordination and Consultation on North American Trade Flows in Emergency Situations**

1. The Commission recognizes that the disruption of North American trade flows in an emergency situation can have significant negative impacts on the Parties’ domestic economies specifically and on North American competitiveness generally, and may inhibit timely recovery from an emergency.

2. The Commission further recognizes that effective cooperation to address the challenges created by the disruption of North American trade flows in an emergency situation requires that each Party have domestic procedures to:

- a) coordinate the actions of its relevant agencies at the central level of government;<sup>1</sup>
- b) coordinate between the central and relevant regional levels of government;<sup>2</sup> and
- c) consult with industries and other non-governmental stakeholders, including workers, most directly impacted by the disruption of North American trade flows in an emergency situation.

3. Each Party has decided to identify its relevant agencies at the central level of government and establish or maintain a domestic committee or other permanent body at the central level of government to coordinate activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

4. Each Party intends to adopt or maintain a mechanism for timely coordination and consultation between its central and, if necessary, regional levels of government with regard to

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<sup>1</sup> For purposes of this Decision, “central level of government” means: (a) for Canada, the Government of Canada; (b) for Mexico, the federal level of government; and (c) for the United States, the federal level of government.

<sup>2</sup> For purposes of this Decision, “regional level of government” means: (a) for Canada, a province or territory of Canada; (b) for Mexico, a state of the United Mexican States; and (c) for the United States, a state of the United States, the District of Columbia, or Puerto Rico.

activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

5. Each Party intends to adopt or maintain a mechanism for timely consultation and coordination with industries and other non-governmental stakeholders, including workers, affected by disruptions of North American trade flows in an emergency situation.

6. Each Party intends to publish this Decision and relevant information on its coordination and consultation mechanisms referred to in Paragraphs 2, 3, 4, and 5 of this Decision on a free, publicly accessible website. These websites are expected to include links to the equivalent websites of the other Parties.

### **Trilateral Coordination Sub-Committee on Emergency Response**

7. Further to Article 26.1 (North American Competitiveness Committee) of the Agreement, the Commission directs the North American Competitiveness Committee to establish, within 30 days of the date this Decision becomes effective, a Trilateral Coordination Sub-Committee on Emergency Response (“Sub-Committee”) to share information and coordinate activities related to matters affecting trade in response to an emergency situation.

8. The Commission expects each Party to designate a contact point for the Sub-Committee and notify the other Parties of the contact point within 30 days of the date this Decision becomes effective and promptly notify the other Parties of any subsequent changes to its contact point.

9. The Commission expects each Party to provide to the other Parties relevant information on its domestic coordination and consultation procedures described in Paragraphs 2, 3, 4, and 5 of this Decision within 120 days of the date this Decision becomes effective, and thereafter as necessary to reflect changes in those procedures or upon request by another Party.

10. Recognizing that emergency response requires comprehensive risk management in all of its phases or stages, the Commission directs the Sub-Committee to convene within 180 days of the date this Decision becomes effective, and annually thereafter, unless the Sub-Committee decides otherwise.

11. The Sub-Committee may:

- a) consider any matter that affects the operation of this Decision to encourage increased coordination and consultation among the Parties;
- b) establish, as appropriate, technical working groups on specific areas related to emergency response affecting North American trade flows and continuity of supply chain operations; and
- c) engage in other activities as the Parties may decide.

### **Emergency Response**

12. The Commission directs the North American Competitiveness Committee (through its Sub-Committee) to develop a proposal on procedures for coordination and consultation in response to specific emergency situations, including procedures for convening extraordinary sessions of the Sub-Committee, when necessary, and related timelines; and other related emergency response activities.

13. The Commission directs the North American Competitiveness Committee (through its Sub-Committee) to develop this proposal within 180 days of the date this Decision becomes effective.

### **Shared Understanding of Critical Infrastructure Priorities**

14. In order to facilitate coordination and consultation between the Parties, the Commission directs the North American Competitiveness Committee to establish, within 30 days of the date this Decision becomes effective, a trilateral Working Group under the Sub-Committee to share each Party's approach to defining and protecting critical infrastructure and jointly acknowledge shared critical infrastructure priorities. The Commission expects the Working Group to provide the Sub-Committee a report ("Report") describing the shared critical infrastructure priorities within 180 days of the date this Decision become effective.

15. In coordinating emergency response activities, the Commission expects the Sub-Committee to take the Report into consideration and give priority to maintaining, re-establishing, or otherwise addressing the priorities described in the Report.

16. The Commission expects the Working Group to reconvene periodically to review the Report and make any modifications to the shared critical infrastructure priorities that the Working Group determines are appropriate. The Commission expects the Working Group to consult with the Sub-Committee on the modified Report.

### **Labor Rights and Worker Health and Safety**

17. Recognizing the importance of labor rights and worker health and safety, and the need to uphold labor rights and worker health and safety in emergency situations, the Commission expects the Sub-Committee to seek to ensure that labor rights and worker health and safety continue to be protected in its coordination of activities to maintain, re-establish, or otherwise address issues related to North American trade flows in an emergency situation.

18. This Decision is effective on the date of the last signature.

DONE in English, French, and Spanish.

**FOR CANADA:**

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DATE

**FOR THE UNITED MEXICAN STATES:**

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DATE

**FOR THE UNITED STATES OF AMERICA:**

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