

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

This Addendum modifies and supplements the Decision of the Free Trade Commission of the CUSMA, T-MEC, and USMCA No. 5 (Decision), signed on February 22, 2023, to reflect that, in accordance with paragraphs 12 and 13 of the Decision, the Free Trade Commission (FTC) has adopted the procedures below for coordination and consultation among the Parties to the CUSMA, T-MEC, and USMCA in response to an emergency situation impacting North American trade flows.

Points of Contact

1. In accordance with Paragraph 8 of the Decision, each Party intends to designate a Sub-Committee point of contact (POC), whose duties include:
 - a) coordinating the regular business and operations of the Sub-Committee;
 - b) receiving and transmitting requests to convene extraordinary sessions of the Sub-Committee in response to a perceived emergency situation; and
 - c) coordinating extraordinary sessions of the Sub-Committee.
2. Each Party intends to promptly notify the other Parties of any subsequent changes to its POC information.

Emergency Response and Extraordinary Sessions of the Sub-Committee

3. If a Party assesses that an emergency situation is currently or imminently disrupting North American trade flows, it may request an extraordinary session of the Sub-Committee.
4. The Parties expect the Sub-Committee to convene an extraordinary session within ten business days of the request referred to in paragraph 3. The Sub-Committee may convene extraordinary sessions virtually, unless the Parties decide otherwise.
5. The Party requesting the extraordinary session is expected to provide to the Sub-Committee, two business days before the extraordinary session, sufficient information about the emergency situation and its actual or imminent disruption of North American trade flows to allow the Sub-Committee to prepare for an extraordinary session.
6. In an extraordinary session of the Sub-Committee, the Party requesting the extraordinary session is expected to provide to the other Parties sufficient information on the current or imminent disruption of North American trade flows to allow the Sub-Committee to decide whether to begin formal domestic and trilateral coordination and cooperation to remedy or mitigate the disruption of trade flows.

7. If the Sub-Committee decides that an emergency situation is disrupting North American trade flows, or such a disruption is imminent, the Parties expect the Sub-Committee to notify the FTC immediately.
8. Within five business days of notification to the FTC, each Party intends to begin technical consultations with its relevant domestic agencies at the central level of government with subject matter expertise or regulatory authority, providing any information relevant to developing options for remediation or mitigation to the Sub-Committee.
9. Within five business days of notification to the FTC, each Party intends to notify its relevant regional levels of government and non-governmental stakeholders of the Sub-Committee's decision to cooperate and coordinate with regard to a current or imminent disruption of North American trade flows, and request stakeholder input on possible options for remediation or mitigation.
10. Each Party intends to consult regularly with its relevant regional levels of government and local non-governmental stakeholders, including industry and labor groups, until the trade disruption has been resolved or adequately mitigated.
11. In seeking to resolve any current or imminent disruption of North American trade flows, the Parties expect the Sub-Committee to take into account the Report on Shared Critical Infrastructure Priorities and any additional guidance or input of the Working Group on Shared Critical Infrastructure Priorities.
12. As part of its response to the emergency situation, the Sub-Committee may establish technical working groups to address the specific circumstances of the emergency situation and propose options to address the disruption of trade flows and continuity of supply chain operations.
13. If a Party assesses that the trade disruption has been resolved or adequately mitigated, it may request an extraordinary session of the Sub-Committee.
14. The Parties expect the Sub-Committee to convene an extraordinary session within five business days of the request referred to in paragraph 13. The Sub-Committee may convene extraordinary sessions virtually, unless the Parties decide otherwise.
15. The Party requesting an extraordinary session under paragraph 14 is expected to provide to the Sub-Committee, two business days prior to the extraordinary session, sufficient information about the resolution or mitigation of the trade disruption to allow the Sub-Committee to prepare for an extraordinary session.
16. The Parties expect the Sub-Committee to decide, within three business days of an extraordinary session, whether the trade disruption has been resolved or adequately mitigated.

17. If the Sub-Committee decides that the trade disruption has been resolved or adequately mitigated, the Parties expect the Sub-Committee to notify the FTC immediately.

Review of Emergency Response Actions

18. Once the trade disruption has been resolved or adequately mitigated, a Party may request a review working group be formed to develop a closure report analyzing the Sub-Committee's response to the trade disruption and any lessons learned.
19. The Parties expect the working group referred to in paragraph 18 to include representatives of all three Parties and be composed of representatives from relevant central, regional, and local levels of government, drawing on input from non-governmental stakeholders, including industry and labor groups, most directly impacted by the trade disruption.
20. The Parties expect the working group's closure report to be submitted to the Sub-Committee within 180 days of the request.
21. This Addendum is made on the date of the last signature.

DONE in English, French, and Spanish.

FOR CANADA:

DATE

FOR THE UNITED MEXICAN STATES:

DATE

FOR THE UNITED STATES OF AMERICA:

DATE