

**Article 2102: The Commission**

1. The Parties hereby establish the Mexico- Canada-United States Trade Commission (the Commission) to supervise the implementation of this Agreement, to resolve disputes that may arise over its interpretation and application, to oversee its further elaboration, and to consider any other matter that may affect its operation.

2. The Commission shall be composed of representatives of the Parties. The principal representative of each Party shall be the cabinet-level officer or Minister primarily responsible for international trade. Each Party shall designate a permanent representative to the Commission, which shall maintain offices to be located at

3. The Commission shall convene at least once a year in regular session to review the functioning of this Agreement. Regular sessions of the Commission shall be held alternately in the three countries.

4. The Commission may establish, and delegate responsibilities to, ad hoc or standing committees or working groups and seek the advice of non-governmental individuals or groups.

5. The Commission shall establish its rules and procedures. All decisions of the Commission shall be taken by consensus.

6. The Commission shall establish a Secretariat to provide secretarial and technical assistance to the panels appointed pursuant to this Chapter and Chapter [Review of Antidumping and Countervailing Duty Amendments, Designations and Determinations].

**Article 2103: Notification**

1. Each Party shall provide written notice to the other Parties of any [proposed or actual] measure that it considers might materially affect the operation of this Agreement. The notice shall include, whenever appropriate, a description of the reasons for the [proposed or actual] measure.
2. [The written notice shall be given as far in advance as possible of the implementation of the measure.] If prior notice is not possible, the Party implementing the measure shall provide written notice to the other Parties as soon as possible after implementation.
3. Upon request of any other Party, a Party shall promptly provide information and respond to questions pertaining to any [actual or proposed] measure whether or not previously notified.
4. The provision of written notice shall be without prejudice as to whether the measure is consistent with this Agreement.

**Article 2104: Consultations**

1. A Party may request consultations regarding any actual or proposed measure or any other matter that it considers affects the operation of this Agreement, whether or not the matter has been notified in accordance with Article [2103].

2. The Parties shall make every attempt to arrive at a satisfactory resolution of any matter through consultations under this Article or other consultative provisions in this Agreement.

3. Each Party shall treat any confidential or proprietary information exchanged in the course of consultations on the same basis as the Party providing the information.

## **Article 1801: Application**

1. Except for the matters covered in **Chapter Seventeen (Financial Services)** and **Chapter Nineteen (Binational Panel Dispute Settlement in Antidumping and Countervailing Duty Cases)**, the provisions of this Chapter shall apply with respect to the avoidance or settlement of all disputes regarding the interpretation or application of this Agreement or whenever a Party considers that an actual or proposed measure of the other Party is or would be inconsistent with the obligations of this Agreement or cause nullification or impairment in the sense of **Article 2011**, unless the Parties agree to use another procedure in any particular case.

2. Disputes arising under both this Agreement and the *General Agreement on Tariffs and Trade*, and agreements negotiated thereunder (GATT), may be settled in either forum, according to the rules of that forum, at the discretion of the complaining Party.

3. Once the dispute settlement provisions of this Agreement or the GATT have been initiated pursuant to **Article 1805** or the GATT with respect to any matter, the procedure initiated shall be used to the exclusion of any other.

## **Article 1802: The Commission**

1. The Parties hereby establish the Canada-United States Trade Commission (the Commission) to supervise the implementation of this Agreement, to resolve disputes that may arise over its interpretation and application, to oversee its further elaboration, and to consider any other matter that may affect its operation.
2. The Commission shall be composed of representatives of **both** Parties. The principal representative of each Party shall be the cabinet level officer or Minister primarily responsible for international trade, or their designees.
3. The Commission shall convene at least once a year in regular session to review the functioning of this Agreement. Regular sessions of the Commission shall be held alternately in the two countries.
4. The Commission may establish, and delegate responsibilities to, ad hoc or standing committees or working groups and seek the advice of non-governmental individuals or groups.
5. The Commission shall establish its rules and procedures. All decisions of the Commission shall be taken by consensus.

### **Article 1803: Notification**

1. Each Party shall provide written notice to the other Party of any proposed or actual measure that it considers might materially affect the operation of this Agreement. The notice shall include, whenever appropriate, a description of the reasons for the proposed or actual measure.
2. The written notice shall be given as far in advance as possible of the implementation of the measure. If prior notice is not possible, the Party implementing the measure shall provide written notice to the other Party as soon as possible after implementation.
3. Upon request of the other Party, a Party shall promptly provide information and respond to questions pertaining to any actual or proposed measure, whether or not previously notified.
4. The provision of written notice shall be without prejudice as to whether the measure is consistent with this Agreement.

#### **Article 1804: Consultations**

1. **Either Party may request consultations regarding any actual or proposed measure or any other matter that it considers affects the operation of this Agreement, whether or not the matter has been notified in accordance with Article 1803.**
2. **The Parties shall make every attempt to arrive at a mutually satisfactory resolution of any matter through consultations under this Article or other consultative provisions in this Agreement.**
3. **Each Party shall treat any confidential or proprietary information exchanged in the course of consultations on the same basis as the Party providing the information.**

### **Article 1805: Initiation of Procedures**

1. If the Parties fail to resolve a matter through consultations within 30 days of a request for consultations under Article 1804, either Party may request in writing a meeting of the Commission. The request shall state the matter complained of, and shall indicate what provisions of this Agreement are considered relevant. Unless otherwise agreed, the Commission shall convene within 10 days and shall endeavour to resolve the dispute promptly.
2. The Commission may call on such technical advisors as it deems necessary, or on the assistance of a mediator acceptable to both Parties, in an effort to reach a mutually satisfactory resolution of the dispute.