

SECRETARIA DE ECONOMIA

ACUERDO que modifica el diverso por el que se dan a conocer las reglamentaciones uniformes del Acuerdo para el fortalecimiento de la Asociación Económica entre los Estados Unidos Mexicanos y el Japón.

Al margen un sello con el Escudo Nacional, que dice: Estados Unidos Mexicanos.- Secretaría de Economía.

SERGIO ALEJANDRO GARCIA DE ALBA ZEPEDA, Secretario de Economía, con fundamento en los artículos 34 de la Ley Orgánica de la Administración Pública Federal; 5o. fracción X de la Ley de Comercio Exterior y 5 fracción XVI del Reglamento Interior de la Secretaría de Economía, y

CONSIDERANDO

Que el 17 de septiembre de 2004 se suscribió el Acuerdo para el Fortalecimiento de la Asociación Económica entre los Estados Unidos Mexicanos y el Japón (Acuerdo), el cual fue aprobado por el Senado de la República el 18 de noviembre del mismo año, se publicó en el Diario Oficial de la Federación el 31 de marzo de 2005 y entró en vigor el 1 de abril de 2005;

Que de conformidad con el artículo 10 del Acuerdo, el 1 de abril de 2005 el Comité Conjunto del mismo adoptó las Reglamentaciones Uniformes establecidas para que las autoridades aduaneras, las autoridades gubernamentales competentes y las autoridades pertinentes de las Partes implementen sus funciones conforme a la sección 1 del capítulo 3 (Comercio de Bienes) y los capítulos 4 (Reglas de Origen) y 5 (Certificado de Origen y Procedimientos Aduaneros) del Acuerdo, las cuales se publicaron ese mismo día en el Diario Oficial de la Federación mediante el Acuerdo por el que se dan a conocer las Reglamentaciones Uniformes del Acuerdo para el Fortalecimiento de la Asociación Económica entre los Estados Unidos y el Japón;

Que el artículo 37 del Acuerdo establece el Subcomité de Reglas de Origen, Certificado de Origen y Procedimientos Aduaneros (el Subcomité) que, entre otras funciones, tiene la de revisar y hacer las recomendaciones apropiadas al Comité Conjunto del Acuerdo sobre la implementación y operación de los capítulos 4 y 5;

Que como resultado de una revisión de las Reglamentaciones Uniformes, el Subcomité recomendó al Comité Conjunto del Acuerdo realizar ciertas modificaciones para aclarar y mejorar las Reglamentaciones Uniformes;

Que el Comité Conjunto del Acuerdo, de conformidad con lo dispuesto en el artículo 165.2(e) del Acuerdo y tomando en cuenta la recomendación del Subcomité referida en el párrafo anterior, adoptó el pasado 3 de mayo las Decisiones números 6 y 7 que modifican las Reglamentaciones Uniformes, y

Que es necesario adecuar el Acuerdo por el que se dan a conocer las Reglamentaciones Uniformes del Acuerdo para el Fortalecimiento de la Asociación Económica entre los Estados Unidos Mexicanos y el Japón, para reflejar lo dispuesto en las Decisiones mencionadas; he tenido a bien expedir el siguiente:

ACUERDO QUE MODIFICA EL DIVERSO POR EL QUE SE DAN A CONOCER LAS REGLAMENTACIONES UNIFORMES DEL ACUERDO PARA EL FORTALECIMIENTO DE LA ASOCIACION ECONOMICA ENTRE LOS ESTADOS UNIDOS MEXICANOS Y EL JAPON

ARTICULO 1.- Se modifica el título del párrafo 3 de la Parte 1 de la Sección 1 del Acuerdo por el que se dan a conocer las Reglamentaciones Uniformes del Acuerdo para el Fortalecimiento de la Asociación Económica entre los Estados Unidos Mexicanos y el Japón, publicado en el Diario Oficial de la Federación el 1 de abril de 2005, para quedar como sigue:

“ ...

(3) Notas 20, 22, 23 y 28 en la Sección 2 del Anexo 1 referido en el capítulo 3.

...”.

ARTICULO 2.- Se modifica la nota del Campo 12 del Anexo 2-A (Instructivo del Certificado de Origen) del Acuerdo por el que se dan a conocer las Reglamentaciones Uniformes del Acuerdo para el Fortalecimiento de la Asociación Económica entre los Estados Unidos Mexicanos y el Japón, publicado en el Diario Oficial de la Federación el 1 de abril de 2005, para quedar como sigue:

“**Campo 12:** ...

Nota: La firma del exportador o productor podrá ser autógrafa o impresa por medios electrónicos por el ente certificador.

...”.

ARTICULO 3.- Se modifica la descripción de bienes aplicable a las fracciones arancelarias 0407.00, 0811.90 y 2208.90 establecida en el Anexo 2-B (Bienes Descritos Específicamente) del Acuerdo por el que se dan a conocer las Reglamentaciones Uniformes del Acuerdo para el Fortalecimiento de la Asociación Económica entre los Estados Unidos Mexicanos y el Japón, publicado en el Diario Oficial de la Federación el 1 de abril de 2005, para quedar como sigue:

“Anexo 2-B

Bienes Descritos Específicamente

...

Fracción Arancelaria	Descripción de Bienes
0407.00	Fresh, chilled or frozen Specific Pathogen Free eggs intended for medical or experimental use.
0811.90	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, containing added sugar, not containing pineapples, berries, sour cherries, peaches, pears, papayas, pawpaws, avocados, guavas, durians, bilimbis, champeder, jackfruit, bread-fruit, rambutan, rose-apple jambo, jambosa diamboogaget, chicomamey, cherimoya, kehapi, sugar-apples, mangoes, bullock's heart, passion-fruit, dookoo kokosan, mangosteens, soursop, litchi, apples and citrus fruits other than grapefruits, lemons and limes.
	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, not containing added sugar or other sweetening matter, not containing pineapples, berries, peaches, pears, papayas, pawpaws, avocados, guavas, durians, bilimbis, champeder, jackfruit, bread-fruit, rambutan, rose-apple jambo, jambosa diamboogaget, chicomamey, cherimoya, kehapi, sugar-apples, mangoes, bullock's heart, passion-fruit, dookoo kokosan, mangosteens, soursop, litchi, camucamu, apples and citrus fruits other than grapefruits, lemons and limes.
2004.90	Prepared or preserved otherwise than by vinegar or acetic acid, frozen, asparagus, chickpeas, lentils and beans of the species <i>Vigna mungo (L.) Hopper</i> or <i>Vigna radiata(L.) Wilczek</i> , not containing added sugar.
2005.90	Prepared or preserved otherwise than by vinegar or acetic acid, not frozen, chickpeas and lentils(podded out), in airtight containers, containing tomatos purée or other kind of tomato preparation and meat of swine, lard or other pig fat, containing added sugar.
	Prepared or preserved otherwise than by vinegar or acetic acid, not frozen, chickpeas and lentils (podded out), not containing added sugar.
2007.99	Jams and fruit jellies, whether or not containing added sugar or other sweetening matter, not containing apples or pineapples.
	Fruit purée and fruit pastes, whether or not containing added sugar or other sweetening matter, not containing apples or pineapples.
2009.90	Mixtures of juices: Mixtures of fruit juices: Containing added sugar; Not more than 10% by weight of sucrose, naturally and artificially contained: Which containing only one kind of single juice of oranges, mandarins, apples, pineapples or other citrus fruit (other than grapefruits, lemon and limes) the weight of which is no more than 50% of the Mixture of Juice; and for the Mixture of Juice containing blend of juice of oranges, mandarins, apples, pineapples and/or other citrus fruits (other than grapefruits, lemon and limes) the weight of which is no more than 50% of the Mixture of Juice.
	Mixtures of juices: Mixtures of fruit juices: Containing added sugar; More than 10% by weight of sucrose, naturally and artificially contained: Which containing only one kind of single juice of oranges, mandarins, apples, pineapples or other citrus fruit (other than grapefruits, lemon and limes) the weight of which is no more than 50% of the Mixture of Juice; and for the Mixture of Juice containing blend of

Fracción Arancelaria	Descripción de Bienes
	<p>juice of oranges, mandarins, apples, pineapples and/or other citrus fruits (other than grapefruits, lemon and limes) the weight of which is no more than 50% of the Mixture of Juice.</p> <p>Mixtures of juices: Mixtures of fruit juices: Not containing added sugar; Not more than 10% by weight of sucrose: Which containing only one kind of single juice of oranges, mandarins, apples, pineapples or other citrus fruit (other than grapefruits, lemon and limes) the weight of which is no more than 50% of the Mixture of Juice; and for the Mixture of Juice containing blend of juice of oranges, mandarins, apples, pineapples and/or other citrus fruits (other than grapefruits, lemon and limes) the weight of which is no more than 50% of the Mixture of Juice.</p> <p>Mixtures of juices: Mixtures of fruit juices: Not containing added sugar; More than 10% by weight of sucrose: Which containing only one kind of single juice of oranges, mandarins, apples, pineapples or other citrus fruit (other than grapefruits, lemon and limes) the weight of which is no more than 50% of the Mixture of Juice; and for the Mixture of Juice containing blend of juice of oranges, mandarins, apples, pineapples and/or other citrus fruits (other than grapefruits, lemon and limes) the weight of which is no more than 50% of the Mixture of Juice.</p>
2208.90	<p>Tequila (genuine); Mezcal (genuine); Sotol (genuine); Tequila and Mezcal (genuine); Tequila and sotol (genuine); Mezcal and sotol (genuine); Tequila, Mezcal and sotol (genuine)</p> <p><i>(The exporter or producer should select one of the descriptions above in providing the description of goods in the Field 6 of the certificate of origin.)</i></p>

ARTICULO 4.- Se adiciona al Anexo 2 (Certificado de Origen y Hoja Anexa del Certificado de Origen) del Acuerdo por el que se dan a conocer las Reglamentaciones Uniformes del Acuerdo para el Fortalecimiento de la Asociación Económica entre los Estados Unidos Mexicanos y el Japón, publicado en el Diario Oficial de la Federación el 1 de abril de 2005, el siguiente formato del Certificado de Origen y su Hoja Anexa, en idioma inglés:

AGREEMENT BETWEEN THE UNITED MEXICAN STATES AND JAPAN FOR THE STRENGTHENING OF THE ECONOMIC PARTNERSHIP

Annex 2

CERTIFICATE OF ORIGIN

1. Exporter's Name and Address:		Certification No.			
		3. Importer's Name and Address:			
2. Producer's Name and Address:		4. Transport details (optional)			
5. HS Tariff Classification Number	6. Description of goods	7. Quantity	8. Preference Criterion	9. Other instances	10. Invoice
11. Remarks:					
12. Declaration by the Exporter or Producer: I, the undersigned, declare that:			13. Certification: The undersigned, hereby certifies, on the basis of the documentation necessary to support this		

<ul style="list-style-type: none">- the good(s) described above meet the condition(s) required for the issue of this certificate;- the information that supports this Certificate is true and accurate, and I assume the responsibility for proving such representations in accordance with the Agreement.	Certificate, that the above-mentioned good(s) are considered as originating. This Certificate consists of ____ pages, including all attachments.
Place and Date: _____	Competent governmental authority or Designee office: _____
Signature: Name: _____	Stamp
Company: _____	Issuing Country: _____
Title: _____	Place and Date: _____
Telephone / Fax: _____	
E-mail: _____	Signature: _____

AGREEMENT BETWEEN THE UNITED MEXICAN STATES AND JAPAN FOR THE STRENGTHENING OF THE ECONOMIC PARTNERSHIP

CERTIFICATE OF ORIGIN

Annex Page

Please print or type.

						Certification No.
2. Producer's Name and Address:						
5. HS Tariff Classification Number	6. Description of goods	7. Quantity	8. Preference Criterion	9. Other instances	10. Invoice	
Exporter or Producer		Competent governmental authority or Designee		Number of Annex page		
Signature:		Office:				
Name:		Signature:				

ARTICULO 5.- Se adiciona al Anexo 2-A (Instructivo del Certificado de Origen) del Acuerdo por el que se dan a conocer las Reglamentaciones Uniformes del Acuerdo para el Fortalecimiento de la Asociación Económica entre los Estados Unidos Mexicanos y el Japón, publicado el 1 de abril de 2005, el siguiente Instructivo del Certificado de Origen en idioma inglés:

AGREEMENT BETWEEN THE UNITED MEXICAN STATES AND JAPAN FOR THE STRENGTHENING OF THE ECONOMIC PARTNERSHIP

Annex 2-A

CERTIFICATE OF ORIGIN INSTRUCTIONS

For the purposes of obtaining preferential tariff treatment, this document must be completed legibly and in full by the exporter or producer. The competent governmental authority or its designees may complete the certificate on request by the exporter or the producer. Please print or type.

If the space of this certificate is insufficient to specify the necessary particulars for identifying the goods and other related information, the exporter or the producer may specify the information on the Annexed Page.

Field 1 State the full legal name and address of the exporter.

Field 2: State the full legal name and address of the producer. If more than one producer's good is included on the Certificate, attach a list of the additional producers, including the legal name and address, cross referenced to the good described in Field 6. If you wish this information to be confidential, it is acceptable to state "Available to Customs upon request". If the producer and the exporter are the same, complete field with "SAME".

Field 3: State the full legal name and address of the importer.

Field 4: Provide the name of loading port, transit port, discharging port and name of vessel / flight number.

The fulfillment of this field is optional. If the field is not fulfilled, this will be left blank.

Field 5: For each good described in Field 6, identify the HS tariff classification to six digits.

Field 6: Provide a full description of each good. The description should be sufficient to relate it to the invoice description and to the Harmonized System (HS) description of the good.

Note: The description of goods listed in Annex 2-B, will be in accordance with the description provided for in such Annex.

Field 7: For each good described in Field 6, indicate the quantity to be exported in accordance with the unit(s) set out in the invoice.

Field 8: For each good described in Field 6, state which criterion (A through D and TPL) is applicable. The rules of origin are contained in Chapter 4 and Annex 4.

Note: In order to be entitled to preferential tariff treatment, each good must meet at least one of the criteria below.

Preference Criteria

A The good is wholly obtained or produced entirely in the Area of one or both Parties, as defined in Article 38.

B The good is produced entirely in the Area of one or both Parties exclusively from originating materials.

C The good is produced entirely in the Area of one or both Parties using non-originating materials and satisfies the specific rule of origin set out in Annex 4, as well as all other applicable requirements of Chapter 4, when the good is produced entirely in the Area of one or both Parties using non-originating materials.

D Goods are produced entirely in the Area of one or both Parties, but one or more of the non-originating materials that are used in the production of the good do not undergo an applicable change in tariff classification. The goods do nonetheless meet the regional value content requirement specified in subparagraph 1 (d) of Article 22, and satisfies all other applicable requirements of Chapter 4. This criterion is limited to the following circumstances:

- (i) the good was imported into a Party in an unassembled or a disassembled form but was classified as an assembled good pursuant to Rule 2 (a) of the General Rules for the Interpretation of the Harmonized System; or
- (ii) the heading for the good provides for and specifically describes both the good itself and its parts and is not further subdivided into subheadings, or the subheading for the good provides for and specifically describes both the good itself and its parts.

Note: This criterion does not apply to Chapters 61 through 63 of the HS (Reference: subparagraph 1(d) of Article 22).

TPL The good classifies in Chapter 61, 62 or 63 and qualifies as originating under paragraph (f) of Section 1 of Annex 4.

Field 9: If other instances were considered for the purposes of determining the good's origin, indicate appropriately "DMI" for *De Minimis*; "IM" for intermediate materials; "FGM" for fungible goods or materials; and "ACU" for accumulation. If no other instance was considered, indicate "N/A" (Not Applicable).

Field 10: Provide the invoice number for each good described in field 6. If the invoice is issued by a person different from the exporter or producer to whom the certificate of origin is issued and the person who issues the invoice is located in a non-Party, the number of invoice issued for the importation of goods into the Area on one of the Parties should be indicated, and in field 11 it should be indicated that the goods will be invoiced in a third country, identifying the full legal name and address of the person that issued the invoice.

If the number of invoice issued in the third country at the time of issuance of the certificate of origin is not known, the field will be left blank and the importer will provide to the customs authority of the importing Party a sworn declaration that justifies the fact. In this declaration the importer will indicate, at least, the number of the invoice and the certificate used for the importation.

Field 11: If the Certificate was issued retrospectively, the issuing authority shall indicate "ISSUED RETROSPECTIVELY". If the Certificate is a duplicate, the issuing authority shall indicate "DUPLICATE". If Field 8 was filled with criteria TPL, the issuing authority shall indicate "CERTIFICATE OF ELIGIBILITY ATTACHED".

In addition, any other remark related with this Certificate may be indicated by the issuing authority or the exporter or the producer.

Field 12: This field must be completed, signed and dated by the exporter or the producer. The date must be the date the Certificate was completed.

Note: The exporter's or producer's signature may be autograph, or electronically printed by the certification body.

Field 13: This field must be completed, dated, signed and stamped by the competent governmental authority of the exporting Party or its designee.

Note: The competent governmental authority's or its designees' signature may be autograph or electronically printed.

Notice 1. Any items entered in this form should be true and correct. False declaration or documents relating to the certificate of origin will be subject to penalty in accordance with laws and regulations of the exporting Party.

Notice 2. The certificate of origin would be a basis of determination of origin at the customs authority of the importing Party. The exporter or the producer of the good may receive questionnaires from the customs authority of the importing Party in accordance with subparagraph 1 (b) of Article 44. The response must be in English. If the response is insufficient, preferential tariff treatment may be denied. If the response is not returned within 30 days from the date of receipt of a questionnaire, preferential tariff treatment shall be denied.

Notice 3. The exporter or producer should refer to the documents describing matters the applicant of the certificate of origin should keep in mind, which will be provided by the competent governmental authority when the certificate is issued.

ARTICULO 6.- De conformidad con la nota establecida en la Decisión No. 7 del Comité Conjunto del Acuerdo adoptada el pasado 3 de mayo, las hojas del Certificado de Origen impreso por los Estados Unidos Mexicanos con anterioridad a la fecha de entrada en vigor de la Decisión, cuyos formatos son los adoptados por el Comité Conjunto del Acuerdo el 1 de abril de 2005 y que no están modificados de conformidad con este Acuerdo, son válidos.

TRANSITORIO

UNICO.- El presente Acuerdo entrará en vigor el 15 de junio de 2006.

México, D.F., a 5 de junio de 2006.- El Secretario de Economía, **Sergio Alejandro García de Alba Zepeda**.- Rúbrica.