

November 30, 2018

The Honorable Ildelfonso Guajardo Villarreal
Secretary of the Economy
Mexico City
United Mexican States

Dear Secretary Guajardo:

I have the honor to acknowledge the receipt of your letter of this date, which in English reads as follows:

In connection with the signing on this date of the Protocol Replacing the North American Free Trade Agreement with the Agreement Between the United States of America, the United Mexican States, and Canada (the “Protocol”), the Government of United Mexican States (“Mexico”) and the Government of the United States of America (“the United States”) reaffirm their commitment to strengthen the North American automotive sector, and to actively promote and facilitate fair and reciprocal trade between both countries. To that effect, I have the honor to confirm the following agreement reached between both Governments:

Mexico affirms that its measure, NOM-194-SCFI-2015, incorporates Federal Motor Vehicle Safety Standards (FMVSS). Mexico shall continue to recognize and accept FMVSS maintained by the United States as satisfying the relevant specifications for essential safety devices set forth under NOM-194-SCFI-2015, or any amendment or successor instrument to NOM-194-SCFI-2015, unless, due to unforeseen developments, Mexico determines through a regulatory process consistent with relevant provisions in the Agreement Between the United States of America, the United Mexican States, and Canada, including those in Chapter 11 (Technical Barriers to Trade), that a Federal Motor Vehicle Safety Standard achieves a lower level of safety than another standard Mexico intends to adopt for a particular specification¹ or would be inconsistent with Mexico’s legitimate objective.

¹ For greater certainty, nothing in this letter limits Mexico’s ability to incorporate, recognize, or accept other automotive safety standards, in addition to FMVSS, in NOM-194-SCFI-2015 or any amendment or successor instrument thereto.

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between the United States and Mexico and an integral part of the Agreement Between the United States of America, the United Mexican States, and Canada, subject to Chapter 31 (Dispute Settlement), to enter into force on the date of entry into force of the Protocol.

I have the further honor to confirm that the United States shares this understanding, and that your letter and this letter in reply constitutes an agreement between the United States and Mexico and an integral part of the Agreement Between the United States of America, the United Mexican States, and Canada, which shall enter into force on the date of entry into force of the Protocol.

Sincerely,

Ambassador Robert E. Lighthizer
United States Trade Representative