

IMPLEMENTATION OF APEC'S GENERAL TRANSPARENCY STANDARDS

AREAS: i) **TRADE AND INVESTMENT LIBERALIZATION AND FACILITATION**
 ii) **MONETARY, FINANCIAL AND FISCAL POLICIES AND THE DISSEMINATION OF MACROECONOMIC POLICY DATA**

ECONOMY: MEXICO

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KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
Transparency in Trade and Investment Liberalization and Facilitation <u>General Principles</u> 1. (a) Each Economy will ensure that its laws, regulations, and progressively, procedures and administrative rulings of general application respecting matters in Section C of Part One of the Osaka Action Agenda are promptly published or otherwise made available, for example via the Internet, in such a manner as to enable interested persons and other Economies to become acquainted with them. (b) Each Economy will have or designate an official journal or journals and publish any measures referred to in paragraph 1 in such journals. Each Economy will publish such journals on	Laws, regulations, procedures and administrative rulings of general application are published on daily basis in the Official Gazette, available both in hard copy and on the internet. The Official Gazette is distributed to the three governmental levels (federal, state and municipal).		

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a regular basis and make copies of them readily available to the public. (c) An Economy may comply with subparagraph (b) by publication on the Internet. (d) Each Economy will promote observance of the provisions of this paragraph by the regional and local governments and authorities within its customs territory.			
2. When possible, each Economy will: (a) publish in advance any measure referred to in paragraph 1 that it proposes to adopt; and (b) provide where applicable interested persons a reasonable opportunity to comment on such proposed measures.			
3. Upon request from an interested person or another Economy, an Economy will endeavor to promptly provide information and respond to questions pertaining to any actual or proposed measure referred to in paragraph 1.			
4. Each Economy will ensure in its administrative proceedings applying any measure referred to in paragraph 1 that: (a) wherever possible, persons of another Economy that are directly			

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affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of any issues in controversy; (b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding and the public interest permit; and (c) its procedures are in accordance with domestic law.			
5. Where warranted, each Economy will ensure that appropriate domestic procedures are in place to enable prompt review and correction of final administrative actions, other than those taken for sensitive prudential reasons, regarding matters covered by these Standards, that: (a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter; (b) provide parties to any proceeding with a reasonable opportunity to present their respective positions;			

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(c) provide parties to any proceeding with a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority; and (d) ensure, subject to appeal or further review under domestic law, that such decisions are implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.			
Transparency in Monetary, Financial and Fiscal Policies and the Dissemination of Macroeconomic Policy Data 9. Prior to our agreement in the Shanghai Accord to implement APEC transparency principles, we agreed in Brunei Darussalam in 2000 to support the key standards identified by the Financial Stability Forum. Three of these key standards focus on transparency: (a) Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles; (b) Code of Good Practices on Fiscal Transparency; and (c) General and Special Data Dissemination Standards.	The Investor Relations Office (IRO) was created in 1995 as a result of the increased relevance of enhanced disclosure of economics data, as well as the extended need of investors and analysts to develop a personal and ongoing dialogue with Mexican financial authorities. The Mexican IRO has been recognized by the International Monetary Fund (IMF) and the International Institute of Finance (IIF) as a prototype of a successful sovereign investor relations program. Through the Investor Relations Office, observers and investors are able to establish direct contact with Mexican authorities in order to address any information requirement or any basic concern regarding economic and financial data.	The IRO has brought greater transparency and consistency to Mexico's domestic information process. In the same way it will bring substantial benefits in the long term, because it will help the understanding of the characteristics of the various sources of capital, policy decisions and key economic indicators. It should also help to anticipate and reduce vulnerability to adverse shifts in market perceptions of Mexico's creditworthiness. The Ministry of Finance and Public Credit, through the IRO, will improve timely and updated information in order to fulfill investors' needs and contribute to transparency and dissemination of information of economic policies in Mexico.	

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	IRO's main services: Maintain and update a website containing information about public finances and the economic situation, as well as economic and financial statistics, past conference calls (available in audio) and links to other related sites and contacts. Mass distribution by electronic mail of the Government's Economic Reports, as well as other relevant economic information. Conduct quarterly teleconferences with government officials. Respond to investor inquiries about public finances and the economic situation. FOR SDDS AND CODE OF GOOD PRACTICE SEE ALSO BELOW		
10. Following APEC Finance Ministers' decision to support the assessment of Economies' implementation of these transparency codes through the IMF-led Reports on the Observance of Standards and Codes (ROSCs), Economies are encouraged to participate fully in the ROSC program. As voluntary disclosure of ROSC modules promotes transparency, Economies should, where practicable, disclose the results of these assessments.	On May 23, 2003, the Report on the Observance of Standards and Codes (ROSC) on the Data Module for Mexico was completed. This report shows that Mexico maintains an open dissemination policy by providing access to the macroeconomic statistics covered by the Special Data Dissemination Standards (SDDS) in publications and on the websites of the National Institute of Statistics, Geography, and Information Technology (INEGI) (http://www.inegi.gob.mx/), the Bank of Mexico (BANXICO) (http://www.banxico.org.mx/), and the Secretariat of Finance and	The SHCP, BANXICO, the National Banking and Securities Commission (CNBV), the National Insurance and Securities Commission (CNSF), the National Pension Funds Commission (CONSAR), and the Institute for the Protection of Savings (IPAB) will further improve compliance with the transparency and accountability principles, including regarding (i) sharing of information across commissions; (ii) introducing systematic adoption of public consultation when proposing substantial technical changes to the legal/regulatory framework; (iii) disclosing externally audited and	

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	Public Credit (SHCP)(http://www.hacienda.gob.mx). Mexico observes SDDS data dimension requirements in all categories, using flexibility options for the timeliness of data on the operations of general government and central government. Data periodicity and timeliness exceed the requirements of the Standard with respect to labor market data (employment, unemployment, and wages/income), the analytical accounts of the central bank, and international reserves. Timeliness requirements are also exceeded with respect to national accounts, the consumer price index, the producer price index, central government debt, the analytical accounts of the banking system, the balance of payments, and the trade balance. Government finance statistics are disseminated simultaneously to all parties concerned without preferential treatment for any user. Three methodological notes are also disseminated on the SHCP website discussing concepts, sources, and methods. Also posted on the website and in other media the name, telephone number, and e-mail address of the person who can be consulted regarding government finance statistics. Presentation of monetary statistics is accompanied by tables and charts	detailed financial statements to the public at large; and (iv) establishing clear criteria formalizing the designation, duration and the removal of commission presidents and board members.	

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	facilitating an accurate interpretation of the performance of the principal monetary aggregates. Statistics are disseminated simultaneously to all interested parties on the BANXICO website, where recent data and time series with various levels of detail can also be consulted. On August 23, 2002, Mexico's ROSC on Fiscal Transparency Module was completed. This report assesses the fiscal transparency practices in Mexico in light of the Code of Good Practices on Fiscal Transparency and certifies that Mexico has made considerable progress in improving transparency in public finances. Major initiatives include reform of the budget process; preparation of an integrated financial management information system; phase-in of a system of human resource management; overhaul of public procurement; streamlining of government regulations; strengthening of internal control and external audit; introduction of prudential criteria for state development banks; and reduction of discretionality in intergovernmental relations. Overall, government agencies make available to the public an unprecedented volume of information on fiscal developments, including through electronic means. On July 2001, IMF finished Mexico's Report on the Observance of the IMF Code of Good Practices on Transparency in Monetary and		

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	Financial Policies. The observance of practices relating to: (i) clarity of role, responsibilities and objectives of BANXICO for monetary policy, and (ii) open process for formulating and reporting monetary policy decisions is well entrenched, both in the legal and regulatory framework and in practice. Furthermore, the adoption of a inflation targeting framework has enhanced transparency and provided an effective anchor to guide inflationary expectations. In general, BANXICO showed a strong disposition toward disclosure. Substantial efforts have been made recently to increase the information available to the public on the implementation of monetary policy, including through the release of quarterly information reports. Moreover, the balance sheet on a weekly, monthly and annual basis is published on BANXICO's website. An important element in this respect is the recently created Financial Institutions Coordination Committee (which involves all regulatory agencies) is streamlining and rationalizing the information requested from financial institutions. On March 23, 2001, Mexico undertook a Financial Sector Assessment Program (FSAP), which is a joint IMF/World Bank initiative aimed at increasing the effectiveness of efforts to promote the soundness of financial		

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	systems in member countries. In addition, Mexico decided to make the FSAP public on October 1st, 2001, as an important contribution to enhancing the transparency of economic information and facilitating the decision-making process.		
Confidential Information 11. The provisions of this Statement will not require any Economy to disclose confidential information where such disclosure would impede law enforcement, the enactment of laws, or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular persons or enterprises.			

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ii) MONETARY, FINANCIAL AND FISCAL POLICIES AND THE DISSEMINATION OF
MACROECONOMIC POLICY DATA**

POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER

Economy: Mexico

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**Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.
IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS**

<http://www.apartados.hacienda.gob.mx/ori/ingles/flash/swf/index.html>

AREA: SERVICES

ECONOMY: Mexico

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1. (a) Each economy will, in the manner provided for in paragraph 1 of the General Principles in the Leaders' Statement, ensure that its laws, regulations, and administrative procedures related to applications for licenses or authorizations (including, inter alia, licensing procedures and requirements/criteria, qualification procedures and requirements, and technical standards) and their renewal or extension are promptly published or otherwise made available in such a manner as to enable interested persons and other Economies to become acquainted with them. (b) Economies will use the Internet as much as possible, and specifically, official government web sites, to fulfill this obligation.	The Mexican Government issued the Federal Law for Transparency and Access to Governmental Public Information in June 2002. In this context, all Mexican Ministries have published, through their websites or official publications, information related to structure, directory of employees, remunerations, goals, objectives, administrative procedures, requirements/criteria for licensing and authorizations, disbursements, subsidies, contracts, legal and regulatory frameworks, and annual reports, among other issues. The Ministry of the Public Function and the Federal Institute of Public Information Access has developed the System of Information Requests, which main purpose is to simplify and facilitate the access to governmental information. Moreover, the Mexican law establishes that any person has the right to request files or documents to the governmental entities. Mexican Ministries and other governmental entities use Internet as		

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	a tool to fully fulfill this obligation.		
2. Economies will publicize and maintain at least one enquiry point that will endeavor to promptly provide information and respond to questions from an interested person or another Economy pertaining to any actual or proposed measure. Economies will also make the names, official addresses, and other contact information (including website, telephone, facsimile) of its enquiry point(s) publicly available.	Most websites of the Mexican Ministries and governmental entities dealing with services issues include an enquiry point which is obliged to promptly provide information and respond to questions from interested parties.		
3. Economies will diligently complete and provide annual updates to their electronic Individual Action Plans (E-IAPs) for services sectors.	Mexico has fulfilled this obligation annually, reflecting the advances in the services sectors to achieve the Bogor Goals.	This action will continue taking place.	
4. Regarding authorizations and licensing procedures, when possible: (a) the competent authorities of an Economy will, within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application. The competent authorities will establish deadlines for processing of completed applications under normal circumstances. (b) at the request of the applicant, the competent authorities of the Economy will provide, without undue delay, information concerning the status of the application, including any reason for denial. Applicants will also be	Relating to requests for licenses and authorizations, Mexico has a transparent, strong and efficient legal framework on services procedures. The governmental authorities inform to each applicant of the decision regarding its application. Moreover, the legal framework set out the timing to process the applications. In most cases, Mexican authorities provide to the applicants the information concerning the status of		

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given the opportunity to resubmit or amend their application for further review, or file an appeal if an application is denied or found in violation of public regulations. (c) Economies will publish the time schedule for and costs of examinations required as part of the application process for a license or authorization in accordance with paragraph 1 of the Leaders' Statement.	its application, including any reason for rejection. In Mexico, the persons who are interested in an administrative procedure shall have the right to know the status of their issue and can obtain a copy of the respective file. The time schedule for and costs of examinations required as part of the application process for a license or authorization are available at the websites of the different Mexican authorities and in the legal framework. It is important to emphasize that each time schedule and costs vary among Ministries.		
5. These Standards should be administered in a reasonable, objective and impartial manner.	The abovementioned provisions are subject to principles of efficiency, objectivity and impartiality.		

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AREA: SERVICES

POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER

Economy: Mexico

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Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: INVESTMENT

ECONOMY: Mexico

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1. Each Economy will, in the manner provided for in paragraph 1 of the Leaders' Statement, ensure that its investment laws, regulations, and progressively procedures and administrative rulings of general application ("investment measures") are promptly published or otherwise made available in such a manner as to enable interested persons and other economies to become acquainted with them.	All Mexican Laws and Regulations shall be published in the Federal Official Gazette and may be consulted in the Internet as well. Any amendment to laws and regulations shall also be published in the Federal Official Gazette. Information on foreign investment matters, procedures and administrative rulings and the Mexican Foreign Investment Law and its Regulations are available at the website of the Directorate General for Foreign Investment of the Ministry of Economy. Amendments are constantly updated where relevant.		
2. In accordance with paragraph 2 of the Leaders' Statement, each Economy will, to the extent possible, publish in advance any investment measures proposed for adoption and provide a reasonable opportunity for public comment.	The Federal Regulatory Improvement Commission is in charge of implementing Mexico's federal regulatory improvement program, and its legal mandate <i>inter alia</i> , is to ensure transparency in the drafting of regulations and proposals of the Federal Executive, on the basis of cost-benefit analysis, transparency and public consultation.		
3. In accordance with paragraph 3 of	The Directorate General for Foreign		

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the Leaders' Statement, upon request from an interested person or another Economy, each Economy will: (a) endeavor to promptly provide information and respond to questions pertaining to any actual or proposed investment measures referred to in paragraph 1 above; and (b) Provide contact points for the office or official responsible for the subject matter of the questions and assist, as necessary, in facilitating communications with the requesting economy.	Investment, of the Ministry of Economy, office responsible for investment matters, may be contacted by an individual, company or organization in order to request any information pertaining to investment policies, projects or measures. Contact points are provided and updated by different means, i.e. APEC Investment Guidebook, Individual Action Plans.		
4. Where warranted, each Economy will ensure that appropriate domestic procedures are in place to enable prompt review and correction of final administrative actions, other than those taken for sensitive prudential reasons, regarding investment matters covered by these standards, that: (a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the investment matter; (b) provide parties to any proceeding with a reasonable opportunity to present their respective positions; (c) provide parties to any proceeding with a decision based on the evidence and submissions of record or, where	The Mexican legal system provides for administrative and judicial tribunals empowered to review any administrative decision, including investment matters. These tribunals shall act on the basis of independence and impartiality and with due respect to the general principles of due process.		

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required by domestic law, the record complied by the administrative authority; and (d) ensure subject to appeal or further review under domestic law, that such decisions will be implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.			
5. If screening of investments is used based on guidelines for evaluating projects for approval and for scoring such projects if scoring is used, in accordance with paragraph 1 of the Leaders' Statement each Economy will publish and/or make publicly available through other means those guidelines.	The FIL sets forth the screening procedure applicable to the economic activities expressly listed in Article 8 and 9. Screening procedures are applied by the National Commission of Foreign Investment (NCFI). Criteria for approval are established in article 29 of the FIL. The Regulations to the FIL are a set of rules that clarify and complement the FIL for operative purposes and both are publicly available. The contact office is the Directorate General for Foreign Investment, Ministry of Economy. This office may be contacted for any request or accessed via the Internet.		
6. Each Economy will maintain clear procedures regarding application, registration, and government licensing of investments by: (a) publishing and/or making available clear and simple instructions, and an explanation of the process (the steps) involved in applying/government licensing/registering; and	The FIL and its regulations contain the provisions for all the procedures regarding foreign investment applications and registration. Information is available at the Foreign Investment Directorate's web page and is duly published in the Federal Official Gazette.		

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(b) Publishing and/or making available definitions of criteria for assessment of investment proposals.			
7. Where prior authorization requirement procedures exist, each Economy will conduct reviews at the appropriate time to ensure that such procedures are simple and transparent.	Article 28 of the FIL sets forth that the NCFI must resolve upon the requests submitted to its consideration within a period which shall not exceed forty five business days from the date of the respective request. If the Commission fails to resolve within this period, the request shall be considered approved as submitted. Title six of the FIL Regulations complements the information and requirements for this procedure.		
8. Each Economy will make available to investors all rules and other appropriate information relating to investment promotion programs.	The Ministry of Economy has a specialized unit to be consulted on investment promotion matters. BANCOMEXT and its <i>Invest in Mexico</i> website offers information on Mexico and the opportunities for investment. It serves as an instrument for investment promotion and help investors to get information, inter alia, on the regulatory framework, best location, benefits and markets for enterprises.		
9. When negotiating regional trade agreements and free trade agreements that contain provisions with an investor/state dispute settlement mechanism, each Economy should consider whether or not to include transparency provisions.	Mexico includes in most of its treaties that all awards issued in arbitration shall be made public.		
10. Each Economy will participate fully in APEC-wide efforts to update the APEC Investment Guidebook.	The Mexican Government contributes to the APEC Investment Guidebook in order to further increase the transparency of its foreign investment	The Mexican Government will continue its contribution to the APEC Investment Guidebook.	

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	policy.		

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: INVESTMENT

POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER

Economy:

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Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: COMPETITION LAW AND POLICY AND REGULATORY REFORM**ECONOMY:**

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Competition Law and Policy 1. In furtherance of paragraph 1 of the General Principles of the Leaders' Statement, each Economy will ensure that its competition laws, regulations, and progressively, procedures, administrative rulings of general application and judicial decisions of general application are promptly published or otherwise made available in such a manner as to enable interested persons and other Economies to become acquainted with them.			
2. In furtherance of paragraphs 4 and 5 of the General Principles of the Leaders' Statement, each Economy will ensure that before it imposes a sanction or remedy against any person for violating its national competition law, it affords the person the right to be heard and to present evidence, except that it may provide for the person to be heard and present evidence within a reasonable time after it imposes an interim sanction or remedy; and that an independent			

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court or tribunal imposes or, at the persons request, reviews any such sanction or remedy. Proceedings subject to this paragraph are to be in accordance with domestic law.			
Regulatory Reform 1. In furtherance of paragraph 1 of the General Principles of the Leaders' Statement, each Economy will ensure that its laws, regulations, procedural rules and administrative rulings of general application relating to regulatory reform are promptly published or otherwise made available in such a manner as to enable interested persons and other economies to become acquainted with them.	Laws, regulations, procedures and administrative rulings of general application are published on daily basis in the Official Gazette, available both in hard copy and on the internet. The Official Gazette is distributed to the three governmental levels (federal, state and municipal).	The Federal Law of Administrative Procedure (LFPA) requires that all Federal governmental bodies elaborate, at least every two years, a Regulatory Improvement Programme. Such programs, which are submitted to the opinion of COFEMER, include a list of potential regulations to be introduced in future policy actions, as well as a report of high impact formalities, that can be created, modified or eliminated.	
2. In furtherance of paragraphs 2 and 3 of the Leaders' Statement, Economies recognize the importance of ensuring transparency in the regulatory reform process APEC Leaders' Transparency Standards and of soliciting and responding to inquiries from interested persons and other Economies. Accordingly, each Economy will, where possible (a) publish in advance regulatory reform measures that it proposes to adopt, and (b) provide where applicable interested persons a reasonable opportunity to comment on such proposed measures. In addition, upon request from an interested person or another Economy, each Economy will endeavor to promptly provide	All regulations drafts of the federal governmental bodies are made public, either by the correspondent governmental body or through the Federal Commission on Regulatory Improvement (COFEMER), at least 20 working days before the date in which the draft is intended to be published. Citizens, entrepreneurs and the general public can make comments and participate in the revision process of federal regulations. In COFEMER, all draft bills, and legislative decrees introduced by the Executive, as well as general administrative legislation proposed by	COFEMER will continue promoting the implementation of regulatory improvement policies across the different levels of government including States and Municipalities that need to be included in the effort to obtain concrete benefits for citizens and stakeholders. COFEMER will continue working with all Federal Governmental Bodies in order to promote transparency and quality in the elaboration and approval of regulatory instruments, and the simplification of administrative procedures and formalities.	

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information and respond to questions pertaining to any actual or proposed regulatory reform measure.	the agencies of the Federal Public Administration that have compliance costs for the citizens and entrepreneurs have to be accompanied by a Regulatory Impact Assessment (RIA), a public document by which the governmental bodies justify and validate their regulatory drafts. This analysis is used as a tool to achieve the highest social benefits over the possible compliance costs for the citizens. Also, all governmental bodies have the obligation to provide information requested by the civil society in the framework of the Federal Law of Transparency and Access to Public Governmental Information.		

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: COMPETITION LAW AND POLICY AND REGULATORY REFORM

POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER

Economy: MEXICO

Contact Point Name: David Quezada Bonilla Title: General Coordinator on Regulatory Improvement Assessment

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IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

<http://www.cofemer.gob.mx>

AREA: BUSINESS MOBILITY

ECONOMY: Mexico

Contact Point: Name/Title **Rolando García Alonso**, Coordinator for International Relations. Organization: **National Migration Institute**Telephone Number (5255) 5387 2492 Fax Number: E-mail Address: rgalonso@inami.gob.mx

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
Publication and Access 1. In accordance with paragraph 1 of the Leaders' Statement, each Economy will promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media, for example via the Internet, information on its immigration laws, regulations, policies, and progressively, administrative rulings of general application, procedures and practices as they relate to business persons, collectively referred to as "immigration measures". Economies will ensure that immigration regulations and requirements based on policy are clear, concise, current, simple, transparent and readily available, and meet applicable Standards for Pre-Arrival and Entry and will: (a) Provide user-friendly application forms, instructions and reference materials.	The National Migration Institute website hold immigration laws, regulations, policies and administrative rulings of general application, procedures and practices as they relate to business persons, collectively referred to as "immigration measures". This information is available in English, French and Spanish and can be consulted at: www.inm.gob.mx Migratory form to enter Mexico and stay temporarily is also available. Nevertheless, economies not in a visa waiver program should present document before Mexican consular offices in their corresponding countries. Consular offices addresses can be obtained at: www.sre.gob.mx/acerca/directorio/em_bajadas/dirembajadas.htm ABTH also updated.		

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Consultation 2. In accordance with paragraph 2 of the Leaders' Statement, each Economy will, when possible, publish in advance using the media and other mechanisms as appropriate proposed immigration measures that might affect business mobility and where applicable provide interested persons a reasonable opportunity to comment on such proposed measures. Such measures should include: (a) A set of rules and regulations that provide sanctions for the production, sale and use of fraudulent documents; (b) Effective rules and regulations that are precise in specifying what constitutes document fraud and what the sanctions are for producing, selling or using fraudulent documents; support inspectors, investigators and prosecutors in apprehending and taking action against fraudulent document producers, vendors and users; and promote business facilitation as well as protect the country's inhabitants; (c) In respect to professional service, a comprehensive Code(s) of Conduct that sets out in very practical terms the behavior expected of all immigration officials, including employee's responsibilities, service policies and standards, clear guidance and practical examples, and that is developed in consultation with internal	Mexican Embassies and consulates are always informed about any last minute changes that should be public, as well as INM and SRE (Ministry of Foreign Affairs) websites. a) sanctions for the production sale and use of fraudulent documents are available in the INM website, in the General Population Law-Ley General de Población (Spanish only) b) information available at: www.inm.gob.mx (Spanish only) c) a link to the anticorruption site, which includes a Code of Conduct is available in the main page of the INM website.		

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and external stakeholders as appropriate; and (d) Mechanisms for reporting or filing complaints on code of conduct breaches without fear of reprisal or prejudice.	d)www.inm.gob.mx website has one link on the top right of the page to contact our Commisioner, which is available for complaints.		
Information Services 3. In accordance with paragraph 3 of the Leaders' Statement, upon request from an interested person or another Economy, each Economy will endeavor when possible to promptly provide information and respond to questions pertaining to any actual or proposed immigration measures and will provide: (a) Points of inquiry for business persons or businesses with questions; (b) Simple, quick and user-friendly application processes with clear information and instructions on requirements relating to any exemptions, fees and charges; (c) Information that is easily accessible to internal/external stakeholders (Customer Help Desks/Call Centres or Industry Consultative Committees, Internet, displays and signs); and (d) Where appropriate, will provide mechanisms so that stakeholders' service charters are developed which clearly state the level of service they	All immigration measures are disclosed once approved by our Commisioner. This rule applies mainly when new services are provided. The NMI does not have a policy of further requirements, but on the contrary, looks for ways to simplify business people entry to Mexico. Nevertheless, INM website is 24/7 available for mailing any requests, which are to be answered ASAP.		

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can expect, and are displayed in public areas such as airports, Immigration offices and overseas missions.			
Decision Making 4. In accordance with paragraph 4 of the Leaders' Statement, each Economy will ensure that immigration measures are administered in a transparent manner, including, wherever possible, reasonable notice in accordance with domestic procedure when a proceeding is initiated, and an opportunity to present facts and arguments in support of their positions, when time, the nature of the proceeding, and the public interest permit, and that the procedure is in accordance with domestic law. Economies shall: (a) Strive for transparency in decision-making that is based on an economy's prevailing employment and immigration policies and procedures and, where applicable, provide decisions that are in writing and denials that provide reasons based on requirements and information on any right of appeal or waivers; (b) Strive for reasonable processing times for decision-making in an effort to avoid unnecessary delay or uncertainty on the part of business travelers; (c) Ensure that decisions are	The NMI' Juridical Coordination is entitled to give notice in accordance with domestic procedure when a proceeding is initiated, and foreigners are also entitled to present facts and arguments in support of their positions. All decisions regarding entry and temporary stay are discussed and informed accordingly. If a denial takes pace, reasons about such denial are explained as well.		

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consistent with published guidelines and requirements through regular quality control reviews; (d) Ensure that employees are trained in decision-making procedures and have access to current written guidelines and instructions relating to interpretation of regulations and laws; (e) Ensure that authority to make decisions includes appropriate checks and balances, and is strictly controlled to prevent abuse of power; (f) Provide periodic review mechanism of systems and procedures to ensure uniformity and consistency in decision making; reviews undertaken in consultation with employees to eliminate "red tape;" (g) Develop and implement mechanisms which monitor and evaluate the organization's performance against established service standards; (h) To the extent possible, have a system in place for monitoring consistency between different offices, provinces or regions concerning decisions, procedures and information provided; (i) Where appropriate, clearly define and make publicly available the basis or criteria upon which discretionary power is exercised by officials; and	All regional Delegations along Mexico are Coordinated from headquarters at the Delegations Coordination office. From there the INM monitors consistency between different offices, provinces or regions concerning decisions, procedures and information provided for migration management.		

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(j) To the extent possible, convey reasons for decisions to applicants and document grounds for decisions clearly and retain these for monitoring and review.			
Review 5. In accordance with paragraph 5 of the Leaders' Statement and its own immigration laws, where warranted, each Economy will provide procedures that are simple, consistent, and easily accessible for review and appeal of immigration decisions and, where warranted, prompt correction of final administrative actions, regarding immigration measures which provide parties to the proceeding with a reasonable opportunity to present their respective positions, a decision based on the evidence and submissions in the administrative record, tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter, and implementation of the final decision. To ensure transparent administrative regulations and decision-making, Immigration Administrations shall have: (a) To the extent possible, objective performance standards for managers to ensure compliance and accountability for the Standards on Professional Conduct;	As mentioned above The NMI' Juridical Coordination is entitled to give notice in accordance with domestic procedure when a proceeding is initiated, and foreigners are also entitled to present facts and arguments in support of their positions.		

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
(b) To the extent possible, guidelines and policies that clearly state management responsibilities in employee development and in the promotion and monitoring of ethical practices and integrity; and (c) Selection criteria for managerial positions that include demonstrated ability to accept responsibility and accountability for implementation of the Standards on Professional Conduct.			

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: BUSINESS MOBILITY

POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER

Economy:

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Fax Number:

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Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: STANDARDS AND CONFORMANCE

ECONOMY:

Contact Point: Name/Title:

Organization:

Telephone Number:

Fax Number:

E-mail Address:

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
1. In accordance with paragraph 1 of the Leaders' Statement, and the WTO Agreements on Technical Barriers to Trade (TBT) and on the Application of Sanitary and Phytosanitary (SPS) Measures, each Economy will: (a) promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media, for example via the Internet, information on its laws, regulations, policies, administrative rulings, certification, qualification and registration requirements, technical regulations, standards, guidelines, procedures and practices relating to standards and conformance; and, (b) have or designate an official journal or journals and publish in them information on technical regulations, sanitary and phytosanitary measures and related conformity assessment procedures on a regular basis and make copies of them readily available to the public.	To be provided		
2. As far as practicable, each			

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Economy will maintain one centrally located website for the information referred to above.			
3. In accordance with paragraph 2 of the Leaders' Statement and the WTO TBT and SPS Agreements, each Economy will publish in advance any standards or conformance requirement that it proposes to adopt and provide interested persons a reasonable opportunity to comment on such proposed measures and take those comments into account before a final measure is adopted. Each Economy that is a WTO member will notify proposals to the WTO as required by the TBT and SPS Agreements.			
4. In accordance with paragraph 3 of the Leaders' Statement, upon request from an interested person or another Economy, each Economy will endeavor to promptly provide information and respond to questions pertaining to any actual or proposed standards and conformance measure.			
5. Recognizing that standards and conformance measures can have an adverse impact on trade and development, each Economy will ensure that such measures are developed and administered in a transparent manner, and in compliance with WTO TBT/SPS obligations, as well as the APEC Guidelines for the Preparation, Adoption and Review of Technical			

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Regulations, and the APEC SCSC Principles and Features of Good Practice for Technical Regulations so as to prevent the creation of unnecessary or arbitrary barriers to trade.			
6. Each Economy will promote awareness of and compliance with the transparency provisions of the WTO TBT and SPS Agreements.			
7. Each Economy that is a WTO Member will cooperate in the Triennial Reviews of the TBT Agreement to promote awareness of and compliance with the transparency provisions of the TBT Agreement, the APEC Guidelines for the Preparation, Adoption and Review of Technical Regulations, and the APEC SCSC Principles and Features of Good Practice for Technical Regulations.			
8. Each Economy will continue to provide updated information for the SCSC Contact List which is maintained on the APEC Secretariat's website and includes a range of contacts for each economy relevant to standards and conformance activities.			
9. Each Economy will, as appropriate, promote the observance of these transparency standards by the regional and local governments, and non-governmental standardizing bodies within its territory.			

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: STANDARDS AND CONFORMANCE

POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER

Economy:

Contact Point

Name:

Title:

Telephone Number:

Fax Number:

E-mail Address:

Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: INTELLECTUAL PROPERTY**ECONOMY: MEXICO**

Contact Point: JORGE AMIGO CASTANEDA
MARIO RODRIGUEZ MONTERO
JOSEFINA MORENO GARCIA

Organization: MEXICAN INSTITUTE OF INDUSTRIAL PROPERTY (IMPI)

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KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
1. In accordance with paragraph 1 of the Leaders' Statement, each Economy will promptly publish in its domestic language or otherwise make available its laws, regulations, and progressively, all procedures concerning the protection, including enforcement, of intellectual property rights in such a manner as to enable interested parties to become acquainted with them.	Laws, regulations, procedures and administrative rulings of general application are published on a daily basis in the Federal Official Gazette (Diario Oficial de la Federación, DOF). Likewise the domestic and international legal framework on Intellectual Property (IP) is available in Mexican Institute of Industrial Property (IMPI) website (www.impi.gob.mx)	Translation in English of IP law, Regulations and Administrative User Guides, will be available, shortly.	Exchange information with other Economies with expertise in this topic
2. Furthermore, each Economy will clarify procedures and practices regarding application, issuance, and registration of intellectual property rights by publishing the following information: (a) Clear and simple instructions, and an explanation of the steps involved regarding the application and registration process,	<i>According to the Law on Federal Transparency and Access to Governmental Public Information (LFTAPG) "... Federal authorities are obliged by this Law and its Regulations to make available to the public, procedures, requirements and formats. (Article 7.VIII)</i> <i>Such legal framework provides provisions to guarantee access to all</i>	Translation in English of IP law, Regulations and Administrative User Guides, will be available, shortly, as well as IMPI's website English version.	Exchange information with other Economies with expertise in this topic

KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
(b) Examination guidelines and assessment criteria used to review an application for approval, if applicable, (c) Contact points for inquires on standards, technical regulations, and other requirements, (d) Provisions that are directed to SMEs.	<i>the Federal government information however some information is considered restricted or confidential.</i> IMPI's website provides basic factual information about different types of industrial property (trade-marks, utility models, industrial designs, patents, appellations of origin, circuit layout designs). It includes information (User Guides) on how to obtain a patent; a trade mark; an industrial design; a utility model; on how to protect IP and avoid infringements, among others, including also information on fees and FAQ's. All application forms may be downloaded easily There are sections that provide: -Links to IP legislation and IP international legal framework; -Contact points for inquires; -Online payments; -Online search for IP formalities; Online search for existing registered IP rights and published applications (Gazette). Additionally, Pymetec (Patent Technology for Medium and Small Enterprises Portal) is a new system of patents data bases available on the Internet, free of charge. It contains information related to technology available in Mexico for SME's,		

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	research institutes and the academic sector. Only in Spanish language.		
3. Each Economy will also provide a system for the registration of industrial property, which shall include: (a) Providing to the applicant a communication in writing, which may be electronic, of the reasons for any refusal to register a trademark or grant a patent; (b) Providing to the applicant an opportunity to respond to communications from the relevant government authorities, to contest an initial refusal, and to have a higher authority review any refusal to register	The Industrial Property Law (IPL) and its Regulations (RIPL) establish the registration procedure for IP rights. (a) Article 13 of the RIPL points out that IMPI's decisions, requests and other acts shall be notified to applicants or interested third parties by registered mail with acknowledgment of receipt at the address specified for the purpose. They may also be notified in person at the address specified, at the Offices or the premises of the Institute or by publication in the Gazette. When the Institute refuses the granting of a patent (Article 56) or the registration of a trademark (article 125), it shall inform the applicant in writing and shall state the reasoning and legal grounds underlying its decision. (b) IPL provides that the Institute shall inform the applicant accordingly in writing, allowing him a period of two months within which to rectify errors or omissions and to make whatever statement best serves his interests in relation to the impediments and the	Translation in English of IP law, Regulations and Administrative User Guides, will be available, shortly, as well as IMPI's website English version.	Exchange information with other Economies with expertise in this topic

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a trademark or grant a patent; (c) An opportunity for interested parties to petition to oppose or to challenge a trademark or patent application or to seek cancellation after a trademark has been registered or a patent has been granted; and	anticipations cited. If the applicant does not respond within the time allowed. The person concerned shall be allowed an additional period of two months within which to comply with the requirements referred to in the foregoing Article without having to request it, subject to proof of payment of the appropriate fees within a month of compliance. The application shall be considered abandoned if the applicant fails to comply with the requirements specified within the initial period or the additional period referred to in this Article, or fails to provide proof of payment of the appropriate fees. (c) Administrative declarations of invalidity, lapse, cancellation and administrative infringements of patents, trademarks and other IP rights shall be examined and ruled according to the procedure specified in the IPL and shall be filed before IMPI. The Administrative Procedures Federal Law and the Federal Civil Code Procedure shall be subsidiary applicable insofar as it does not contravene this Law. (Article 187). On the other hand, any applicant has the right to file before IMPI an appeal of revision under the Federal Law of Administrative Procedure, or initiate a procedure before the Federal Administrative Court, without requiring the IMPI's administrative declaration. IMPI may initiate the administrative declaration procedure <i>ex officio</i> or at		

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(d) A requirement that decisions in opposition or cancellation proceedings be reasoned and in writing.	the request of a Party who has a legal interest therein and provides grounds for his claim. (Article 188) and it shall notify the owner concerned, in writing (article 193 and 196). Only in Spanish language. This legal framework is available at IMPI's website at www.impi.gob.mx d) According to the Mexican law system all decisions and resolutions should be reasoned and in writing		
4. Each Economy will provide that final judicial decisions or administrative rulings, those where appeals are no longer possible, of general applicability pertaining to the protection, including enforcement, of intellectual property rights shall be communicated to the parties to the proceedings. Each Economy will also provide for publication of such decisions or rulings, or where such publication is not practicable, made publicly available, in a domestic language in such a manner as to enable governments and rights holders to become acquainted with them.	According to the Law on Federal Transparency and Access to Governmental Public Information (LFTAPG), some information is classified reserved¹ or confidential². Information concerning current enforcement procedures, as well as revision procedures, is classified as <i>reserved</i> (Art. 13, par. V³, Art. 14 Par. IV⁴ & Par. VI⁵ LFTAIPG). IMPI notifies final administrative decisions to the Parties, only in Spanish language.		Exchange information with other Economies with expertise in this topic

¹ Reserved information (Art. 3 Par. VI LFTAIP) is such information that is temporary not available to the governors. This information can be reserved for a maximum period of twelve years.

² Confidential information (Art. 18 LFTAIP) is that one that deals with personal data of individuals.

³ In cases when disclosure of information might cause a serious prejudice to the activities of verification under the fulfillment of law, prevention or crimes pursuit, application of justice, taxes collection, migratory activities or procedural strategies in judicial or administrative procedures, meanwhile the resolution hasn't reach the state of *res judicata*.

⁴ Disclosure of information is not possible regarding judicial files or the administrative procedures files which are followed as judgments, meanwhile resolution hasn't reach the state of *res judicata*.

⁵ The information referred as opinions, recommendations or points of view within internal procedures, on which public servers based their decisions, meanwhile final decision is not taken, this decision must be documented.

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5. In accordance with paragraph 2 of the Leaders' Statement, each Economy will, when possible, publish in advance any proposed changes to laws, regulations, and progressively, all procedures concerning the protection, including enforcement, of intellectual property rights, and provide where applicable interested persons a reasonable opportunity for public comment. Each Economy will also make available to all interested parties timely updates of changes to intellectual property law statutory regimes, including as appropriate via the APEC Secretariat.	Laws, regulations, procedures and administrative rulings of general application are published on a daily basis in the Federal Official Gazette (Diario Oficial de la Federación, DOF) however publication in advance by IMPI of any proposed changes to IPR laws and regulations is not available. In force legal framework on IP is available on Mexican Institute of Industrial Property (IMPI) website (www.impi.gob.mx)		Exchange information with other Economies with expertise in this topic
6. In addition to paragraphs 3, 4, and 5 of the Leaders' Statement, each Economy will conduct as appropriate periodic reviews of administrative regulations, rules, and procedures to ensure they are simplified, consistent, and transparent. Outstanding issues raised by the reviews will be resolved where possible in a timely manner.	IP authorities review continuously, administrative regulations, rules, and procedures in order to ensure they are simplified to benefit users, consistent with IP new trends and transparent according to the Law on Federal Transparency and Access to Governmental Public Information (LFTAPG)		Exchange information with other Economies with expertise in this topic
7. Where possible, each Economy will publish information on its efforts to provide effective enforcement of intellectual property rights in its civil, administrative and criminal system, including any statistical information that the Economy may collect for such purposes.	IMPI publishes statistical information regarding IP protection (infringements, seized merchandise; inspection visits) in its website.	Translation in English of statistical information will be available, shortly. According to ASPAN, Mexico will not only publish the efforts on IP enforcement, statistical information on piracy will be published too.	Exchange information with other Economies with expertise in this topic
8. Each Economy will conduct regular			

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briefings in appropriate fora to provide updates on the status of intellectual property protection and enforcement as well as future policy direction, if appropriate	IMPI carries out on a regular basis several events in order to inform the public about the industrial property system in Mexico, including IP protection, registration, procedures, among others. In some cases, these events are organized jointly with international Organizations or national Offices related to IP and are conducted either in Spanish or in English, depending on the speakers.		

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: INTELLECTUAL PROPERTY

POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER

Economy:

Contact Point Name: Carla Bustillos Rodríguez Title: Deputy Director

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Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: CUSTOMS PROCEDURES

ECONOMY:

Contact Point: Name/Title: Mr. Alejandro Gutierrez Fuentes

Administrator of International Customs Affairs

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Organization: Administration General of Customs

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KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
1. In furtherance of paragraph 1 of the Leaders' Statement, each Economy, will promptly publish and make available on the Internet, information on its customs laws, regulations, procedures and administrative rulings of general application in such a manner as to enable interested persons to become acquainted with them.	All Mexican Official Laws, Regulations, Decrees and General Rules, and its amendments thereof, are published in the Official Gazette of the Federation (D.O.F.) which is available to the public. In addition, on permanent basis, we are incorporating to our Customs web site some customs laws, regulations, procedures and administrative rulings.	We will update and gradually incorporate new regulations, procedures and administrative rulings.	
2. In furtherance of paragraph 2 of the Leaders' Statement, each Economy will, to the extent possible, publish in advance any regulations of general application governing customs procedures proposed for adoption, and provide a reasonable opportunity for comments from interested persons.	Proposed regulations and their Regulatory Impact Assessment (RIA) are released for public comments, except in cases where the publication of the draft regulation and RIA may compromise the achievement of the regulation objectives. In addition, Mexican customs regulations provide for the application and the issuance of advance rulings regarding tariff classification of goods based on the Federal Fiscal Code. Mexico also set up a tariff classification committee comprised by specialists in nomenclature and classification, which are in charge of the administration of the advance		

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	ruling system.		
3. In furtherance of paragraph 4 of the Leaders' Statement, and taking into account Economies' individual circumstances, upon request from an interested person in its territory, each Economy wherever possible will provide for the issuance, of advance rulings based on specific facts and circumstances provided by such requester prior to the importation of a good into its territory, for areas such as: (a) tariff classification; (b) the application of the provisions set forth in the WTO Agreement on Customs Valuation; (c) the application of duty drawback; (d) country of origin marking requirements; (e) the application of rules of origin under free trade agreements and other preferential tariff regimes; and (f) Admissibility requirements.	Current legislation provides for a procedure to request advance rulings prior to the importation of good regarding application of WTO Agreement on Customs Valuation; country of origin marking requirements; ROOs under FTAs and other preferential regimes and admissibility requirements. Advance rulings regarding tariff classification of goods can be issued in accordance to the Mexican customs regulations and the Federal Fiscal Code.		
4. Subject to domestic confidentiality requirements, each Economy, will make such advance rulings publicly available for purposes of ensuring application of the rulings to other goods where the facts and circumstances are the same as those under which the rulings are issued.	Advance rulings on tariff classification are published and available to public .		

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5. In furtherance of paragraph 5 of the Leaders' Statement, where warranted each Economy will maintain procedural transparency and fairness in customs procedures by: (a) providing for the prompt review and correction of customs administrative actions; (b) ensuring that importers are provided with the right to a level of administrative review independent of the employee or office issuing the determination subject to review; and (c) maintaining the availability of judicial review of customs administrative determinations.	The Customs Law provides for clear appeal provisions. Basically, there are two different instances for review and appeal. The first one is at the administrative level within the customs authorities, and it is an independent procedure from the office responsible for the determination under review. The other instance is a quasi-judicial review, under the Fiscal Attorney of the Federation authority and it is applicable for any decision made by customs authorities.		
6. Each Economy will, maintain one or several contact points to which interested parties can address questions concerning customs matters, and shall make available on the Internet information concerning the procedures for making such inquiries.	The Administration General for Assistance of the Tax Administration Service offers all kind of assistance and guidance for taxpayers in fiscal and customs matters. The above mentioned Administrations established inquiry points in all major and mid cities in the country and it has a toll free number inquiry line for assistance. In addition the customs web site provides for the possibility to submit inquiries online.		

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: CUSTOMS PROCEDURES

POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER

Economy:

Contact Point

Name: same as above

Title:

Telephone Number:

Fax Number:

E-mail Address:

Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: MARKET ACCESS**ECONOMY:**

Contact Point: Name/Title: Gabriela Martinez Silva

Organization: Ministry of Economy

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Fax Number: (52 55) 5729 9100 ext. 15098

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KEY TRANSPARENCY PROVISIONS	STATUS OF IMPLEMENTATION (PROVIDE DETAILS)	FURTHER ACTIONS PLANNED TO COMPLETE IMPLEMENTATION (INDICATE TIMEFRAME)	CAPACITY BUILDING NEEDS TO COMPLETE IMPLEMENTATION
1. (a) In accordance with paragraph 1 of the Leaders' Statement, each Economy will promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media (for example via the Internet), information on its laws, regulations, and progressively, procedures and administrative rulings relating to tariff and non-tariff measures. (b) Such information could include publication of the following measures: (i) tariff schedules, with current applied tariff rates, on the Internet; (ii) details of preferential tariff programs;	Laws, regulations, procedures and administrative rulings of general application are published on daily basis in the Federal Official Gazette (Diario Oficial de la Federación, DOF) both printed and on the internet. The DOF is distributed to the three branches of the Mexican government and to Governors, who forward it to its local authorities. Current applied tariff rates, including any updated information, as well as tariff schedules of preferential agreements are published on the DOF. Every preferential agreement is published in the DOF and in the internet web address of the Ministry of Economy (www.economia.gob.mx).	Mexico is working to implement the 2007 version of the Harmonized System. As long as this version has to do with an internal Law, legislative approval is required. As soon as Mexican Congress approved the modifications to the Law, those modifications will be published. We foresee to publish the modified Law on the July-December semester.	

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(iii) tariff rates applicable under Free Trade Agreements and Regional Trade Agreements; and (iv) NTMs maintained by member economies.	Also, specific conditions for obtaining a preferential treatment are published in the DOF through regulations or administrative rulings, for example, conditions to obtain a preferential quota, allocation mechanisms, etc. It is possible to obtain specific information in the following address: http://www.siicex.gob.mx/SICETECA/SICETECA.html The tariff rates applicable under Free Trade Agreements and Regional Trade Agreements are published on the DOF annually. All NTM's are published. It is possible to find specific information in the following address: http://www.siicex.gob.mx/SICETECA/SICETECA.html	Once the modifications to Mexican Tariff Law will be in force, the correspondent modifications to tariff rates applicable on FTA and RTA will be published.	
2. In accordance with paragraph 2 of the Leaders' Statement, when possible each Economy will endeavour to publish in advance any tariff or non-tariff measure that it proposes to adopt, and provide interested persons a reasonable opportunity to comment on such proposed measures.	The Federal Regulatory Improvement Commission (COFEMER), created under the Federal Administrative Procedures Law (LFPA), is in charge of: reviewing the national regulatory frame; passing judgments of the drafts and the Regulatory Impact Analysis (RIA) of the federal normativity; offer technical advice; and the power to sign regulatory reform interinstitutional agreements. The Commission is in charge of the Federal Registry of Formalities and Services (RFTS). The RFTS is a public register where all the formalities of the Federal Public Administration are inscribed, as well		

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	as their corresponding formats (except fiscal, national defense and agricultural and labor justice formalities). The formalities that are already registered in the RFTS can't be applied in a different way to the established one, and the formalities that are not in the registry cannot be applied at all. The RFTS is one of the most advanced registries in the world and private citizens can legally opposed to certain formalities in cases where the formality is applied differently as it is registered.		
3. In accordance with paragraph 3 of the Leaders' Statement, upon request from an interested person or another Economy, each Economy will endeavour to promptly provide information and respond to questions pertaining to any actual or proposed measures referred to in paragraph 1 above.	As mentioned in the previous paragraph, federal ministries' regulations drafts are public, and the citizens and entrepreneurs can make comments and participate in the revision process of federal regulations, through the RFTS web page.		
4. Each Economy will endeavour to ensure that non-tariff measures are administered in a transparent manner, so as to mitigate their effect on the trade and development of other Economies.	As mentioned, federal ministries' regulations drafts are subject to public comments before their application, through the RFTS web page. All the formalities registered in the RFTS can not be applied in a different way to the established one and the formalities that are not in the registry can not be applied at all. Also, these regulations have to be published on the DOF.		
5. Each Economy that is a WTO Member will, where possible, provide information on non-tariff measures when requested by other WTO Members in the context of the WTO negotiations on market access and	On October 2006, Mexico made a notification to the Committee on Import Licenses, through the documents G/LIC/N/1/MEX/2 G/LIC/N/3/MEX/2. Mexico is also actively participating in the		

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will participate actively in these negotiations as they move forward.	negotiations of market access.		
6. Each Economy that is a WTO Member will comply with notification procedures under the WTO Agreement on Import Licensing Procedures.	On October 2006, Mexico made a notification to the Committee on Import Licenses, through the documents G/LIC/N/1/MEX/2 G/LIC/N/3/MEX/2		
7. Each Economy that is a WTO Member will submit its updated tariff data (both bound, and, where possible, current applied) and trade data to the WTO Integrated Data Base on a timely basis. Economies in the process of acceding to the WTO will, where possible, submit current applied tariff and trade data to the WTO Integrated Data Base. Each economy will also submit current applied tariff data to the APEC tariff database in a timely manner.			
8. Each Economy will provide to the APEC Secretariat for inclusion on the website of the Market Access Group (MAG) links to individual government websites, including, where possible, links to specific officials responsible for developing, administering, implementing and/or enforcing policies related to tariff and non-tariff measures. Each Economy further agrees to provide current information on import regulations for the MAG's Import Regulation website. Each Economy will also provide as much information as possible on rules and procedures, and details of enquiry points, in its e-Individual Action Plan.	In the Ministry of Economy web site, it is possible to find information regarding laws and regulations applicable to foreign trade: www.economia.gob.mx Also, as mentioned, information about tariff and non tariff measures can be found in the web site of the Foreign Trade Information Integral System (Sistema Integral de Información de Comercio Exterior): http://www.sicex.gob.mx/SICATECA/SICATECA.html	Mexico is preparing its information for 2007 IAP which will be submitted in the foreseen period.	

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IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: MARKET ACCESS

POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER

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Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: GOVERNMENT PROCUREMENT

ECONOMY: MEXICO

Contact Point: Name/Title: Alejandro Bonilla Muñoz / Director of Government Procurement Negotiations Organization: Ministry of Economy
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1. Consistent with paragraph 1 of the Leaders' Statement, each Economy will: (a) ensure that its laws, regulations, and progressively judicial decisions, administrative rulings, policies (including any discriminatory or preferential treatment such as prohibitions against or set asides for certain categories of suppliers), procedures and practices (including procurement methods) related to government procurement (collectively referred to as "procurement rules") are promptly published or otherwise made available, for example, via the Internet, in such a manner as to enable interested persons and other Economies to become acquainted with them; (b) designate an official journal or journals and publish the procurement rules in such journals on a regular basis and make copies of the journals readily available to the public (e.g., via the Internet); and	Mexico promptly publishes and makes available through COMPRANET and the Official Gazette (<i>Diario Oficial de la Federación</i>) any laws, regulations, judicial decisions, administrative rulings, policies, procedures and practices related to government procurement.		

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(c) promote observance of the provisions of this paragraph by the regional and local governments and authorities within its customs territory.			
2. Each economy will disseminate information on its procurement rules, for example, by: (a) publishing either a positive or negative list of the procuring entities subject to its rules; and (b) providing a description of its procurement rules on the APEC Government Procurement Experts Group Home Page and linking its government procurement Home Page, where available, with the APEC Government Procurement Experts Group Home Page.	Article 1 of the Law on Acquisitions, Leasing and Services of the Public Sector (LAASSP) and Article 1 of the Law of Public Works and Related Services (LOPSRM) set out the types of procuring entities subject to their rules. The updated information related to the mexican legal framework regarding government procurement is available at the APEC GPEG web page.		
3. Consistent with paragraph 2 of the Leaders' Statement, when possible each Economy will publish in advance any procurement rules that it proposes to adopt; and provide, where applicable, interested persons a reasonable opportunity to comment on such proposed procurement rules.	The Federal Commission of Regulatory Improvement (COFEMER) is the entity responsible for publishing in advance the regulations or modifications that the government proposes to adopt, in order to provide interested persons a reasonable opportunity to comment on such items.		
4. Consistent with paragraph 3 of the Leaders' Statement, each Economy will endeavor upon request from an interested person or another Economy to promptly provide information and respond to questions pertaining to any actual or proposed rules. Each	Through the COFEMER's web site, any interested person can make consultations regarding the scope and implications of a new rule or modification over the current legal framework.		

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Economy will also establish contact points for such inquiries.			
5. Consistent with paragraph 4 of the Leaders' Statement, in administrative proceedings applying to any procurement rule, each Economy will ensure that: (a) wherever possible, persons of another Economy that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of any issues in controversy; (b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding and the public interest permit; and (c) its procedures are in accordance with domestic law.	Article 10 of the Federal Law of Transparency and Access to the Public Governmental Information indicates that public entities shall publish, in their own web sites or in the COFEMER web site, along with a Regulatory Impact Manifest, any new rules or modifications 20 days prior to their intended date of publication or signature by the President. In the prior publication entities must designate a contact responsible for attending consultations and complaints.		
6. Consistent with paragraph 5 of the Leaders' Statement, where warranted, each Economy will ensure that appropriate domestic procedures are in place to enable prompt review and correction of final administrative actions, other than those taken for sensitive prudential reasons,	The Ministry of Public Function is an impartial reviewing authority with no interest in the outcome of a procurement procedure. This entity supervises the correct application of the legal framework in government procurement, as well as in bid challenge submissions. This Ministry		

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regarding matters covered by these Standards, that: (a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter; (b) provide parties to any proceeding with a reasonable opportunity to present their respective positions; (c) provide parties to any proceeding with a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority; and (d) ensure, subject to appeal or further review under domestic law, that such decisions are implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.	also supervises the transparency of every procurement procedure and that procuring entities provide parties in any proceeding a reasonable opportunity to present their respective positions.		
7. Each Economy will endeavour to maximize transparency in access to procurement opportunities. This should be accomplished where possible by: (a) where open tendering is adopted, publishing procurement opportunities in a medium readily accessible to suppliers (e.g., on the Internet); (b) making the same information on	Procurement notices are published through COMPRANET and the Official Gazette, giving all potential suppliers equal access to information regarding time periods, and the complete description of the purchase, as well as the corresponding contact point of the purchasing entity.		

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procurement opportunities available in a timely manner to all potential suppliers; (c) publishing contact details of purchasers, and their product/ service purchase interests, for suppliers wishing to register their interest in being notified of bidding opportunities that may not be publicly advertised; (d) making available early advice of complex high-value procurement needs through staged procedures such as public requests for information, requests for proposals and invitations for pre-qualification, and allowing adequate time for interested suppliers to prepare and submit a response; (e) making publicly available requirements and procedures for pre-qualification of suppliers; and (f) any time limits established for various stages of the procurement process.			
8. Each Economy will make available for suppliers all the information required to prepare a responsive offer. This should include where possible: (a) providing in procurement notices the following information: the nature of the product or service to be procured; specifications; quantity, where known; time frame for delivery; closing times and dates; where to obtain tender	Procurement notices published through COMPRANET and the Official Gazette include information on the nature of the product or service to be procured, specifications, quantity, time frame for delivery, closing times and dates, tender documentation, and bid challenge, among others.		

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documentation, where to submit bids, and contact details from which further information can be obtained; (b) providing any changes to participating suppliers; and (c) providing tender documentation and other information to suppliers promptly on request.			
9. Each Economy will maintain transparent criteria for evaluating bids and evaluate bids and award contracts strictly according to these criteria. This should be done where possible by: (a) specifying in procurement notices or tender documentation all evaluation criteria, including any preferential arrangements; and (b) maintaining, for a predetermined period proper records of decisions sufficient to justify decisions taken in the procurement process.	The Mexican procurement rules establish that the award criteria, among the requirements set out in the procurement notice, may establish a cost-benefit analysis that is applicable to all proposals. The procuring entities must keep records of tenders for at least three years.		
10. Each Economy will award contracts in a transparent manner. This should be accomplished where possible by: (a) publishing the outcome of the tender including the name of the successful supplier and the value of the bid; and (b) as a minimum promptly notifying unsuccessful suppliers of the outcome	In accordance with the government procurement legal framework, all entities should publish through COMPRANET the outcome of the tender, including the name of the successful supplier and the value of the bid. The procuring entities will emit a dictum that includes a chronological review of the acts of the procedure, the analysis of offers and the reasons		

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of their bids and where and when contract award information is published, and debriefing unsuccessful suppliers on request.	for their admission or discarding.		
11. Consistent with paragraph 11 of the Leaders' Statement, an Economy does not need to disclose confidential information where such disclosure would impede law enforcement, the enactment of laws, or that would be contrary to the public or national interest, or compromise security of the economy concerned or that would prejudice the legitimate commercial interests of particular persons or enterprises. Each economy will keep commercially sensitive information secure and prevent its use for personal gain by procurement officials or to prejudice fair, open and effective competition.	Articles 13 and 14 of the Federal Law of Transparency and Access to the Governmental Public Information establish that entities do not need to disclose information where such disclosure would impede law enforcement; the enactment of laws, or that would be contrary to the public or national interests of particular persons or enterprises. Each entity will keep commercially sensitive information secure and prevent its use for personal gain by procurement officials or to prejudice fair, open and effective competition.		

IMPLEMENTATION OF APEC'S AREA-SPECIFIC TRANSPARENCY STANDARDS

AREA: GOVERNMENT PROCUREMENT

POSSIBLE ASSISTANCE AND EXPERIENCE TO OFFER

Economy:

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Economies with particular expertise and resources to offer could indicate this here and/or refer to relevant websites.