

# Table of Contents

<b>About the Author</b>	<b>ix</b>
<b>Foreword</b>	<b>xi</b>
<b>Introduction</b>	<b>1</b>
<b>Chapter I</b>	
<b>The North American Free Trade Agreement: What It Is and What It Is Not</b>	<b>3</b>
A. NAFTA Is Not a Common Market or Economic Union	3
B. Effect on Employment	4
C. Effect on Environment	4
D. Effective Date and Implementation Process	5
1. United States	5
2. Mexico	6
3. Canada	6
E. Amendments, Withdrawal Accession	7
1. Amendments: Article 2202	7
2. Withdrawal: Article 2204	7
3. Accession: Article 2205	7
F. Dispute Resolution	7
<b>Chapter II</b>	
<b>NAFTA: What Changes to Expect</b>	<b>11</b>
A. Tariffs: An Overview	11
B. Motor Vehicle Sector	13



## Table of Contents

1.	Canada	14
2.	Mexico	15
	a. Auto Parts Industry, National Supplies, and Independent <i>Maquiladoras</i>	15
	b. Used Vehicles	16
3.	United States	16
C.	Textile Products	16
D.	Investment	18
E.	Settlement of Investment Disputes	20
F.	Financial Services	34
G.	Insurance	37
H.	Telecommunications	37
I.	Energy	39
J.	Advertising	40
K.	Cross-Border Trade in Services	40
L.	Transportation	42
	1. Trucking	42
	a. For Carriers Entering Mexico (Information from NAFTA, Sept. 6, 1992, Annex I, I-M-77-78)	43
	b. For Mexican Carriers Entering the United States (Information from NAFTA, Sept. 6, 1992, Annex I, I-U-21-23)	43
	c. Domestic Shipping	44
M.	Bus Transportation	44
N.	Investment in Transportation	45
O.	Technical and Safety Standards: Related Issues	46
P.	U.S. Perspective of NAFTA with Regard to Transportation	47
Q.	Canadian Perspective of NAFTA with Regard to Transportation	47
R.	Mexican Perspective of NAFTA with Regard to Transportation	48
S.	Intellectual Property	48
T.	Health and Phytosanitary Regulations	49
U.	Government Procurement	50
V.	Rules of Origin	53

## Chapter III

### Rules of Origin, Valuation, and Customs Duties:

	<b>“What You Need to Know to Understand the Rules of Origin”</b>	<b>57</b>
A.	The Importance to Your Business of Understanding the Rules of Origin	57
	1. Generalized System of Preferences	58
	2. Beneficiary Developing Countries	58
	3. Rules of Origin	59
	4. Produced in the BDC	59
	5. Direct Cost of Processing Operations Performed in the BDC	60



6.	Direct Shipment	60
7.	NAFTA Rules of Origin	61
8.	Origin of Goods	61
9.	Automotive Industry	62
10.	Textiles and Apparel	62
11.	Accessories, Spare Parts, Tools, and Packaging Materials	63
12.	Certificates of Origin	63
B.	Customs Administration	64
1.	Duty Drawback	64
2.	Customs User Fees	65
C.	Safeguards	65
D.	Unfair Trade Practice Statutes	67
1.	Antidumping and Countervailing Duties	67
E.	Agriculture	69
F.	Antitrust Law	71
1.	Competition Policy Monopolies and State Enterprises	71
G.	Temporary Entry for Business-persons	72

#### **Chapter IV**

#### **The Supplemental Agreements 75**

A.	The Environmental Side Agreement	75
1.	The Interest Groups	76
a.	The Environmental Groups	76
i.	Funding	76
ii.	Enforcement	77
iii.	Language Clarifications	77
iv.	Public Participation and Transparency	78
v.	Judge Richey's Decision	79
vi.	The Environmental Commission	80
vii.	More Proposals	80
b.	Business Groups	81
c.	The Governments and Their Subunits	82
d.	The United States	82
i.	Mexico	84
ii.	Canada	84
2.	Analysis of the Proposals	84
a.	Past Pollution	84
b.	Trade Sanctions	85
c.	Business	86
3.	The Side Accord	87
a.	The Preamble, Objectives, and Enforcement	87
b.	The Commission	87
i.	The Council	87
ii.	The Secretariat	88
iii.	The Joint Public Advisory Committee	93



## *Table of Contents*

c. Resolution of Disputes	93
d. Parts 6 and 7	94
4. The Proposals and the Side Accord	94
5. Conclusion	96
B. The Labor Side Agreement	97
1. Principles	100
2. Institutions	100
a. Labor Commission	100
b. Ministerial Council	100
c. International Coordinating Secretariat	101
d. National Administrative Offices	101
3. Avenues of Consultation	101
4. Joint Cooperative Programs	102
5. Transitional Adjustment Assistance Program	102
6. Withdrawal	103
7. Reactions to the Labor Accord	103
a. Negative Reaction	103
b. Positive Reaction to Labor Accord	105
8. Job Growth Theory	107
9. Dispute Resolution	112
 <b>Chapter V</b>	
<b>Post-NAFTA Developments</b>	<b>115</b>
A. 2008 Presidential Campaign Rhetoric and Obama Administration Policies toward NAFTA	115
B. The Security and Prosperity Partnership (SPP): NAFTA II	116
 <b>Chapter VI</b>	
<b>Conclusion</b>	<b>117</b>
 <b>Appendix I</b>	
<b>Temporary Business Visa Eligibility and Government Procurement</b>	<b>119</b>
 <b>Appendix II</b>	
<b>Annex 302.2 – Tariff Elimination</b>	<b>145</b>
 <b>Appendix III</b>	
<b>NAFTA Arbitration Cases</b>	<b>149</b>
 <b>Index</b>	<b>215</b>