

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED MEXICAN STATES, THE GOVERNMENT OF CANADA, AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING THE USE OF CARE SYMBOLS ON TEXTILE AND APPAREL GOODS LABELS

Recalling that Annex 913.5.a-4 of the North American Free Trade Agreement (the "NAFTA") provides that the NAFTA Subcommittee on Labelling of Textile and Apparel Goods shall develop a work program on the harmonization of labelling requirements to facilitate trade in textile and apparel goods through the adoption of uniform labelling provisions;

Noting that the NAFTA Subcommittee on Labelling of Textile and Apparel Goods has agreed that the acceptance by the NAFTA Parties of certain care instruction symbols for use on labels would facilitate trade in textile and apparel goods;

The Government of the United Mexican States, the Government of Canada, and the Government of the United States (the "Parties") hereby agree as follows:

Section 1: Labelling Requirements

1. The Parties agree that the care symbols described in paragraph 2 of this section may be used to satisfy any requirements for standards or technical regulations set out in Annex A to this Agreement for care instruction labelling for textile and apparel goods. The Parties further agree that all textile and apparel goods containing these symbols will be afforded entry into their customs territory if such goods otherwise meet all applicable requirements for entry or importation.
2.
 - (a) Subject to subparagraph (b), the care symbols set out in Annex B, entitled "NAFTA GUIDE TO CARE SYMBOLS," may be used to satisfy any requirements for standards or technical regulations set out in Annex A to this Agreement for care instruction labelling for textile and apparel goods.
 - (b) With respect to garments sold in the United States, the "dry clean" care symbols may be utilized if the garment may be dry cleaned safely by means of the normal dry cleaning process. If some modification of the normal dry cleaning process is required in order that a garment may be safely dry cleaned, the "dry clean" care symbol may be utilized if the care label also contains warnings in words against use of the parts of the dry cleaning process that would harm the garment.
3.
 - (a) For greater certainty, Annex A, entitled "Applicable Care Labelling Provisions in Mexico, Canada and the United States" and Annex B, entitled "NAFTA Guide to Care Symbols" are hereby incorporated into and made a part of this Agreement.

- (2) Any reference in this Agreement to Annex A shall be interpreted as referring to it as amended from time to time. Each party shall promptly notify the others of any amendments to Annex A.
4. The Parties agree to meet periodically to discuss issues arising out of this Agreement or modifications to this Agreement and Annex B.
 5. Upon signature of this Agreement, the Parties will initiate any necessary legal procedures to modify domestic standards or technical regulations for care instruction labelling for textile and apparel goods. The Parties will exchange written notifications certifying the completion of such procedures, or notifications certifying that such procedures were not necessary, as appropriate.
 6. This Agreement will enter into force the earlier of one year after signature, or on the exchange of written notifications certifying that domestic standards or technical regulations for care instruction labelling for textile and apparel goods are in compliance with this Agreement.
 7. A Party may withdraw from this Agreement six months from the date of written notice of withdrawal to the other Parties.
 8. The English, French and Spanish texts of this Agreement are equally authentic.

Section 2: Definitions

For purposes of this Agreement:

1. (a) In the United States, the term “*dry cleaning*” or “*normal dry cleaning*” means a commercial process by which soil is removed from goods or specimens in a machine which uses common organic solvent (*e.g.*, petroleum, perchlorethylene). The process may also include adding moisture to the solvent, up to 75% humidity, hot tumble drying up to 160 degrees F (71 degrees C), and restoration by steam press or steam-air-finishing.
- (b) The term “textile and apparel goods” means:
 - 1) In the United States, a textile is any commodity, woven, knit, or otherwise made primarily of fiber, yarn or fabric and intended for sale or resale, requiring care and maintenance to effectuate ordinary use and enjoyment. In the United States, textile wearing apparel is any finished garment or article of clothing made from a textile product that is customarily used to cover or protect any part of the body, including hosiery, excluding footwear, gloves, hats or other articles used exclusively to cover or protect

the head or hands.

- 2) In Canada, any textile fibre, yarn or fabric, or any product made in whole or in part from a textile fibre, yarn or fabric that is in the form in which it is or is to be sold to any person for consumption or use, other than consumption or use in the manufacturing, processing or finishing of any product for sale.
- 3) In Mexico, [**TO BE CONFIRMED**]

2. The following definitions contained in NAFTA Article 915 also apply to this Agreement and are reproduced below:

- (2) The term "*standard*" means a document, approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for goods or related processes and production methods, or for services or related operating methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a good, process, or production or operating method.
- (3) The term "*technical regulation*" means a document which lays down goods characteristics or their related processes and production methods, or services characteristics or their related operating methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a good, process, or production or operating method.

Annex A

Applicable Care Labelling Provisions in Mexico, Canada and the United States

United States

- 16 Code of Federal Regulations Part 423 -- *Care Labeling of Textile Wearing Apparel and Certain Piece Goods As Amended.*

Mexico

- NMX-A-240 – *Industria textil y del vestido. Simbolismo para la indicacion en el cuidado y conservacion de las prendas y/o articulos textiles* (translation NMX-A-240 – *Textile And Clothing Industry. Graphical Symbolism For Care Of Piece Goods And Wearing Apparel*).

Canada

- CAN/CGSB-86.1-M91 National Standard of Canada - *Care Labelling of Textiles.*

DATED:

for the Government of the
United Mexican States

for the Government of Canada

for the Government of the
United States of America