

ALERT

Opportunity to Provide Input on the Modernization of NAFTA

May 23, 2017

The Office of the U.S. Trade Representative (USTR) requested that parties provide comments on the United States' negotiating positions for the modernization of the North American Free Trade Agreement (NAFTA). The comments are due on June 12, 2017. USTR also announced that it will hold a hearing on June 27, 2017 to allow parties to testify on what the U.S. negotiating positions should be. Requests to testify and testimony summaries are also due by June 12, 2017.

This is a very important opportunity to shape the negotiations for modernizing NAFTA and setting the standards for future trade agreements. Changes to NAFTA will likely have profound effects across the American economy and for multiple economic sectors. Recognizing that NAFTA is more than 20 years old, the Administration is looking to improve the current provisions of NAFTA and to expand the scope of issues covered by the agreement. Companies and industries that want better access to the Canadian and Mexican markets or have supply chains that cross North America should strongly consider providing comments on changing and updating NAFTA. The impacted sectors include manufacturers, IP, e-commerce and digital service creators, agriculture and food producers, financial and other service providers, and pharmaceuticals, among others. Moreover, a modernized NAFTA could also affect rules regarding government contracts, food and agricultural safety requirements, the environment, and labor.

Engaging in the NAFTA modernization process at this stage is highly recommended given the broad possible effects of a revised agreement, and the Administration's goal of quickly completing the NAFTA negotiations. If the Administration follows a quick timetable,

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opportunities to shape the negotiations in the future could be limited. Finally, the Administration has said that it will base future trade agreements on what is negotiated in the modernized NAFTA. As a result, now is the time to ensure that your company's standards are established in NAFTA and also applied in possible future agreements, such as with Japan, the United Kingdom, and Europe, among others.

Please feel free to contact us if you have any questions or would like to discuss further.