

Relevant updates – November- December 2022

Mexico City, December 20, 2022

Below we detail the most relevant updates on International Trade matters during November and December 2022.

A. Agreement establishing the products subject to import and export regulation by the Ministry of National Defense.

On November 1st, 2022, the “Agreement establishing the goods whose import and export is subject to regulation by the Ministry of National Defense”, was published in the Official Gazette of the Federation (for its acronym in Spanish “DOF”), providing the Harmonized Tariff Schedule (“HTS”) and goods that are subject to previous import permits in homologation to the new General Import and Export Tax Law (for its acronym in Spanish “LIGIE”).

This agreement was effective on the same day as the new LIGIE, December 12, 2022.

The following link provides the complete official publication (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5670180&fecha=01/11/2022#gsc.tab=0

B. Expiration notice of antidumping duties.

On November 2nd, 2022, the “antidumping duties expiration date” was published in the DOF. Through which the period of antidumping duties that expire from March to October 2023. Providing the deadline for filing the interest in the sunset review procedure.

Emphasizing that the antidumping duties of the following products are about to expire: “carbon and alloy steel pipe with longitudinal seams”, “seamless carbon steel pipe”, “metallic plastic balloons”, “welded link steel chain”, “ferrosilicomanganese”, among others.

The following link provides the complete official publication (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5670338&fecha=02/11/2022#gsc.tab=0

C. Final resolution of the sunset review regarding antidumping duties on the importation of mushrooms from China.

On November 3, 2022, the “Final Resolution of the sunset review on antidumping duties on the importation of mushrooms of the agaricus genus originating from China, regardless of the country of origin” was published in the DOF. This product is imported into Mexico through the HTS code 2003.10.01 of the Tariff of the Law of General Import and Export Taxes (for its acronym in Spanish “TIGIE”).

The investigating authority concluded to extend the application of the antidumping duties for five more years, starting on May 18, 2021, as follows:

- a) Of USD \$0.1443 per kilogram net to imports originating in Chile, and
- b) Of USD \$0.4484 per kilogram net to imports originating in China.

The following link provides the complete official publication (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5670545&fecha=03/11/2022#gsc.tab=0

D. Agreement establishing specific origin requirements for the Pacific Alliance Agreement.

On November 14, 2022, the “Decision No. 13 made by the Administrative Commission of the Free Trade Agreement of the additional Protocol to the Framework Agreement of the Pacific Alliance. Update of Annex 4.2 (Specific Origin Requirements) to the Harmonized System 2017, adopted on January 25, 2022, and its Annex” was published in the DOF. To maintain symmetry with the Sixth Amendment to the Harmonized System for the Description and designation of Goods, adopted by the World Trade Organization, updated and modified Annex 4.2 (Specific Origin Requirements) of the Pacific Alliance.

It is important to mention that such agreement has not updated yet according to the Seventh Amendment to the Harmonized System for the Description and designation of goods.

The following link provides the complete official publication (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5671247&fecha=14/11/2022#gsc.tab=0

E. Decree exempting basic food products.

On November 18, 2022, the “Decree exempting the payment of import duties on basic food products” was published in the DOF, in accordance with the new LIGIE, modifying the HTS code of such Decree, originally published on May 19, 2022, approved and modified, by which, due to the high inflation suffered by the country and in response to the Inflation, the payment of the general import tax is temporarily exempted for 66 HTS code items that include products of the basic food basket, namely: corn oil, rice, tuna, pork, chicken, beef, onion, jalapeño, beans, corn flour, wheat flour, egg, toilet soap, tomato, milk, lemon, white corn, apple, orange, bread, potato, pasta soup, sardine, sorghum, wheat, carrot, among others.

This decree came into effect on the same day the LIGIE was published in the DOF, December 12, 2022, and will be in effect until May 17, 2023, which may be extended for an additional year.

The following link provides the complete official publication (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5671925&fecha=18/11/2022#gsc.tab=0

F. Decree modifying the TIGIE.

On November 18, 2022, the “Decree modifying the HTS code of the General Import and Export Tax Law, the Decree for the support of the competitiveness of the automotive terminal industry and the impulse to the development of the internal automobile market, the Decree for the Promotion of the Manufacturing, Maquiladora and Export Services Industry, the Decree establishing the general import tax for the region border and the north border zone, the Decree of the Chetumal free zone, the Decree establishing different Sector Promotion Programs, the Decree regulating the definitive importation of used vehicles and the different decrees establishing tariffs-quota” was published in the DOF, by which the description and different HTS codes of the LIGIE are modified, in order to be homologated with the new LIGIE.

The following link provides the complete official publication (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5671926&fecha=18/11/2022#gsc.tab=0

G. Import and export quotas.

On November 18, 2022, the “Agreement through which the modifications of the rules that establishes the import and export quotas are announced” was published in the DOF. Through which as a result of the new LIGIE publishing, and with the need to give more legal certainty,

the different instruments by means of which the following are established the new import and export quotas were standardized and updated.

Among others, the table in which the quotas and the procedure for their assignment to import cheese and wool fabrics, with origin in Uruguay according to the Free Trade Agreement between Mexico and Uruguay, are modified. And the quotas to enter the Federative Republic of Brazil for different products with origin in Mexico are also modified.

In the same way, the quotas to enter Argentina exclusively canned or packaged peaches in syrup and iron and steel products from Mexico are announced, as well as the quotas to import producers from Argentina.

Quotas are established for importation into Mexico, under the HTS code, of bovine meat and offal, chicken meat and preparations, natural honey, fresh bananas, oranges, tomato pasta or tomato sauce, orange juice, tomato juice without sugar, ketchup, other tomato sauces, d-glucitol (sorbitol), dextrin and other modified starches, crust tanned hides and skins, footwear, dehairing hides and skins and flat-rolled products of iron or steel, originating in Japan.

The quotas and the mechanism of assignment to import products originating and coming from Cuba, as well as processed tuna, except loins, originating from the member countries of the European Community, the United Kingdom of Great Britain and Northern Ireland, are informed. In addition to the above, the quota for importing, with the tariff-quota, chicken and turkey cuts and the quota for importing beef from Uruguay are also published.

Likewise, the mechanism and criteria for the assignment of quotas for exporting new light automotive vehicles to Argentina and the quota for importing new light vehicles from Argentina are established. Finally, the quota and allocation mechanism for the importation of toys and baby products is established.

Finally, it is mentioned that this agreement came into force on the same day as the new LIGIE (December 12, 2022).

The following link provides the complete official publication (available only in Spanish):
https://www.dof.gob.mx/nota_detalle.php?codigo=5671927&fecha=18/11/2022#gsc.tab=0

H. Preliminary permit and sugar export quota.

On November 22, 2022, the "Agreement modifying the rules of export of sugar is subject to previous authorization and establishing the maximum sugar export quota" was published in the

DOF, through which, as a result of the publication of the new LIGIE, different HTS codes were homologated and updated in order to request and obtain the previous permit and sugar export quota.

Such agreement came into force on the same day as the new LIGIE (December 12, 2022).

The following link provides the complete official publication (available only in Spanish):
https://www.dof.gob.mx/nota_detalle.php?codigo=5671953&fecha=22/11/2022#gsc.tab=0

I. Agreement providing import and export products subject to regulation by the Ministry of Energy.

On November 22, 2022, the “Agreement establishing import and export goods subject to regulation by the Ministry of Energy” was published in the DOF, through which, as a result of the publication of the new LIGIE and in order to provide greater legal certainty, different HTS codes of Annex I of the original agreement were homologated and updated in order to request and obtain import and export permits for the energy sector.

This agreement came into force on the same day as the new LIGIE (December 12, 2022).

The following link provides the complete official publication (available only in Spanish):
https://www.dof.gob.mx/nota_detalle.php?codigo=5671954&fecha=22/11/2022#gsc.tab=0

J. Third resolution modifying the General Rules in Foreign Trade matters applicable for 2022.

On November 23 was published the third resolution modifying the General Rules in Foreign Trade Matters applicable for 2022. The most important amendments are the followings:

- Creation of the register of basic living products importers registry and the specification of the requirements to exempt the payment of import tariffs.
- New suspension grounds were established, such as being listed for any of the reasons indicated in article “17-H Bis” of the Federal Tax Code.
- The reincorporation grounds for taxpayers suspended in the terms of rule 1.3.9. was established. Taxpayers suspended will have to submit the documentation demonstrating the suspension cause was amended.

- Establishment of new schedule for the entry of products of chapter 87, items 01, 02, 03, 04 and 05, and the ones classified on the items 87.11 and 87.16 of the TIGIE, except the following HTS codes 8716.80.03 00, 8716.80.99 01, 8716.80.99 02 y 8716.80.99 99. The working days and hours will be from Monday to Saturday from 8:00 to 13:00 hours.
- Incorporation of a cause for rejecting the authorization of dispatching merchandise through a different place than the already authorized. Such rejection cause is for merchandise containing narcotics.
- The identifiers of dangerous merchandise were amended, among others: chlorine, hydrogen, hydrogen chloride (hydrochloric acid), sodium chlorate, except reactive grade, smokeless or black powder and fireworks.
- Amendment of exclusive customs (Annex 21) to import used cars.
- Amendment of rules regardless the emission of pollutants. The customs brokers in charge of importation of used cars are forced to verify that the car has all the documents demonstrating the compliance with the applicable rules to the emission of pollutants.
- In the case of lack of NOM certificates, the customs authorities will retain the goods, so that the interested party can prove compliance with the corresponding NOM within 30 days following the notification of the notice of retention of the goods and pay the fine referred to in article 185, section XIII of the Law.
- Regarding the maximum periods internal transit of foreign trade goods may take, it is established that in the case of the customs offices of the International Airport of Mexico City, Cancun, Guadalajara, Lazaro Cardenas, Manzanillo, Monterrey, Queretaro, Toluca, Tijuana and Veracruz with destination to the customs office of the International Airport Felipe Angeles, the maximum period of transfer will be 5 calendar days. Specifying that this will not be applicable in case of transfer by railroad, the term will be of 15 calendar days.

This resolution came into effect the day after its publication, with the exception of the modifications related to the homologation of the HTS codes of the new LIGIE, these exceptions came into force on the same day as the new LIGIE (December 12, 2022).

The following link provides the complete official publication (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5672169&fecha=23/11/2022#gsc.tab=0



K. Sunset review of antidumping duties related to steel plate in coil from Russia.

On November 24, 2022. "The resolution declaring the beginning of the administrative procedure regarding the sunset review of the antidumping duties of steel plate in coil imports from Russia, regardless of the country of origin" was published in the DOF. Those goods enter into Mexico through the following HTS codes: 7208.10.03, 7208.25.02, 7208.37.01 y 7225.30.07 of the TIGIE.

The investigating authority sets as period review the following: from October 1st, 2022, until September 30, 2022, pointing that the antidumping fee is 29.30%.

The national producers, importers, and exporters that have legal interest on the sunset review have a period of 23 labor days to verify their legal interest and present their arguments and proof; the period starts 5 days after the publishing of this resolution.

The following link provides the complete official publication (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5672447&fecha=24/11/2022#gsc.tab=0

L. Suspension extension of antidumping duties related to the ammonium sulfate importation.

On November 24, 2022, the "Agreement that modifies the suspension of the antidumping duties regarding the ammonium sulfate importations from USA and China, regardless of the country of origin" was published in the DOF, through which the suspension was made for one more year due to the economic status motivating the emission of such agreement, in addition to the fact that the Mexican government continue applying different strategies to stop the effects of the inflationary trend.

Such agreement will be effective on the following day of its publishing in the DOF and will stop being effective on November 24, 2023.

The following link provides the complete official publication (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5672275&fecha=24/11/2022#gsc.tab=0

M. Agreement modifying the goods of dual use, software, and technology whose export is subject to regulation by the Ministry of Economy.

On November 24, 2022, the "Agreement modifying the goods of dual use, software, and technology whose export is subject to regulation by the Ministry of Economy" was published in

the DOF, through which, according to the new LIGIE and, in order to give more legal certainty, different HTS codes were homologated and updated in order to request import permits of dual use, software, and technology.

Such agreement came into force on the same day as the new LIGIE (December 12, 2022).

The following link provides the complete official publication (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5672276&fecha=24/11/2022#gsc.tab=0

N. Sunset review of antidumping duties of amoxicillin trihydrate imported from India.

On November 24, 2022. The “Resolution declaring the beginning of the administrative procedure regarding the sunset review of the antidumping duties of amoxicillin trihydrate imported from India, regardless of the country of origin” was published in the DOF. Those goods enter to Mexico with the following HTS Code: 2941.10.12 of the TIGIE.

The investigating authority sets as period review, the following: from October 1st, 2022, until September 30, 2022 pointing that the antidumping fee is 64.9%.

The national producers, importers, and exporters that have legal interest on the sunset review have a period of 23 labor days to verify their legal interest and present their arguments and proof. The period starts 5 days after the publishing of this resolution.

The following link provides the complete official publication (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5672277&fecha=24/11/2022#gsc.tab=0

O. Final resolution of the sunset review regarding antidumping duties of the steel plate in coil imports from Russia.

On November 24, 2022, the “Final Resolution of the administrative procedure regarding the sunset review of the antidumping duties of steel plate in coil importations from Russia, regardless of the country of origin” was published in the DOF. Such goods enter into Mexico with the following HTS Codes: 7208.10.03, 7208.25.02, 7208.37.01 y 7225.30.07 of the TIGIE.

The investigating authority extended the 29.30% antidumping duty period for five more years since June 8, 2021.



The following link provides the complete official publication (available only in Spanish):
https://www.dof.gob.mx/nota_detalle.php?codigo=5672278&fecha=24/11/2022#gsc.tab=0

P. Modification to the rules and criteria on foreign trade matters of the Ministry of Economy.

On November 25, 2022, the “Agreement through which the Economy Department release rules and criteria on foreign trade matters” was published in the DOF, due to the new LIGIE, several HTS codes subject to previous import and export permits from the Ministry of Economy were homologated and updated, such as the ones subject to non-tariff regulations and restrictions.

Such agreement came into force on the same day as the new LIGIE, December 12, 2022.

The following link provides the complete official publication (available only in Spanish):
https://www.dof.gob.mx/nota_detalle.php?codigo=5672457&fecha=25/11/2022#gsc.tab=0

Q. Attachments 2, 4, 7, 8, 9, 10, 12, 14, 17, 18, 20, 21, 22, 23, 25, 27 y 28 of the Third amendment of the General Rules in Foreign Trade Matters for 2022.

On November 28, 2022, the “Attachments 2, 4, 7, 8, 9, 10, 12, 14, 17, 18, 20, 21, 22, 23, 25, 27 y 28 from the Third amendment of the General Rules in Foreign Trade Matters for 2022, published on November 23, 2022” were published in the DOF. Due to the new LIGIE several HTS codes were homologated and updated, including filing forms, sensitive goods, explosive goods, goods that are not subject to payment of value added tax, and all those that were modified by the new LIGIE.

Such agreement came into force on the same day as the new LIGIE (December 12, 2022).

The following link provides the complete official publication (available only in Spanish):
https://www.dof.gob.mx/nota_detalle.php?codigo=5672530&fecha=28/11/2022#gsc.tab=0

R. Agreement through which the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), came into effect for Malaysia.

On November 29, 2022, the “Agreement through which the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, came into effect for Malaysia” was published in the DOF. Said treaty came into effect for Malaysia on November 29, 2022.



Said treaty had already come into effect for Australia, Canada, Mexico, Japan, New Zealand, Singapore, Vietnam, and Perú. On September 30, 2022 Malaysia notified the conclusion of its legal procedures applied for the said treaty to become mandatory in that Country from November 29, 2022.

Such agreement came into effect the day after its publication. To review the complete official publication use the following link (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5672652&fecha=29/11/2022#gsc.tab=0

S. Certification of origin method Malaysia will apply for the CPTPP.

On November 29, 2022, the “Advertisement by which the certification method Malaysia will apply because of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership is made known” was published in the DOF. Through which Malaysia knowledge that the origin certification will be issued by a competent authority, therefore an importer cannot request for a special tariff treatment based on an origin certificate filled by an exporter, importer or producer.

Such agreement came into effect the day after its publication. To review the complete official publication, use the following link (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5672654&fecha=29/11/2022#gsc.tab=0

T. Agreement through which the new national notes of the TIGIE are released.

On December 2nd, 2022, the “Agreement through which the new national notes of the TIGIE are released” was published in the DOF to have a homogeneous interpretation and application for the new HTS codes from the new LIGIE. Those notes are the official interpretation of the TIGIE, so its applying is obligatory in order to know the HTS code of the goods being imported and exported.

This agreement came into force on the same day as the new LIGIE (December 12, 2022), and as a consequence it abrogates the previous national notes published in the DOF on December 26, 2020 and its modifications.

The following link provides the complete official publication (available only in Spanish): https://www.dof.gob.mx/nota_detalle.php?codigo=5673161&fecha=02/12/2022#gsc.tab=0



U. Fourth amendment to the General Rules in Foreign Trade Matters for 2022.

On December 5th, 2022, the “Forth modifying Resolution to the General Foreign Trade Rules, 2022” was published in the DOF. Through which the rules 3.5.5.; 3.5.6. y 3.5.8. were modified, such rules are related to the exemption of the importation of vehicles permit, the definitive importation of vehicles to border, and temporary vehicle regime, all of them regarding to used vehicles.

Also, it is important to mention that the systems for the international trade operations are ready to operate in accordance with the new LIGIE.

The following link provides the complete official publication (available only in Spanish):
https://www.dof.gob.mx/nota_detalle.php?codigo=5673259&fecha=05/12/2022#gsc.tab=0

V. Import and export goods subject to regulation by the agencies part of the Inter-Secretarial Commission for the Control of the Process and Use of Pesticides, Fertilizers and Toxic Substances.

On December 5th, 2022, the “Agreement modifying the goods whose import and export are subject to regulation by the agencies part of the Inter-Secretarial Commission for the Control of the Process and Use of Pesticides, Fertilizers and Toxic Substances” was published in the DOF. Due to the new LIGIE, different HTS codes subject to importation, authorization and quotas by such agencies were homologated and updated.

This agreement came into force on the same day as the new LIGIE (December 12, 2022).

The following link provides the complete official publication (available only in Spanish):
https://www.dof.gob.mx/nota_detalle.php?codigo=5673267&fecha=05/12/2022#gsc.tab=0

W. Agreement modifying the products subject to import and export regulation by the Ministry of Environment and Natural Resources.

On December 6, 2022, the “Agreement that modifies the one that establishes the products whose import and export is subject to regulation by the Ministry of Environment and Natural Resources” was published, through which, derived from the publication of the new LIGIE, the list of HTS codes and description of goods that will be subject to import and export permits were homologated and updated.

The Agreement entered into force on the same day as the new LIGIE, on December 12, 2022.

The following link provides the complete official publication (available only in Spanish):
https://www.dof.gob.mx/nota_detalle.php?codigo=5673353&fecha=06/12/2022#gsc.tab=0

X. Agreement modifying tariffs of CPTPP originating goods.

On December 12, 2022, the "Agreement amending the diverse by which the Applicable Rate of the General Import Tax for goods originating from the region of Mexico, Australia, Brunei, Canada was published Chile, Japan, Malaysia, New Zealand, Peru, Singapore, Vietnam, which correspond to Australia, Canada, Japan, New Zealand, Peru and Singapore", through which Malaysia is included in the list of countries that may import into Mexico with tariff preferences under such Treaty.

The Agreement entered into force on the same day as the new LIGIE, on December 12, 2022.

The following link provides the complete official publication (available only in Spanish):
https://www.dof.gob.mx/nota_detalle.php?codigo=5673894&fecha=12/12/2022#gsc.tab=0

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