

New rules impacting the operation of companies with IMMEX and PROSEC programs

Today the Ministry of Economy's (SE) resolution issuing General Rules and Criteria in Foreign Trade Matters was published in the Federal Official Gazette and entered into force.

This resolution contains important changes to the operations of companies under the IMMEX and PROSEC programs. These include the elimination of the obligation to present a certification of facts for certain procedures such as the *inclusion of new domiciles, registration of sub-manufacturing companies and the subsequent expansion of sensitive merchandise*, which is substituted with a written document specifying part of the information and documentation required for the certification of facts.

For the IMMEX procedures that still require the presentation of a certification of facts -*New program, expansion of service activities, expansion of the repair modality, reconditioning and remanufacturing, change of IMMEX modality and expansion for importing sensitive merchandise*, the certification can still be prepared by any certifying public authority (*fedatario público*) for six more months after the date of publication. Once that period expires, it may only be prepared by a Commercial Notary Public (*Corredor Público*) previously authorized by the SE, eliminating the possibility of going through a Notary Public.

Also, an "inspection" by the representation offices (OR) authorized by the SE or by other agencies or bodies through Collaboration Agreements is established as an alternative to the certification of facts; however, only those companies whose domiciles are within the jurisdiction of the OR or the above mentioned agencies may request an inspection. In our opinion, this "alternative" is not nor will be viable given the scarcity of human and material resources, and the lack of collaboration agreements.

The above paragraphs only describe some of the most relevant changes. There are many others that will significantly impact the operation of companies under IMMEX programs and that should be taken into account to avoid penalties and even the cancellation of the programs.

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S I N C E R E L Y

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