

Customs Matters

División Fiscal

In terms of the background you let us know, our general comments as follows:

a) Immex Program

An amendment to the Decree for Development and Operation of the Export Maquila Industry (the “Maquila Decree”) was published in November 1, 2006, to become effective on November 13, 2006.

Among the most significant amendments is the Maquila Decree change of name to Decree for the Promotion of the Manufacturing, Maquila and Exportation Services Industry (the “IMMEX DECREE”). So, programs authorized to companies in the past under the Maquila will now be known as IMMEX Programs. Below, a legal framework of the IMMEX Decree.



Modalities of the IMMEX Program

The modalities under which a company could have a program authorized under the IMMEX Decree are: (i) holding company; (ii) industrial; (iii) services; and (iv) shelter and (v) outsourcing (terciarización).

If your potential client, who is interested to sets up a new subsidiary in Mexico is going to produce seat belts used for automobiles, the advisable modality could be industrial. Obligations of Companies having and IMMEX Program

Every company having an authorized IMMEX Program is required to:

- Realize annual foreign sales above \$500,000 dollars, or invoice abroad at least 10% of its total export sales.
- Temporarily import under the Program only those goods whose importation is approved in the Program.
- Give all goods imported on a temporary basis under its IMMEX Program, only the uses authorized thereunder.
- Return all goods within the periods of time set therefore.
- Maintain the goods only at the authorized premises.

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- Give the Ministry of Economy notice of: (i) all changes in any data previously provided, such as a change in its federal taxpayer ID number, tax domicile or name, (ii) a change of address of any facilities registered in the Program for the conduction of industrial and export sub-manufacture activities, at least three days prior to the movement of the goods; and (iii) its cessation of business.
- Keep an automated inventory control system.
- Additionally, must now file an electronic Annual Report with respect to the total amount of its sales and exports for the immediately preceding fiscal year, no later than the last business day of May.

- The Ministry of Economy will issue a Program authorization within 15 business days following the filing of the application

We estimate that our fees would amount between US \$6,500.00 to US \$7,500.00, plus minor expenses that we might incur and the pertinent value added tax.

b) The General Importers' Register

In order to carry out import operation in Mexico, a General Importers' Register must be obtained before the Ministry of Treasury. The authorization within 7 business days following the filing of the application.

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