



Committee on Anti-Dumping Practices  
Committee on Subsidies and Countervailing Measures  
Committee on Safeguards

Original: Spanish

**NOTIFICATION OF LAWS AND REGULATIONS UNDER  
ARTICLES 18.5, 32.6 AND 12.6 OF THE  
RELEVANT AGREEMENTS**

MEXICO

*Supplement*

The following communication, dated 6 June 2014, is being circulated at the request of the delegation of Mexico.

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Pursuant to Article 18.5 of the Anti-Dumping Agreement, Article 32.6 of the Agreement on Subsidies and Countervailing Measures, and Article 12.6 of the Agreement on Safeguards, the delegation of Mexico wishes to notify to the Committee on Anti-Dumping Practices, the Committee on Subsidies and Countervailing Measures, and the Committee on Safeguards the full text of the amendment to Regulations of the Foreign Trade Law.

## MINISTRY OF THE ECONOMY

### Decree amending, supplementing and repealing various provisions of the Regulations under the Foreign Trade Law.

In the margin, a stamp with the national emblem and the words United Mexican States – Office of the President of the Republic.

**I, ENRIQUE PEÑA NIETO**, President of the United Mexican States, in exercise of the powers conferred upon me under Article 89, subparagraph I of the Constitution of the United Mexican States and on the basis of Articles 31 and 34 of the Organic Law of the Federal Public Administration, and 29, 33, 47, 50, 76 and 83 of the Foreign Trade Law, hereby issue the following

### DECREE AMENDING, SUPPLEMENTING AND REPEALING VARIOUS PROVISIONS OF THE REGULATIONS UNDER THE FOREIGN TRADE LAW

**Single Article.- The following are amended:** Articles 1, subparagraph II, 2, 3, first paragraph, 4, 5, 6, 8, 9, subparagraphs XIII and XIV, 12, 13, 17, first paragraph, 18, 20, 26, first paragraph, 27, subparagraph I, 30, 35, the name and composition of Chapter I "Definitions" of Title IV, to read as Chapter I "General provisions", which shall include Articles 37, 38 and 38A, with Chapter II of Title IV beginning with Article 39, Articles 42, 43, 44, second paragraph, 48, 50, first paragraph, the name of Chapter III "Injury and threat of injury to the domestic industry" of Title IV, to read as Chapter III "Injury to a domestic industry"; 59, 63, 64, 65, 66, 67, 68, 69, first paragraph and its subparagraph I, 70, 71, 72, 74, 75, 76, 77, 78, 80, 81, 82, 83, subparagraph I, items D, E and I, and subparagraph II, 84, 85, 90, 94, the name of Chapter VIII "Review of Final Countervailing Duties" of Title VI, to read as Chapter VIII "Review", Articles 99, 100, first paragraph, 101, 105, 106, 110, 113, 115, 118, 119, 120, 124, 125, 126, subparagraphs I and VIII, 130, subparagraph I, 131 subparagraphs I, items A and E, and II, the name of Chapter I "Ex officio investigation, legally constituted organizations, withdrawal, administrative dossier and transmission of copies to interested parties" of Title VIII, to read as Chapter I "General provisions", 136, 137, 139, 140, 145, first paragraph, 147, 148, subparagraph IV, 154, second paragraph, 158, subparagraph IV, 159, subparagraphs VIII and IX and last paragraph, 160 subparagraphs I and IV and last paragraph, the name of Chapter V "Evidence, Public Hearing and Pleadings" of Title VIII, to read as Chapter V "Evidence and pleadings"; Articles 163, 164, 171, 173, 177, 178, subparagraph I, items C, D, E, F and J, subparagraph II, items C and D, and second and third paragraphs, 180, subparagraph X, 181, 207, first paragraph, 210 subparagraphs I, II and III, items C, D and E; the following are **added**: Article 9 with a subparagraph XV and a last paragraph, Articles 17A, 38A, 89A, a Chapter XI called "Special procedures" to Title VI and including Articles 117A, 117B, 117C, 117D and 117E, 159, subparagraph X, 165, second paragraph, 178, subparagraph I *bis*; and the following are **repealed**: Articles 47, 73, 91, 92, 93, 96, 97, 98, 102, 103, 104, 108, 109, 112, 128, 149, last paragraph, 157, 159, subparagraph II, 161, last paragraph, 167, 179, 182, 183, 184, 185, 186, 187, 188, 189 and 210, subparagraph III, item I of the Regulations under the Foreign Trade Law, to read as follows:

ARTICLE 1.- ...

- I. ...
- II. Ministry, Ministry of the Economy;
- III. and IV. ...
- ...

ARTICLE 2.- The Commission shall comprise representatives of each of the following departments:

- I. Ministry of Foreign Affairs;
- II. Ministry of Finance and Public Credit;
- III. Ministry of the Environment and Natural Resources;
- IV. Ministry of the Economy;
- V. Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food; and
- VI. Ministry of Health.

The Minister of the Economy shall invite representatives of the autonomous constitutional bodies, the Bank of Mexico and the Federal Competition Commission, to be part of this Commission.

These representatives shall be appointed by the presidents of those bodies and shall be hierarchically immediately below them. They shall have the same rights and obligations as the members mentioned in the first paragraph of this Article.

ARTICLE 3.- The Commission shall operate at two hierarchical levels, that of Under-Secretaries and that of Directors-General.

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...

ARTICLE 4.- The participants in the Commission at the Under-Secretary level shall be:

I. For the Ministry, the Under-Secretary for Industry and Trade, who shall chair it and shall exercise the vote that corresponds to the department; the Under-Secretary for Foreign Trade and the Under-Secretary for Competitiveness and Standardization. The Chairman of the Commission at this level shall be replaced when absent by the other Under-Secretaries of the Ministry in the order shown in this subparagraph; and

II. For the other ministries mentioned in Article 2 of these Regulations, the Under-Secretary designated by the corresponding department.

At this level the Director-General of Foreign Trade of the Ministry shall act as Technical Secretary of the Commission, and in his absence, shall be replaced by the Director-General designated by the Under-Secretary for Industry and Trade.

ARTICLE 5.- The participants in the Commission at Director-General level shall be:

I. For the Ministry, the Director-General of Foreign Trade, who shall chair it and shall exercise the vote that corresponds to the department; a representative with the title of Director-General attached to the Under-Secretariat for Foreign Trade and a representative with a title of Director-General attached to the Under-Secretariat for Competitiveness and Standardization, designated by the corresponding Under-Secretary. The Chairman of the Commission at this level shall be replaced when absent by the Director-General named by the Under-Secretary for Industry and Trade; and

II. For the other Ministries referred to in Article 2 of these Regulations, a representative with the title of Director-General, appointed by the corresponding department.

Moreover, a request may be made for the help of a public servant commissioned by the Head of the General Customs Administration of the Tax Administration Service to act as adviser to the Commission on tariff classification and nomenclature. The Ministry's Director-General for Foreign Trade shall appoint the Technical Secretary of the Commission at this level.

ARTICLE 6.- For the Commission to be able to sit, the presence shall be required of at least one representative of the Ministry and of the majority of the departments and bodies referred to in Article 2 of these Regulations.

ARTICLE 8.- The sessions may only be attended by the representatives of the departments and those who are accredited to the Commission. To that end, the heads of those departments shall officially communicate to the head of the Ministry the names and positions of their representatives, both principal and alternate, for the two levels referred to in Article 3 of these Regulations.

The following entities shall be regularly invited to attend and may only participate in the discussions:

- I. Federal Consumer Protection Agency;
- II. The Tax Administration Service; and
- III. Federal Regulatory Improvement Commission.

The heads of the decentralized entity and of the decentralized administrative bodies referred to in this article may appoint their representatives to the Commission, and these in turn may appoint their respective alternates, who, in both cases, must be hierarchically immediately below them. Those appointments must be communicated to the Minister of the Economy.

When the Commission is to deal with foreign trade matters involving a particular sector, it may invite representatives from other departments or entities of the Federal and State Public Administration.

ARTICLE 9.- ...

I. to XII. ...

XIII. The draft final resolutions in investigations into unfair international trade practices and those determining countervailing duties;

XIV. The draft resolutions in which the Ministry accepts the undertaking given by exporters or foreign governments and suspends or terminates an investigation into unfair international trade practices; and

XV. The tariff classification criteria proposed by the Ministry of Finance and Public Credit pursuant to the General Import and Export Tax Law.

...

The measures referred to in the first paragraph of this article shall be published in the *Diario Oficial de la Federación*.

ARTICLE 12.- The departments and entities of the Federal Public Administration may put forward proposals to the Commission within the realm of their remit. Those proposals shall be submitted through the Technical Secretary at least five days in advance of the date of the meeting of the Commission at which it is hoped that they will be dealt with, except when extraordinary sessions are convened.

ARTICLE 13.- At both levels, the Commission shall issue its agreements in accordance with the following procedure:

I. Each agreement shall be reached by a majority vote once all the representatives and invitees present have stated their opinions. Each of the dependencies and autonomous constitutional bodies referred to in Article 2 of these Regulations shall have one vote. In the event of a tie, the Chairman of the Commission shall have a casting vote;

II. The Technical Secretary shall include in the record of the meeting each opinion, the vote and the content of the agreement. The record shall be signed by all the representatives present; and

III. Once all matters have been voted on, the Chairman shall read out the agreements reached and shall send a copy of them to each of the representatives and to the heads of the departments and autonomous constitutional bodies participating, within a period of 15 days.

ARTICLE 17.- Requests for the grant of permits, their extension or modification, shall be submitted to the Ministry using the official form prescribed by it. The information to be contained in the request shall be, *inter alia*, the following:

I. to VI. ...

ARTICLE 17A.- The formalities relating to imports, exports or the transit of goods as well as non-tariff regulations and restrictions shall be presented by electronic means in accordance with the applicable legislation. Should it prove necessary, the Ministry shall coordinate with the relevant department, body or entity in dealing with those formalities.

ARTICLE 18.- To submit each request and collect the relevant permit, the interested party or his representative shall comply with the requirements laid out in the Act and these Regulations and shall be duly accredited to the Ministry.

ARTICLE 20.- The Ministry shall settle the request for a permit or its extension within the 15 days following the date on which it was accepted for processing. At the end of that period, the interested party shall go to the Ministry within the five days following in order to learn of the decision reached and to claim his right.

ARTICLE 26.- The instruments through which quotas are established shall be published in the *Diario Oficial de la Federación*, and shall contain the following information:

I. to IV. ...

ARTICLE 27.- ...

I. It shall publish the relevant convening notice in the *Diario Oficial de la Federación*, at least five days before the start of the registration period; and

II. ...

ARTICLE 30.- The award ceremony shall take place in the presence of representatives of the Ministries of the Economy and of Finance and Public Credit and, if appropriate, of the responsible department, which may invite a representative of the Internal Oversight Body of the Ministry of the Economy.

ARTICLE 35.- In the case of a direct award, upon expiry of the period referred to in subparagraph II of Article 33 of these Regulations, the interested party shall go to the Ministry within the five following days in order to learn of the decision taken and claim his right. In the case of the last part of Article 31 of these Regulations, the Ministry shall establish the form in which it will be recognized that the operation took place under the quota.

## TITLE IV

...

### CHAPTER I

#### General Provisions

ARTICLE 37.- ...

ARTICLE 38.- ...

ARTICLE 38A.- For the purposes of Article 38 of the Act, the amount of the subsidy shall be calculated on the basis of the benefit to the recipient.

The method for calculating the amount of the subsidy based on the benefit received, may take into account the conditions and specific characteristics of each subsidy, of the country that grants it, and whether there is a price discrimination investigation with respect to the same product. The aforementioned method should consider the guidelines set out in Article 14 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization.

As a general rule, when the subsidy is granted to production, the total value of the benefit shall be attributed based on production or sales; when the subsidy is granted to exports, the benefit shall be attributed on the basis of the export sales of the product in question.

Where the subsidy can be linked to the acquisition or future acquisition of fixed assets, the benefit shall be attributed over a period that reflects the normal depreciation of such an asset in the industry concerned.

Where a subsidy cannot be linked to the acquisition of fixed assets, the amount of the benefit received during the investigation period shall be attributed to this period, unless there are special circumstances that justify attribution over a different period.

### CHAPTER II

...

ARTICLE 39.- ...

ARTICLE 42.- For the purposes of the second paragraph of Article 31 of the Act, when there are no sales of the identical or like product in the ordinary course of trade in the domestic market of the exporting country or when, because of a particular market situation or the low sales volume in the exporting country's domestic market, such sales do not permit a proper comparison, the margin of price discrimination shall be determined by comparison with a comparable price of the like product when exported to an appropriate third country, provided that this price is representative, or with the cost of production in the country of origin plus a reasonable amount for administrative, selling and any other general costs and for profits.

Sales of the like product destined for consumption in the domestic market of the exporting country shall be considered a sufficient quantity for the determination of the normal value if such sales constitute 5% or more of the sales of the product exported to Mexico; a lower ratio shall be acceptable where the evidence demonstrates that domestic sales at such lower ratio are nonetheless of sufficient magnitude to allow for a proper comparison.

ARTICLE 43.- For the purposes of the second paragraph of Article 32 of the Act, when the applicant requests the corresponding exclusion, the applicant must submit the information that justifies it. In such cases, the Ministry may take into account the fact that, during the period of investigation, selling prices or costs and expenses were exceptionally high or low.

Sales of the identical or like product in the domestic market of the exporting country or sales to a third country at prices below per unit fixed and variable costs of production plus selling, administrative and general costs may be treated as not being in the ordinary course of trade by reason of price and may be disregarded in determining normal value only if it is determined that such sales are made over an extended period of time in substantial quantities and at prices that do not allow for the recovery of all costs within a reasonable period of time. If prices are below per unit costs at the time of sale but are above weighted average per unit costs for the period of the investigation, such prices shall be considered to allow for recovery of costs within a reasonable period of time.

The extended period of time should normally be one year but shall in no case be less than six months.

Sales below unit costs shall be considered to be made in substantial quantities when the authorities establish that the weighted average selling price of the transactions under consideration for the determination of normal value is below the weighted average unit costs, or that the volume of sales below per unit costs is not less than 20% of the sales under consideration for the determination of normal value.

ARTICLE 44.- ...

With regard to production costs, when the materials and components are purchased from suppliers who are related under the terms of Article 61 of these Regulations, the interested party shall prove that the prices of such transactions are comparable to those of purchase transactions from non-related parties. If the buying price from related parties is lower than the price in purchase transactions with non-related parties, the former shall be replaced by the latter for the purposes of calculating production costs.

...

ARTICLE 47.- **Repealed.**

ARTICLE 48.- For the purposes of Article 33 of the Act, centrally planned economies shall be deemed to be non-market economies, regardless of the name by which they are designated, whose cost and price structures do not reflect market principles, or in which the enterprises of the sector or industry under investigation have cost and price structures which are not determined in accordance with such principles.

To determine whether an economy is a market economy, the following criteria, *inter alia*, shall be taken into account: the currency of the foreign country under investigation must be generally convertible in the international currency markets; salaries in the said foreign country must be established through free negotiation between workers and employers; decisions relating to prices, cost and supply of inputs, including raw materials, technology, production, sales and investment, in the sector or industry under investigation, must be taken in response to market signals without any significant State interference; foreign investment and joint investments with foreign firms must be permitted; the industry under investigation must have only one set of accounting records which it uses for all purposes and which is audited according to generally accepted accounting criteria; the production costs and financial situation of the sector or industry under investigation must not be distorted in relation to the depreciation of assets, bad debts, barter trade and debt compensation or other factors considered relevant.

A substitute country means a third country with a market economy similar to the exporting country with a non-market economy. The similarity between the substitute country and the exporting country shall be defined in a reasonable manner, so that the normal value in the exporting country may be estimated on the basis of the domestic price in the substitute country. In particular, in selecting the substitute country, account shall be taken of economic

criteria such as the similarity of production processes, cost structure of factors used intensively in the said processes, corresponding to the product under investigation or failing that, the narrowest group or range of products that include them, both in the country of origin and in the substitute country.

The product on the basis of which normal value is determined shall originate in the substitute country. When normal value is determined according to the export price in a substitute country, that price shall be related to a market other than Mexico. If there is no substitute country with a market economy in which goods are produced identical or similar to those exported by the country with a non-market economy, the Mexican market itself shall be deemed to be a substitute country.

ARTICLE 50.- When the exporter and importer are related in any of the ways to which Article 61 of these Regulations refers and there are compensatory arrangements between them, the export price shall be calculated in accordance with the provisions of Article 35 of the Act.

...

### **CHAPTER III**

#### **Injury to a Domestic Industry**

ARTICLE 59.- The Ministry shall establish through the appropriate investigation procedure that determination of the injury to which Article 39 of the Act refers is based on the minimum analysis of all the elements to which Articles 41 and 42 of that Act refer. The investigating authority shall under no circumstances determine the existence of injury in accordance with civil law.

ARTICLE 63.- To determine the existence of injury, the Ministry shall evaluate the impact of the imports under investigation on the domestic industry.

The requesting parties must submit information on total domestic production to the Ministry, using the prescribed questionnaire, provided that the required figures are reasonably available to them. In any case, the request must include a reliable estimate of the figures for the total domestic production concerned together with an indication of the methodology used.

The Ministry shall satisfy itself that the corresponding determination of injury is representative of the situation of the domestic industry.

ARTICLE 64.- For the purposes of Article 41 of the Act, the Ministry shall take into account:

I. With regard to the volume of imports under investigation, whether there has been a considerable increase in such imports in absolute terms or in relation to domestic production for the domestic market or internal consumption in the country. The Ministry shall assess whether the imports under investigation are competing in the domestic market to serve the same markets or the same actual or potential customers of domestic producers and whether they are utilizing the same distribution channels;

II. Concerning the effects of imports subject to investigation on domestic prices:

A. The pattern and trend of prices of the imports under investigation shall be analysed, to determine whether they show a reduction in the period under investigation compared with prices in comparable periods, or whether they are lower than other products which are not imported under conditions of price discrimination or subsidy;

B. Whether there is a significant correlation between the reduction in prices of the imports and the growth in quantities imported;

C. Whether the imports under investigation have a selling price considerably lower than the comparable selling price for the like domestic product, or whether the effect of the imports under investigation is to depress domestic prices in some other way or to prevent the reasonable increase which would otherwise have occurred; and

D. Whether the price-level at which the imports under investigation are competing in the domestic market is the determining factor in explaining the pattern and share of those imports in the domestic market.

III. With regard to the effects of the imports under investigation on domestic production of identical or like goods, an evaluation shall be made of the operations of the industry in Mexico. This evaluation shall include the impact of the quantities and prices of the imports under investigation on all the relevant economic factors and indicators that influence the state of the domestic industry concerned, such as:

A. The actual and potential decline in sales, profits, production volume, market share, productivity, return on investments, or utilization of plant capacity;

B. Factors affecting domestic prices;

C. The scale of the margin of price discrimination or, in the case of agricultural subsidies, whether there has been an increase in the cost of government support programmes;

D. Actual or potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital or investments.

IV. Other elements that it may consider appropriate concerning economic factors or indicators relevant to the industry in question and not mentioned in the foregoing paragraphs. In this case, the Ministry shall identify such factors and explain their significance to the case concerned.

ARTICLE 65.- The Ministry shall evaluate the economic factors described in Articles 41 and 42 of the Act, in the context of the economic cycle and conditions of competition specific to the industry affected. For that purpose, the requesting parties shall submit information on the relevant factors and indicators and characteristics of the industry normally covering the three years preceding the submission of the request, including the period under investigation, unless the enterprise concerned had not been established for the whole of this period. Moreover, the interested parties shall submit economic studies, case studies, technical literature and national and international statistics on the performance of the market concerned, or any other documentation permitting identification of economic cycles and conditions of competition specific to the industry affected.

ARTICLE 66.- The effect of imports subject to unfair practices shall be evaluated in relation to domestic production of the identical or like product when the available data allow its separate identification in accordance with criteria such as the production process, sales by producers and their profits. If it is not possible to identify such production separately, the effect of such imports shall be assessed by analysing production of the narrowest group or range of products which includes the identical or like product for which all the necessary information to show injury can be provided.

ARTICLE 67.- In order to determine injury, when imports of a product from more than one country are simultaneously subject to investigation for unfair international trade practices, the Ministry may cumulatively assess the effects of such imports, only if it determines that:

I. That the margin of price discrimination or the amount of the subsidy determined in relation to the imports under investigation from each country is more than *de minimis*, and the volume real or potential imports originating in each country is not negligible; and

II. A cumulative assessment of the effects of the imports is appropriate in light of the conditions of competition between the imported products and the like domestic product.

The margin of price discrimination shall be considered *de minimis* when it is less than 2% of the export price or, normally, when the amount of the subsidy is below 1% *ad valorem*.

The volume of imports subject to price discrimination shall normally be regarded as negligible if the volume of such imports from a particular country is found to account for less than 3% of imports of the like product, unless countries which individually account for less than 3% of the imports collectively account for more than 7% of those imports.

ARTICLE 68.- For the purposes of Article 42 of the Act, the Ministry shall take into account:

I. Whether there is a high rate of growth of the imports under investigation in the domestic market pointing to a well-founded probability that there will be a significant increase in such imports in the immediate future to a level that could cause injury to a domestic industry. For this purpose, the Ministry shall consider, among other factors, whether the imports under investigation are competing in the domestic market to serve the same markets or the same actual or potential customers of domestic producers and whether they are utilizing the same distribution channels;

II. The freely disposable capacity of the exporter or an imminent and substantial increase thereof, pointing to the well-founded probability of a significant increase in exports to the Mexican market under conditions of price discrimination or subsidy, taking into account the availability of other export markets to absorb any increase in such exports;

III. Whether the imports under investigation are entering at prices such that they have a significant depressing or suppressing effect on domestic prices. Likewise, it shall be determined whether there is a real probability that the prices of the imports under investigation will significantly increase the quantity of new imports demanded. In that case the factors that affect domestic prices shall be taken into account, including changes to conditions or terms of sale to certain customers as a direct consequence of the imports under investigation;

IV. Inventories of the product under investigation in the domestic market or that of the exporter;

V. If appropriate, the nature of the subsidy in question and its likely trade effects; and

VI. Any other demonstrable economic trend that permits the conclusion that price discrimination relating to imports will injure domestic production.

ARTICLE 69.- The Ministry shall examine other factors of which it is aware, other than the imports under investigation, which simultaneously affect domestic production, in order to determine whether the alleged injury or threat of injury is being caused by such imports. Factors which the Ministry may evaluate shall include the following:

I. The volume and prices of imports which are not subject to price discrimination or subsidy;

II.to IV. ...

ARTICLE 70.- To determine whether a safeguard measure is appropriate, the Ministry shall carry out an investigation pursuant to the administrative procedures laid down in the Act, in these Regulations, and in international treaties or conventions to which Mexico is a signatory.

ARTICLE 71.- To determine serious injury or the threat of serious injury, the Ministry shall evaluate the impact of the imports under investigation on the domestic industry producing the directly competing identical or similar goods.

The requesting parties must submit information on total domestic production to the Ministry, using the prescribed questionnaire, provided that the required figures are reasonably available to them. In any case, the request must include a reliable estimate of the figures for the total domestic production concerned together with an indication of the methodology used.

ARTICLE 72.- For the purposes of Article 48 of the Act, an affirmative determination shall be made only in cases where the investigation demonstrates, on the basis of objective evidence, the existence of a causal link between increased imports of the product concerned and serious injury or the threat thereof. When factors other than increased imports of the investigated product are at the same time causing or threatening to cause injury to the domestic industry, such injury shall not be attributed to the increased imports.

ARTICLE 73.- **Repealed.**

ARTICLE 74.- The Ministry shall evaluate the economic factors described in Article 48 of the Act, in the context of the economic cycle and conditions of competition specific to the industry affected. For that purpose, the requesting parties shall submit information on the relevant factors and indicators and characteristics of the industry normally covering the three years preceding the submission of the request, including the period under investigation, unless the enterprise concerned had not been established for the whole of this period. Moreover, the interested parties shall submit economic studies, case studies, technical literature and national and international statistics on the performance of the market concerned, or any other documentation permitting identification of economic cycles and conditions of competition specific to the industry affected.

**TITLE VI**

...

ARTICLE 75.- The request by an interested party to initiate an administrative investigation into unfair international trade practices, in addition to being submitted in writing and satisfying the requirements prescribed in Articles 50 and 51 of the Act, shall be submitted using the questionnaire issued by the Ministry, which shall contain the following:

- I. The designation of the competent administrative authority to which the request is made;
- II. Name or business name and domicile of the requesting party and, if applicable, of his representative, together with accrediting documents;
- III. Principal activity of the requesting party;
- IV. Volume and value of domestic production of the product identical or similar to the imported product;
- V. Description of the volume and value of the requesting party's share of domestic production;
- VI. The legal basis of the request;
- VII. Description of the imported product, together with specifications and characteristics in comparison with the domestic product and other distinguishing details; the volume and value imported or intended to be imported based on the appropriate unit of measure and its tariff classification according to the schedule of the General Import and Export Tax Law;
- VIII. Name or business name and domicile of known importers or intending importers of the product, stating whether the import consisted or will consist of one or several shipments;
- IX. Name of the country or countries of origin or provenance of the product, as appropriate, and the name or business name of the person or persons exporting or intending to export the product presumably under unfair conditions to Mexico;
- X. Statement of the facts and data, together with reasonably available evidence, on which the request is based. Those facts from which it can be inferred that there is a well-founded probability of the existence of the unfair international trade practice shall be stated succinctly, with clarity and precision;
- XI. Indication of the difference between the normal value and the comparable export price or, if applicable, the effect of the subsidy on the export price.

For purposes of the provisions of the preceding paragraph, a description shall be given of the calculation methodology that was used to determine normal value, the export price and the proposed adjustments, and an indication also given of the sources of information consulted in each case;

XII. In the case of subsidies, also information and facts concerning the unfair practice, the foreign governmental authority or body involved, the form of payment or transfers and the amount of the subsidy to the producer or foreign exporter of the product;

XIII. Evidence which shows that the introduction of the goods concerned into the domestic market is causing injury to the domestic industry;

XIV. If appropriate, description of requests for other regulatory or trade-restrictive measures concerning the product which is the subject of the request; and

XV. Any other factors deemed necessary.

The request to which this Article refers shall contain the signature of the interested party or the person acting in his name or representing him.

The request and annexed documents shall be submitted in the original and in as many copies as indicated by the Ministry in the official questionnaire.

The copies of the relevant documents must be furnished, at the latest, together with the reply to the request for further information (*prevención*), in as many copies as there are importers, exporters and, where applicable, foreign governments named in the request and in the response to the request for further information. Such copies shall be submitted by the means determined by the Ministry. If this obligation is not complied with, the application shall be deemed abandoned.

The investigation procedure shall not prevent the clearance by the customs concerned of the goods involved in the investigation.

ARTICLE 76.- The investigation into unfair international trade practices shall cover imports of goods identical or similar to those produced by the domestic industry, entered over a period normally of one year but in any case no less than six months, which must be as close as possible to the time the request is submitted. The period of analysis for evaluating injury shall normally be three years and shall include the period being investigated.

The investigation period to which the foregoing paragraph refers may be modified at the discretion of the Ministry to include a period that covers imports made subsequent to the submission of the request.

ARTICLE 77.- Notwithstanding the provisions of the preceding Article, in evaluating injury to the domestic industry, the Ministry may require the requesting party or any other domestic producer or person it deems appropriate, to provide the information or data it considers relevant relating to a maximum period of five years prior to the submission of the request.

ARTICLE 78.- The Ministry may, once only, require the requesting party to clarify, correct or complete the request, with specific indications of its omissions and ambiguities. After the 20 days mentioned in subparagraph II of Article 52 of the Act, the Ministry shall, as appropriate, proceed with the request, reject it or declare it abandoned.

ARTICLE 80.- The resolution to initiate the investigation into unfair international trading practices and the preliminary and final resolutions shall contain the following information:

- I. The designation of the authority issuing the resolution;
- II. The grounds and reasoning justifying the decision;
- III. The name or business name and domicile of the party or parties requesting the investigation;
- IV. The name or business name and domicile of the importer or importers, foreign exporters or, where appropriate, known agencies or authorities of foreign governments;
- V. The country or countries of origin or provenance of the goods in question;

VI. A description of the product under investigation, indicating the corresponding tariff heading under the schedule of the General Import and Export Tax Law;

VII. The description of the domestic product identical or similar to the product under investigation;

VIII. The period under investigation; and

IX. Any other factors deemed necessary by the Ministry.

ARTICLE 81.- In addition to the information indicated in the preceding Article, the resolution initiating the investigation to which Article 52 of the Act refers shall contain:

I. A summons to the interested parties and, where applicable, foreign governments, so that they may appear in order to make the representations they see fit; and

II. The time allowed for presenting evidence.

ARTICLE 82.- The preliminary resolution to which Article 57 of the Act refers shall contain, in addition to the data indicated in Articles 80 and 81, subparagraph II of these Regulations, the following elements:

I. Where the existence of unfair international trade practices has been established preliminarily:

A. The normal value and export price obtained by the Ministry, except in the case of information which an interested party considers to be confidential or restricted commercial information;

B. A description of the methods used in determining the normal value and the export price and, if applicable, the amount of the subsidy and its effect on the export price, in conformity with Chapters II and III of Title V of the Act and the applicable Articles of Chapter II of Title IV of these Regulations, except in the case of information which an interested party considers to be confidential or restricted commercial information;

C. The margin of price discrimination, the characteristics and amount of the subsidy;

D. A description of the injury to the domestic industry;

E. An explanation of the Ministry's analysis of the injury factors contemplated in the Act and these Regulations, and any other factors taken into account. It shall identify and explain the significance of each one in the relevant resolution;

F. If applicable, the export price which would not injure domestic industry and a description of the procedure for determining it;

G. The amount of the provisional countervailing duty payable; and

H. A statement that the Ministry of Finance and Public Credit shall be notified so that it may duly collect the countervailing duties.

II. If there has been no change in the grounds for initiating the investigation into unfair international trade practices, a statement that the administrative investigation is continuing without the imposition of countervailing duties; or

III. If it is established that there are no unfair international trade practices, a statement that the administrative investigation is terminated without the imposition of countervailing duties, as well as the date on which the draft resolution was submitted to the Commission for an opinion and the tenor of the opinion given.

ARTICLE 83.- ...

I. ...

A. to C. ...

D. A description of the injury to the domestic industry;

E. An explanation of the Ministry's analysis of injury factors contemplated in the Act and these Regulations, and any other factors taken into account. It shall identify and explain the significance of each one in the relevant resolution;

F. to H. ...

I. The date on which the draft resolution was submitted to the Commission for an opinion and the tenor of the opinion given.

II. If it is established that there are no unfair international trade practices, the statement that the administrative investigation is terminated without the imposition of countervailing duties, as well as the date on which the draft resolution was submitted to the Commission for an opinion and the tenor of the opinion given.

ARTICLE 84.- The Ministry shall hold technical information meetings with interested parties who so request, within five days from the day following the publication in the *Diario Oficial de la Federación* of the preliminary and final resolutions of the procedures on price discrimination or subsidies.

The purpose of the technical meetings shall be to explain the method used in determining the margins of price discrimination and/or the amount of the subsidies, as well as injury and the causal link.

At these meetings, interested parties shall be entitled to obtain a summary of the calculations used by the Ministry to arrive at its decisions, provided that the information is its own.

ARTICLE 85.- A report of the technical meetings shall be prepared and must be placed in the relevant administrative dossier.

ARTICLE 89A.- In terms of the provisions of Article 87 of the Act, the countervailing duties may be determined on the basis of reference prices or values. The amount of the countervailing duties thus determined may not exceed the margins of price discrimination or the amount of subsidization calculated.

ARTICLE 90.- For the purposes of the second paragraph of Article 62 of the Act, the countervailing duty may be less than the margin of price discrimination or the amount of the subsidies, provided that it is sufficient to eliminate the injury to the domestic industry.

ARTICLE 91.- **Repealed.**

ARTICLE 92.- **Repealed.**

ARTICLE 93.- **Repealed.**

ARTICLE 94.- In addition to the provisions of Articles 65 and 98 of the Act, securities may be given for the payment of final countervailing duties under procedures covering new exporters, applicability to a product, the review and examination of the countervailing duty in effect. The relevant authority may accept the security provided in the form and terms prescribed in the Federal Tax Code and its Regulations.

The security given shall be cancelled or modified or, if applicable, the sums paid or the difference involved shall be returned with the corresponding interest, as appropriate, when the Ministry eliminates or modifies countervailing duties.

The interest to which this Article refers shall be equivalent to the amount that would correspond to the accruing yield had the amount of the duties been invested in Federal Treasury Bonds, at the highest rate, from the date when the payment of the duty was due until the date of its reimbursement.

ARTICLE 96.- **Repealed.**

ARTICLE 97.- **Repealed.**

ARTICLE 98.- **Repealed.**

## CHAPTER VIII

### Review

ARTICLE 99.- Under the terms of Article 68 of the Act, the Ministry shall conduct a review in the event of a change in the circumstances based on which the following were determined:

- I. The final countervailing duty; or
- II. The existence of price discrimination or, if applicable, of subsidies; and/or
- III. Injury to the domestic industry.

In carrying out the review of the final countervailing duties, the procedural provisions contained in the Act and in these Regulations shall be observed, together with those relating to the initiation of proceedings, preliminary resolution, final resolution, conciliation meeting, countervailing duties, undertakings by exporters and governments, evidence, pleadings, public hearings, technical information meetings, notifications, verifications and other arrangements common to proceedings.

ARTICLE 100.- The review procedure may be requested by the interested parties who participated in the proceedings which gave rise to the final countervailing duty or by any other who, although not having participated in the proceedings in question, can establish his legal interest.

...

...

ARTICLE 101.- Each year, during the month of the anniversary of publication in the *Diario Oficial de la Federación* of the final resolution of the investigation that originally imposed the final countervailing duty, irrespective of whether it has been amended, the interested parties may request the Ministry in writing to carry out a review.

In any event, the requesting party shall provide the relevant information and evidence to support his request.

The interested parties shall be obliged to submit together with their request, the questionnaires, established by the Ministry for that purpose, duly completed.

ARTICLE 102.- **Repealed.**

ARTICLE 103.- **Repealed.**

ARTICLE 104.- **Repealed.**

ARTICLE 105.- If in the review it is decided that there is no margin of price discrimination or any subsidies, the countervailing duty shall not be applied and the Ministry may carry out an ex officio review. If the review determines that the imports entailed price discrimination or subsidies, the Ministry shall establish countervailing duties in accordance with the findings of the said review.

ARTICLE 106.- If a review shows margins of price discrimination or a subsidy amount different from those established in the last procedure that determined their existence, new countervailing duties shall be set and shall replace the former ones. These countervailing duties shall be final and may be reviewed in accordance with the provisions of the Act and these Regulations.

ARTICLE 108.- **Repealed.**

ARTICLE 109.- **Repealed.**

ARTICLE 110.- The undertakings referred to in Article 72 of the Act may be submitted once the Ministry has preliminarily determined the existence of unfair practice and until the close of the public hearing.

The Ministry may request information, data, documents and items of evidence which it considers relevant from the interested foreign exporter or government, in order to evaluate the undertaking.

ARTICLE 112.- **Repealed.**

ARTICLE 113.- On receipt of the undertaking, the Ministry shall include the request in the administrative dossier and shall notify the other interested parties so that within a period of ten days from the effective date of the notification, they may express their views. If the Ministry so deems appropriate, it shall summon the parties interested in the investigation in question to a meeting to discuss the form and terms of the undertakings made and the feasibility of verifying them.

ARTICLE 115.- On accepting or rejecting the undertaking by the interested foreign exporter or government, the Ministry shall, in the corresponding resolution, establish the form and terms under which the undertaking given shall be implemented, stating whether as a result of that undertaking the proceedings in question are suspended or concluded and, if applicable, the grounds and justification for rejection.

The resolution to which this Article refers shall be published in the *Diario Oficial de la Federación* and shall be notified to the interested parties.

## CHAPTER XI

### Special Procedures

ARTICLE 117A.- The procedure referred to in Article 89A of the Act shall be conducted as follows:

I. The request shall be submitted in writing to the competent administrative department of the Ministry by the interested party or a person acting on his behalf, together with accrediting documents, and must contain the following:

A. The legal grounds and reasons for the request;

B. A description of the product in question, its physical characteristics and technical specifications, origin, function, use, and nature; if applicable, components or inputs utilized in its manufacture and other distinguishing data, as well as the description and tariff classification under the schedule of the General Import and Export Tax Act. The request shall be accompanied by samples, catalogues and other items to permit identification of the product; and

C. The signature of the interested party or the person representing him.

II. If appropriate, the Ministry shall publish in the *Diario Oficial de la Federación* the resolution initiating the procedure within the 20 days following the submission of the request or, where applicable, the reply to the request for supplementary information, and shall notify the interested parties known to it. This resolution shall summon persons who consider that they have an interest in the proceedings, so that, within a period of 15 days as from the day following its publication they may make the representations they see fit; and

III. The Ministry shall publish the final resolution in the *Diario Oficial de la Federación* within a period of 60 days counted from the day following publication in the *Diario Oficial de la Federación* of the resolution initiating the procedure and shall notify to the interested parties appearing.

If the Ministry confirms that the product in question is subject to payment of a countervailing duty, the said duty shall be paid together with the corresponding surcharges, in conformity with the applicable fiscal provisions.

ARTICLE 117B.- The proceedings on circumvention of countervailing duties or safeguard measures referred to in Article 89B of the Act shall be conducted as follows:

I. The request shall be submitted in writing to the competent administrative department of the Ministry by the interested party or a person acting on his behalf, together with accrediting documents, and must contain the following:

A. Mention of the resolution concerned and a description of the facts deemed to constitute circumvention;

B. The grounds and reasons for the request; and

C. The signature of the interested party or the person representing him.

II. If appropriate, the Ministry shall publish in the *Diario Oficial de la Federación* the resolution initiating the procedure, within the 25 days following the submission of the request or, where applicable, of the reply to the request for supplementary information, and shall notify the interested parties known to it. This resolution shall summon the importer, exporter, or if applicable, the foreign government concerned so that within a maximum period of 28 days as from the day following its publication, they may make the representations they see fit;

III. After the expiry of the period for the submission of evidence, a public hearing shall be held and a time-frame set in which the parties must put forward their arguments; and

IV. The Ministry shall publish the final resolution in the *Diario Oficial de la Federación* within a period of 130 days from the day following publication of the resolution initiating the procedure and shall notify to the interested parties appearing.

Article 117C.- The proceedings referred to in Article 89 C of the Act shall take the following form:

I. The request shall be submitted in writing to the competent administrative unit of the Ministry by the interested party or a person acting on his behalf, together with accrediting documents, and must contain the following:

A. Mention of the resolution concerned and a description of the aspect or aspects for which clarification or explanation is requested;

B. The grounds and reasons for the request;

C. Other elements allowing the authority to answer the request; and

D. The signature of the interested party or the person representing him.

II. Upon receipt of the request and, where appropriate, the Ministry shall reply to the interested party within a period of 60 days, counted from the day following that of submission of the request. The reply to the request to which this Article refers shall be published in the *Diario Oficial de la Federación* and shall be notified to the interested parties known to the Ministry.

ARTICLE 117D.- The proceedings referred to in Article 89D of the Act shall take the following form:

I. The request shall be submitted in writing to the competent administrative unit of the Ministry by the interested party or a person acting on his behalf, together with the accrediting documents, and must meet the requirements stipulated in the Act; it must contain, duly completed, the respective form issued by the Ministry for the purpose, as well as the signature of the interested party or the person representing him;

II. If appropriate, the Ministry shall publish in the *Diario Oficial de la Federación* the resolution initiating the procedure, within the 25 days following the submission of the request or, where applicable, of the reply to the request for supplementary information. This resolution shall summon the interested parties, so that, within a period of 28 days as from the day following its publication they may make the representations they see fit;

III. After the expiry of the period for the submission of evidence, a public hearing shall be held and a time-frame shall be set in which the parties must put forward their arguments; and

IV. The Ministry shall publish the final resolution in the *Diario Oficial de la Federación* within a period of 130 days from the day following publication of the resolution initiating the procedure and shall notify to the interested parties known to it.

ARTICLE 117E.- The procedure referred to in Article 89E of the Act shall only be applicable for those interested parties who submit their request and who have that entitlement under the international treaties or trade agreements to which Mexico is a party.

The request shall be presented in writing to the competent administrative department of the Ministry by the interested party or a person acting on his behalf, together with accrediting documents.

If appropriate, the Ministry shall reply to the interested party within a period of 60 days counted from the day following that of the submission of the request.

The reply to the request to which this Article refers shall be published in the *Diario Oficial de la Federación* and shall be notified to the interested party.

ARTICLE 118.- The request by an interested party to initiate an administrative investigation into safeguards, in addition to being submitted in writing and satisfying the requirements prescribed in Articles 50 and 51 of the Act, shall be submitted using the questionnaire issued by the Ministry, which shall contain the following:

I. The designation of the competent administrative authority to which the request is being made;

II. Name or business name and domicile of the requesting party and, if applicable, of his representative, together with the accrediting documents;

III. Principal activity of the requesting party;

IV. Volume and value of domestic production of the product that is identical, similar to or competing directly with the imported product;

V. A description, in terms of volume and value, of his share of domestic production;

VI. The legal basis of the request;

VII. A description of the imported product, together with specifications and characteristics in comparison with the domestic product and other distinguishing details; the volume and value

imported based on the appropriate unit of measure and its tariff classification according to the schedule of the General Import and Export Tax Law;

VIII. Name or business name and domicile of the importers, stating whether the import consisted of one or several shipments;

IX. Name of the country or countries of origin or provenance of the product, as appropriate, and the name or business name of the person or persons exporting it;

X. Analysis of the competitive position of the national production that it represents;

XI. The adjustment programme that will be instituted if a safeguard measure is applied, and its viability;

XII. A description of the facts and data which show that the increase in imports is causing serious injury or threatening to cause serious injury to domestic production of the identical or similar or directly competing product; and

XIII. If appropriate, a description of requests for other regulatory or trade-restrictive measures concerning the product which is the subject of the request.

The request to which this Article refers shall contain the signature of the interested party or the person representing him.

The request and annexed documents shall be submitted in the original and in as many copies as indicated by the Ministry in the official questionnaire.

The copies of the relevant documents must be provided, at the latest, together with the reply to the request for further information (*prevención*), in as many copies as there are importers, exporters and, where applicable, foreign governments named in the request and in the reply to the request for further information. Such copies shall be submitted by the means determined by the Ministry. If this obligation is not complied with, the application shall be deemed abandoned.

The investigation procedure shall not prevent the clearance by the customs concerned of the goods involved in the investigation.

ARTICLE 119.- The safeguard investigation proceedings shall cover imports of goods that are identical, similar to or directly competing with those produced by the domestic industry, entered over a period normally of one year but in any case no less than six months, which must be as close as possible to the time of submission of the request.

The period of investigation to which the foregoing paragraph refers may be modified at the discretion of the Ministry.

ARTICLE 120.- The Ministry may, once only, require the requesting party to clarify, correct or complete the request, with specific indications of its omissions and ambiguities. After the 20 days mentioned in subparagraph II of Article 52 of the Act, the Ministry shall, as appropriate, proceed with the request, reject it or declare it abandoned.

ARTICLE 124.- The resolutions announcing the acceptance of the request and the start of the administrative investigation or imposing provisional or final safeguard measures shall be reasoned and justified. Accordingly, they shall contain the following information:

I. The competent authority issuing the resolution;

II. The name or business name and domicile of the party or parties requesting the investigation;

III. The name or business name and domicile of the importer or importers and of any known exporters;

IV. The country or countries of origin or provenance of the identical, like or directly competing product;

V. A description of the procedure concerned;

VI. A description of the product under investigation, indicating, *inter alia*, the tariff rate applicable under the schedule of the General Import and Export Tax Law;

VII. The description of the domestic product identical, similar to or directly competing with the product under investigation;

VIII. The period under investigation;

IX. The arguments and circumstances taken into consideration by the authority for the purpose of issuing the resolution; and

X. Any other information agreed in the international treaties or conventions to which Mexico is a party, which the Ministry may have considered.

ARTICLE 125.- In addition to the information indicated in the preceding Article, the initiating resolution shall contain:

I. A summons to the interested parties and to foreign governments, so that they may appear and make representations they see fit;

II. The period for the submission evidence; and

III. A statement that the countries signatories to the international treaty or convention to which Mexico is a party will be notified for consultation purposes.

ARTICLE 126.- ...

I. A description of the serious injury or threat thereof to the domestic industry;

II. to VII. ...

VIII. The date on which the draft final resolution was submitted to the Commission for an opinion and the tenor of the opinion given.

ARTICLE 128.- **Repealed.**

ARTICLE 130.- ...

I. A description of the critical circumstances caused by the serious injury or threat of serious injury;

II. and III. ...

ARTICLE 131.- ...

I. If it is confirmed that there is serious injury or a threat of serious injury to domestic production due to increased imports in the volumes and under the conditions referred to in the Act and in these Regulations:

A. Description of the serious injury or threat of serious injury to the domestic industry;

B. to D. ...

E. The date on which the draft final resolution was submitted to the Commission for an opinion and the tenor of the opinion given.

II. If it is established that the increased imports, in these volumes and under these conditions, are not causing or threatening to cause serious injury to the domestic industry, a statement that the administrative investigation procedure is being terminated without the imposition of safeguard measures.

## TITLE VIII

...

### CHAPTER I

#### General Provisions

ARTICLE 136.- For the purposes of Article 50 of the Act, legally constituted organizations are deemed to be chambers, associations, confederations, councils or any other group of producers constituted in accordance with Mexican law, whose object is to represent the interests of natural or legal persons engaged in the production of goods that are identical, similar to or, in the case of safeguard measures, direct competitors with the imported products.

ARTICLE 137.- Any legally constituted organization, a producing natural or legal person that has submitted the request referred to in Article 50 of the Act, may withdraw it, in accordance with the following:

I. If the request is withdrawn prior to publication of the resolution to initiate the investigation, the investigating authority shall approve the validity of the withdrawal; and

II. If the request is withdrawn after publication of the resolution to initiate the investigation, the investigating authority shall declare the withdrawal to be valid and shall publish a notice in the *Diario Oficial de la Federación*.

ARTICLE 139.- A written report shall be prepared of any communication, whether direct or by other conventional or electronic means, between the Ministry and any interested party, his representatives or additional parties during the investigation regarding unfair international trade and safeguard practices. The report shall contain a summary of the object of the communication and the conclusions reached. It shall also contain the name and office of the public servant who prepared it, the place and signature.

ARTICLE 140.- Copies of the reports, documents or items of evidence to which Article 56 of the Act refers shall be despatched on the same day they are presented to the Ministry. Interested parties shall send, by any means, including electronic means, copies to the other interested parties appearing in the resolution launching the procedure or on the list subsequently provided by the Ministry. This obligation does not relieve the investigating authority of its duty to provide, at the expense of the interested parties requesting it, a certified copy of the public information present in the administrative dossier.

At the time of transmission of the documentation referred to in the preceding paragraph, the interested parties shall also submit a certificate of despatch of that documentation to the other interested parties, together with the corresponding acknowledgement of receipt stating the name of the sender and the date of receipt, in conformity with the forms issued by the Ministry.

Should the interested parties fail to send the copies, the Ministry may not take into account information that has not been sent and may make its decision on the basis of the facts known to it. The party that has not received copies should so inform the Ministry.

ARTICLE 145.- Where the Ministry does not know the name or business name or domicile of the persons to be notified, whether resident in Mexico or abroad, the notification shall be by publication of the resolution in the *Diario Oficial de la Federación*.

...

...

ARTICLE 147.- For the purposes of Article 80 of the Act, the Ministry, on written request, shall grant the interested parties the opportunity to examine all the information contained in the administrative dossier for the presentation of their arguments, under the terms established in the Act and in these Regulations. This information may be examined by the parties during proceedings concerning unfair international trade practices and safeguard measures, the appeal for reversal, the hearing in the Upper Chamber of the Federal Tax and Administrative Court and alternative dispute settlement mechanisms with regard to unfair international trade practices and safeguard measures referred to in the international treaties or agreements to which Mexico is a party.

The Ministry shall, upon request and at the expense of the interested parties, send certified copies of information that is not classified as reserved or confidential contained in the administrative dossier, when appropriate, in conformity with the provisions of Article 80 of the Act and these Regulations.

ARTICLE 148.- ...

I. to III. ...

IV. Any other information or data which under the Act and these Regulations do not constitute confidential, restricted commercial or confidential government information and whose publication is not prohibited, as well as information which in terms of the Federal Law on Transparency and Access to Government Public Information is not reserved confidential.

ARTICLE 149.- ...

I. to IX.. ...

**(Last paragraph is repealed)**

ARTICLE 154.- ...

In any event, confidential government information shall include data, statistics and documents concerning national security and strategic activities for the scientific and technological development of the country, and information contained in communications internal to the Ministry, between government departments and government-to-government communications of a confidential nature under the Act.

ARTICLE 157.- **Repealed.**

ARTICLE 158.- ...

I. to III. ...

IV. Where appropriate, give his express, written consent that information marked confidential may be reviewed by the legal representatives of the other interested parties.

ARTICLE 159.- ...

I. ...

II. **Repealed.**

III. to VII. ...

VIII. He must state in writing the reasons why the confidential information he is requesting to examine is relevant to the defence of his case. In such a situation, the Ministry may specify under what conditions it shall be considered that confidential information may be useful to the defence of the case in question;

IX. He must give an undertaking to the Ministry to return the original versions of his notes or summaries made when examining the confidential information, within ten days following the issue of the final resolution; and

X. Submit the form issued by the Ministry for that purpose.

The confidential information which, under these Regulations, legal representatives of interested parties have the right to examine, as do persons having access to such information under the international treaties or conventions to which Mexico is a party, shall be strictly for personal use and shall not be transferable for any reason whatsoever.

ARTICLE 160.- ...

I. He shall not have been convicted of an intentional crime;

II. and III. ...

IV. He must provide a form of security for the amount fixed by the Ministry under the Federal Tax Code, against his committing any of the unlawful acts described in subparagraph VI of Article 93 of the Act. The security may be cancelled following the publication of the resolution in question, provided the obligation referred to in subparagraph IX of Article 159 of these Regulations has been complied with.

When the requirements have been fulfilled, the Ministry shall hold the legal representative as accredited and shall send him the respective confirmation within ten days from the day of submission of the request; this time-frame shall not apply to certificates or authorizations issued in connection with dispute settlement procedures contemplated in international treaties or trade agreements to which Mexico is a party or in the rules of procedure or provisions emanating from them.

ARTICLE 161.- ...

**(Second paragraph is repealed)**

## CHAPTER V

### Evidence and Pleadings

ARTICLE 163.- The period for the submission of evidence shall run from the day following the publication of the initiation of the administrative investigation in the *Diario Oficial de la Federación* until the close of the public hearing referred to in Article 81 of the Act.

ARTICLE 164.- Upon the expiry of the time-frame referred to in Article 53 of the Act, the Ministry shall give the opportunity to the requesting parties and, if applicable, the joint parties, to present counter-arguments or replies within the eight days following.

Following the publication in the *Diario Oficial de la Federación* of the preliminary resolution to which Article 57 of the Act refers, the Ministry shall grant a period of 20 days to allow the interested parties to present supplementary arguments and evidence which they consider relevant.

ARTICLE 165.- ...

The public hearing shall be held in those procedures in which it is specifically foreseen in these Regulations.

**ARTICLE 167.- Repealed.**

ARTICLE 171.- The interested parties may only present information, evidence and data that they consider relevant in defence of their interests during periods for the submission of evidence. Nevertheless, the Ministry may allow the submission, repetition or amplification of any evidence or evidential acts outside the period for the submission of evidence, provided that it so deems necessary and that it may result in better knowledge of the truth about the facts under investigation.

ARTICLE 173.- The verification visits to which Article 83 of the Act refers shall be conducted in accordance with the following rules:

- I. The visits shall be conducted in the place indicated by the interested party to be visited;
- II. The visits shall be attended by the person being visited or his accredited representative, or by the person present on the date when the visit takes place;
- III. At the start of the visit, the visiting parties shall formally identify themselves to the person or persons with whom the proceeding has been arranged, requiring them to designate two witnesses. If witnesses are not designated or the designated persons do not consent to serve as such, the visiting officials shall designate witnesses, noting that fact in the record, without this invalidating the results of the visit;
- IV. The interested parties, their representatives or the person with whom the visit has been arranged, are obliged to allow the visiting officials designated by the Ministry access to the place or places which are the subject of the proceeding and make available to them the accounts and other documents supporting the information presented during the investigation. In that case, the visiting officials may obtain copies that shall be annexed to the record of the visit after being compared with the original documents. Verification shall also be permitted of goods, documents, disks, tapes or any other data storage system maintained by the interested party at the places visited.

If the interested party being visited maintains his accounting system or part of it on an electronic recording system, the computer equipment and its operators shall be made available to the visiting officials so that they can assist them in their work;
- V. A record shall be drawn up of every visit, giving full details of the facts or omissions noted by the visiting officials;
- VI. On completion of the verification procedure and the relevant report, no additional reports may be drawn up without a new notification;
- VII. On completion of the verification procedure and the relevant report, the interested parties or their representatives may present to the Ministry their objections, opinions and supplementary information which the authority in question might have requested of them during the verification procedure, within five days from the conclusion of the relevant report. If within this time-limit no opinions or objections to the content of the report are submitted, the acts and omissions contained therein shall be held to be accepted; and
- VIII. The report drawn up at the time of the verification visit shall be signed by the visiting officials, the interested party or his representative or the person with whom the procedure was arranged and by the witnesses. If any of the persons indicated refuses to sign the report concerned, the visiting officials shall note this fact in the report itself without it affecting its validity and value as evidence.

The Ministry may carry out verification visits in all procedures in relation to unfair international trade practices and safeguard measures, including the special procedures referred to in the Act and these Regulations.

ARTICLE 177.- Under the terms of Article 7 of the Act, the purpose of the Joint Commission is to analyse, evaluate, propose and arrange actions between the public and private sectors with regard to the foreign trade of goods and services in the framework of the National System for External Promotion.

ARTICLE 178.- ...

I. ...

A. and B. ...

C. Ministry of the Environment and Natural Resources;

D. Ministry of Energy;

E. Ministry of the Economy;

F. Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food;

G. to I. ...

J. Ministry of National Defence;

K. and L. ...

I *bis*. Federal entities, subject to agreement between them and the Ministry.

II. Private sector entities that specifically express their willingness, whose positions will be honorary, and which will collect no salary or emolument of any kind for their participation:

A. and B. ...

C. Mexican Business Council for Foreign Trade, Investment and Technology, C.A. (*Consejo Empresarial Mexicano de Comercio Exterior, Inversión y Tecnología, A.C.*);

D. Latin American Confederation of Customs Brokers;

E. to K. ...

Besides, the Joint Committee may invite other representatives of departments and entities of the Federal and State Public Administration and of the private sector to participate, when matters concerning their respective remits or the interests they represent are to be discussed.

Each department, entity and body mentioned in this Article shall appoint one permanent representative.

ARTICLE 179.- **Repealed.**

ARTICLE 180.- ...

I. to IX.. ...

X. Any others assigned it by the Federal Executive and which are necessary to analysing, evaluating, proposing and coordinating actions between the public and private sectors in the field of foreign trade in goods and services.

ARTICLE 181.- To better discharge its functions, the Joint Commission shall work through a website, via which proposals or cases regarding foreign trade in goods or services may be submitted.

The cases submitted shall be resolved within a maximum of 30 calendar days, counted as from their submission.

After consultation with the members of the Joint Commission, the Ministry shall publish, by means of rules, the procedure for handling cases and the form for submitting them.

The Ministry shall coordinate the establishment and operation of a National Foreign Trade Enquiry Point (*Servicio Nacional de Información de Comercio Exterior*) the aim of which shall be to provide, by electronic means and solely for information purposes, information on tariffs, non-tariff regulations and restrictions of the departments and bodies involved in foreign trade, as well as relevant information relating to the procedural formalities applicable under non-tariff regulations and restrictions when goods enter or leave the national territory.

The National Foreign Trade Enquiry Point shall facilitate access to the information by means of electronic tools available for consultation at a single point only, and shall establish mechanisms for homogenizing, standardizing, monitoring and updating the information provided.

ARTICLE 182.- **Repealed.**

ARTICLE 183.- **Repealed.**

ARTICLE 184.- **Repealed.**

ARTICLE 185.- **Repealed.**

ARTICLE 186.- **Repealed.**

ARTICLE 187.- **Repealed.**

ARTICLE 188.- **Repealed.**

ARTICLE 189.- **Repealed.**

ARTICLE 207.- The candidates for the National Export Award must deliver to the coordinating area designated by the Under-Secretariat for Foreign Trade a detailed description of their systems, processes and achievements in the realm of exports or related activities, as well as the documents and statistics they have pertaining to the following:

I. to IX. ...

ARTICLE 210.- ...

I. The Minister of the Economy, who shall chair it;

II. The Under-Secretary for Industry and Trade, who shall act as Vice-Chair of the Committee; and

III. ...

A. and B. ...

C. Ministry of the Environment and Natural Resources;

D. Ministry of Energy;

E. Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food;

F. to H. ...

I. **Repealed.**

J. and K. ...

...

### TRANSITIONAL PROVISIONS

**FIRST.-** This Decree shall enter into force on the day following its publication in the *Diario Oficial de la Federación* with the exception of the stipulations of the fourth transitional provision of this Decree, and shall apply to the totality of imports, regardless of their origin and provenance, including imports from the United States of America and Canada.

**SECOND.-** Administrative proceedings under way at the time of entry into force of this Decree shall be resolved in accordance with the general provisions of the Regulations under the Foreign Trade Act applicable at the time they were initiated.

**THIRD.-** The Ministry of Economy and other competent departments shall undertake the actions necessary to ensure that the implementation of this Decree is charged against their authorized budget for the corresponding fiscal year, with the result that they will need no additional funds for that purpose.

**FOURTH.** The amendments to Article 181 and the repeal of Articles 179, 182, 183, 184, 185, 186, 187, 188 and 189 shall take effect at the end of the six months following the entry into force of this Decree.

Done at the seat of the Federal Executive in Mexico City, Federal District, on this sixteenth day of May of the year two thousand and fourteen. **Enrique Peña Nieto.-** Signed. The Minister of Finance and Public Credit, **Luis Videgaray Caso.-** Signed. The Minister of the Economy, **Ildelfonso Guajardo Villarreal.-** Signed.

Director of Cartography and Mining Concessions, **Francisco Javier Guevara García.-** Signed.

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