

International Trade and Customs Practice Group Newsletter



Annual report on Foreign Trade operations 2021

We hereby remind you of the obligation to file the annual report of foreign trade operations ("RAOCE") corresponding to fiscal year 2021 in time to avoid the suspension or cancellation of your foreign trade promotion programs.

Below, we share related comments that may be of your interest:

- According to Article 8 of the Decree establishing various Sector Promotion Programs ("PROSEC"), **the deadline for filing the RAOCE in the case of PROSEC is the last business day of April (April 29, 2022);**
- If the report is not submitted by the due date, the program will be automatically suspended and the report may be submitted until June 30, 2022;
- Failure to report by this second deadline will result in automatic cancellation of the program on July 1, 2022;
- Companies with a PROSEC program must enter their total sales, total exports and total imports, filling out the fields in thousands of pesos (all information is for the goods produced, of which they must include the tariff codes in the previous year according to the authorized sectors);
- Pursuant to Article 25 of the Decree for the promotion of the manufacturing, maquiladora and export services industry ("IMMEX"), companies that have such program must submit an annual report electronically through VUCEM regarding total sales and exports corresponding to the immediately preceding fiscal year, in this case 2021;
- **The deadline for filing the RAOCE in the case of IMMEX programs is the last business day of May (May 31, 2022);**
- Otherwise, the program will be automatically suspended and the report may be filed until August 31, 2022;
- In case of failure to file by this second deadline, the program will be automatically cancelled on September 1, 2022.
- **In the case of those companies that have both PROSEC and IMMEX, they must file a single report;**
- In this case, in the electronic filing, through VUCEM, they must enter their total sales and total exports, filling both fields in "thousands of pesos", without the need to fill in the rest of the fields, which will be automatically calculated by the system;
- For this purpose, it is relevant to consider that the amount specified in such fields must correspond with the amount declared for the purposes of the annual tax return filed with the SAT.

- **It is relevant to mention that, even though the deadline to file the RAOCE for companies with IMMEX Program is the last business day of May (May 31), in case the company has IMMEX and PROSEC, the deadline to file the RAOCE will be the last business day of April, and not until the last business day of May. The information entered will be automatically replicated in the annual IMMEX report;**

- In the event that the company has both IMMEX and PROSEC and does not file its annual report before April 30, PROSEC will be automatically suspended, IMMEX will remain in effect and the company will have until the last business day of May to file its report, and upon doing so its PROSEC program will be reactivated;
- If by the last business day of May 2021, a company with IMMEX and PROSEC does not submit the annual report, its IMMEX will also be suspended;
- It is important to consider that it is not possible to make modifications to the report once the information has been entered and submitted. In case there is any error, it must be reported to the Ministry of Economy in a written document within a period of no more than 5 business days after the filing of the RAOCE;
- It is relevant to take into consideration that, in addition to the obligation to file the RAOCE for 2021, the Ministry of Economy verifies that the company complies with the provisions of Article 11, Section III of the IMMEX Decree, i.e., that it has the following:
 - Advanced electronic signature certificate from SAT;
 - Active Federal Taxpayers Registry;
 - That its tax domicile and the domiciles in which it carries out its operations under the Program are registered and active in the Federal Taxpayers' Registry;
 - With the document that certifies that it is not included in the lists of companies published by SAT, in terms of articles 69 and 69-B, third paragraph of the Federal Fiscal Code, with the exception of the provisions of section VI of the aforementioned article 69;
 - Positive opinion in force issued by SAT;
 - Although it is not necessary to attach documentation related to the above as part of the presentation of the RAOCE, it is recommended to review compliance with such requirements in order to avoid suspension of the benefits of the program.

We hope this information is useful to you and we are at your service for any related clarification.

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