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Newsletter

International Trade and customs Practice Group

Specialized Chambers in Foreign Trade are being eliminated

Today the "Official notice SS/4/2024 reforming the Internal Regulations of the Administrative Justice Court" was published in the Federal Official Gazette.

In this Official notice, the Superior Chamber of the Administrative Justice Court (TFJA) reformed the Internal Regulations of said Court, eliminating the Specialized Chambers in Foreign Trade as of April 1, 2024; along with additional changes related to the workload redistribution of the Administrative Justice Court Chambers.

These Specialized Chambers were created on October 7, 2015, to submit nullity petitions against:

1. Acts based on international Treaties/Agreements on commercial matters;
2. Acts where such Treaties/Agreements had not been applied in their favor;
3. Decrees, general agreements, and Tacit Rejections issued based on the Customs Law, Foreign Trade Law, and other regulations related to foreign trade.

The elimination of these Specialized Chambers was justified by the Superior Chamber under the following arguments:

1. The subject matter can be addressed by the Ordinary Regional Chambers whose staff knows about tax matters. The only difference with foreign trade being the applicable laws (in the opinion of the Superior Chamber).
2. Their creation was related to the establishment of special economic zones, whose creation and development were stopped in 2019 with the "Decree nullifying diverse Declarations of Special Economic Zones of Puerto Chiapas, Coatzacoalcos, Lázaro Cárdenas-La Unión, Progreso, Salina Cruz,

Campeche, and Tabasco published on September 29 and December 19, both in 2017 and on April 18, 2018."

3. From January to November 2023, only 1.9% of the filed petitions turned out to be within the jurisdiction of these Specialized Chambers.

With the elimination of these Chambers, trials related to foreign trade matters will now fall under the jurisdiction of the Ordinary Regional Chambers based on the competent territory. Meanwhile, petitions filed before their disappearance will continue to be processed in the Regional Chamber into which the extinct Specialized Chamber has been transformed, until its conclusion.

These changes may result in two main impacts:

1. Possible lack of specialized and technical knowledge in the subject matter that the Magistrates and Secretaries in charge of the soon-to-be-extinct Chambers.
2. Delays in the resolutions of trials related to Foreign Trade matters, by now becoming part of regular cases handled by the corresponding Regional Chambers.

This newsletter was prepared by the Foreign Trade team, in particular, by Roberto Serralde-Rodríguez (rserralde@sanchezdevanny.com); José Alberto Campos-Vargas (jacampos@sanchezdevanny.com); Eduardo Sotelo-Cauduro (esotelo@sanchezdevanny.com); María Luisa Mendoza-López (mmendoza@sanchezdevanny.com); and Juan Carlos Jiménez Labora-Mateos (jclabora@sanchezdevanny.com).

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Contact

Eduardo Sotelo-Cauduro
esotelo@sanchezdevanny.com

José Alberto Campos-Vargas
jacampos@sanchezdevanny.com

Juan Carlos Jiménez-Labora Mateos
jclabora@sanchezdevanny.com

Maria Luisa Mendoza-López
mmendoza@sanchezdevanny.com

Roberto Serralde-Rodríguez
rserralde@sanchezdevanny.com

México City:

Av. Paseo de las Palmas #525 Piso 6
Col. Lomas de Chapultepec, 11000
Ciudad de México
T. +52 (55) 5029 8500

Monterrey:

José Clemente Orozco #335 Piso 4
Despacho 401 Col. Valle Oriente, 66269
San Pedro Garza García N.L.
T. +52 (81) 8153 3900

Querétaro:

Av. Antea #1090 Piso 2 Int 206
Col. Jurica
Querétaro, Qro
T. +52 (442) 296 6400



www.sanchezdevanny.com

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