

Trade & Customs - Mexico

Draft decree on Foreign Trade Law maps out new regulatory framework for trade

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On March 23 2010 senators from the Institutional Revolutionary Party submitted a draft amendment decree to the Foreign Trade Law. The proposed amendment provides for changes to several articles of the law with a view to transforming the Foreign Trade Commission into a decentralized public entity with independent legal capacity, its own budget and technical and operational autonomy. The amendments provide for the appointment of five commissioners with proven international trade experience who would be appointed by the president and ratified by the Senate.

The entity would be vested with broad authority to analyze and issue resolutions on tariff modifications proposed by the Ministry of Economy, as well as on rules of origin and country of origin markings; it would also be able to render advisory opinions on non-tariff measures and on restrictions to exports, imports and the circulation and transit of goods. One of its main tasks would be to administer proceedings and issue resolutions on anti-dumping and subsidies investigations; its mandate to assist the ministry in the creation and implementation of trade policy would include proposing measures as a result of such investigations.

The commission would have an internal council, charged with fulfilling the duty to hear and consider the views of all industrial sectors involved in trade matters. This provision is intended to avoid unilateral decisions and would give the council advisory responsibility in international trade negotiations.

The draft decree would require the president to present a detailed annual report to Congress, which would incorporate a medium-term foreign trade strategy for approval by the Senate. Thus, it seeks to empower the legislature by giving it authority to ratify the appointment of the commissioners, approve the commission's strategic plan and assess the authority exercised by the executive branch in connection with foreign trade. In addition to participation in the internal council, Congress would have a more active role in determining trade policy.

As a whole, the proposals aim to improve the regulatory framework for foreign trade, encourage competitiveness and provide effective measures against unfair international trade practices.

For further information on this topic please contact

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