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New Requirements to Extend IMMEX and PROSEC Benefits to Additional Addresses and Amendment to List of Products that Must Comply with NOMs

Legal Update

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Mexico's foreign trade rules were modified by decree published on December 9, 2019. The decree includes new and revised conditions for Mexico's IMMEX and PROSEC programs. One of the changes requires companies that want to add new addresses to their IMMEX or PROSEC programs to present a statement issued by a notary public describing, among other items:

- the location of the address, indicating the characteristics, conditions and details of the facilities, adding pictures to support the description;
- the legal title or rights to occupy the premises and copies of documents proving such rights;
- an inventory of the machinery, equipment and furniture used in the production process, along with photographs and documentary support regarding the legal possession thereof;
- the merchandise to be imported temporarily and the description of the physical space where it will be stored; and
- the number of employees and a description of the jobs performed, together with proof that the payments to the Mexican Social Security Institute (IMSS) are current and, if the personnel is hired through a third party (outsourcing), copy of the services contract and the document proving the legal hiring of the employees.

Gathering the information to comply with the new requirements may take time. Companies with IMMEX or PROSEC programs must be mindful of the additional lead time they will require when expanding their operations to additional addresses or when they need to relocate production or warehousing facilities. Failure to account for the new requirements may cause operational disruptions.

The decree modifies other foreign trade rules. It also provides that products under various tariff classifications will no longer be subject to certain Official Mexican Standards (NOMs) but added a few electronic products under other tariff

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classifications, including 8510.30.01, 8414.51.02 and 8515.39.01, to the list of products that must comply with certain NOMs at the time they are imported into Mexico.

All provisions of the decree entered into force on December 10, 2019. The full text of the decree may be consulted (in Spanish) [here](#).