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“DILIGITE JUSTITIAM QUI JUDICATIS TERRAM.” “Ye who judge the earth, give diligent love to justice”



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## Legal treatment to the internment of spare parts into Mexico

By Fermín Aramburu

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Pursuant to the provisions of the Chicago Convention on International Civil Aviation (“Chicago Convention”) and the regulatory framework adopted under the different Bilateral Air transport Agreements enacted by the Government of the United Mexican States, foreign airlines are granted the benefit of a special treatment, on the basis of reciprocity, provided to the transportation of spare parts and equipment internment for its use and incorporation in or use on an aircraft operating as a designated carrier under a valid Air Transport Agreement which shall be admitted free of customs duties and processes.

*“...the first step for an airline to be subject to the benefit from the aforementioned regime is for it to be duly designated under a valid Air Transport Agreement and obtain a bilateral Operating Permit granted by the Ministry of Communication and Transport through the Federal Civil Aviation Agency.”*

In accordance to the foregoing, and pursuant to the provisions of Article 24 of the Chicago Convention, the applicable Articles of the Bilateral Air Transport Agreement enacted by the Government of the United Mexican States, Articles 61, subsection I, 106, subsection III e), and 107 of the Customs Law, and Article 97 of the Regulation of the Customs Law, the Customs Authorities in Mexico are required to give the special treatment to spare parts and equipment transported for its use and incorporation in or use on an aircraft operating as a designated carrier under a valid Air Transport Agreement. This includes amongst other, general spare parts, components, and other company materials to be used by the airline for the air transport services. Such special treatment includes the exemption of taxes and duties, as well as an expedite process that guarantees that these spare parts, components and other company materials are not to be treated as regular cargo, and thus, not subject to importation procedures nor regimes.

Now, from a practical standpoint, the first step for an airline to be subject to the benefit from the aforementioned regime is for it to be duly designated under a valid Air Transport Agreement and obtain a bilateral Operating Permit granted by the Ministry of Communication and Transport through the Federal Civil Aviation Agency.

The internment process of the spare parts, components and other company material for its use and incorporation in or use for the air transport services, can be conducted either directly by the airline or through a third party with who the airline has executed a service agreement for the transport of good, must be processed and declared within the air cargo manifest as AOG parts or COMAIL/COMAT. This will allow such spare parts, components, and other company materials to remain onsite and thereafter delivered directly to the maintenance services provider. Upon

delivery, the maintenance workshop will be responsible for their safekeeping and custody, until such time in which they are required to install the spare parts in the aircraft used for the air transport services.

To avoid any problem to receive the special treatment to internment the spare parts, components, and other company material the airline must accompany a writ, executed by legal representative of the airline and directed to the Customs Authority office at the involved airport. Such document must contain the description of the spare parts, components and other company material, including the part number, description, and serial number (when possible the inclusion of pictures that help locate the serial numbers of each Spare Parts/Components). This writ has to be delivered to the maintenance provider prior to the arrival of the spare parts, components and other company material and kept at all time within the maintenance workshop to be provided as evidence to the Custom Authorities in case that an inspection takes place.

As mentioned, it is unfortunate that Mexico has not enacted a standardized procedure applicable by all the customs offices in the country that would guarantee airlines the same treatment to benefit from the Air Transport Agreements. This has resulted in substantial practical issues, particularly when it comes to the Customs Authority, that can implement uneven and discretionary criteria when assessing the internment process of spare parts, components, and other company materials.

*“To avoid any problem to receive the special treatment to internment the spare parts, components, and other company material the airline must accompany a writ, executed by legal representative of the airline and directed to the Customs Authority office at the involved airport.”*

In conclusion, despite the existence of international obligations freely acquired by the Mexican Government, the lack of knowledge and lack of standardized criteria from the Customs Authorities has hampered the rights of airlines to benefit from the rights provided under the aforementioned international instruments. This problem must be addressed so that foreign airlines can successfully achieve the benefit of the internment their spare parts, components and other company materials free of customs duties and processes. This issue should be duly addressed by the relevant Authorities to avoid a possible breach of international obligations by the Mexican Government, particularly in such cases in which other countries do provide this benefit to Mexican carriers, and thus expect reciprocity on the matter.

## Mexico voids BlackRock consortium's bid for 'Mayan Train' project.

Mexico declared void a tender process in which a consortium that includes U.S. investment group BlackRock Inc BLK.N was the sole bidder, to build a section of one of the government's flagship infrastructure projects, the so-called "Mayan Train". The 1,470-km (910-mile) train project is designed to link tourist spots and spur development on the Yucatan Peninsula at an estimated cost of \$7 billion. Mexico's National Fund for Tourism Promotion (Fonatur) initially planned to announce the decision on Aug. 31, but said it needed more time to analyze the proposal from BlackRock and its partners. [www.reuters.com/article/us-mexico-train-blackrock/mexico-voids-blackrock-consortiums-bid-for-mayan-train-project-idUSKBN2600JS](http://www.reuters.com/article/us-mexico-train-blackrock/mexico-voids-blackrock-consortiums-bid-for-mayan-train-project-idUSKBN2600JS) 08/09/2020.

## Mexico's AMLO proposes referendum on prosecuting country's ex-presidents.

Mexico's president has announced plans for a referendum on whether to prosecute his unpopular predecessors, saying he wants "the people" to give the green light to any legal proceedings against the country's former presidents. Andrés Manuel López Obrador, commonly called Amlo, delivered a document to the Senate on Tuesday, asking for a plebiscite on prosecuting former presidents to be held along midterm elections on 6 June 2021. Plans for the plebiscite were unveiled as Mexico weathers the twin storms of a pandemic which has claimed more than 70,000 lives and a stumbling economy which recently saw its worst contraction since the Great Depression. [www.theguardian.com/world/2020/sep/15/mexico-amlo-referendum-ex-presidents](http://www.theguardian.com/world/2020/sep/15/mexico-amlo-referendum-ex-presidents) 15/09/2020.

## Mexico asks U.S. for answers about alleged migrant detention abuse.

Mexico has formally requested a report from U.S. authorities regarding alleged negligent practices in U.S. immigration detention centers, citing accusations of sexual abuse and unauthorized hysterectomies. The request come after a complaint by a whistleblower nurse alleging that detainees in a Georgia immigration detention facility had improperly received hysterectomies and other gynecological procedures. The Mexican ministry said its consulate in El Paso, Texas was in contact with a Mexican woman and her lawyer after an allegation of sexual abuse by U.S. Immigration and Customs Enforcement (ICE) agents. [www.reuters.com/article/us-usa-immigration-detention-mexico/mexico-asks-u-s-for-answers-about-alleged-migrant-detention-abuse-idUSKBN26809V](http://www.reuters.com/article/us-usa-immigration-detention-mexico/mexico-asks-u-s-for-answers-about-alleged-migrant-detention-abuse-idUSKBN26809V) 16/09/2020.

## Mexico's drug war leaves 39,000 unidentified bodies in its morgues.

Mexico's militarised crackdown on organised crime has left nearly 39,000 unidentified bodies in the country's morgues, which are often unable to handle the volume of corpses brought in for autopsies. A new investigation by the investigative NGO Quinto Elemento Labs found that an alarming number of people were simply buried in common graves without proper postmortems. Some were left in funeral homes and more than 2,500 bodies were given to medical schools. Mexico's militarised war on drugs has claimed nearly 300,000 lives over the past 14 years. [www.theguardian.com/world/2020/sep/22/mexicos-drug-war-leaves-39000-unidentified-bodies-in-its-morgues](http://www.theguardian.com/world/2020/sep/22/mexicos-drug-war-leaves-39000-unidentified-bodies-in-its-morgues) 22/09/2020.

## Mexico central bank cuts rate again, but slows the pace.

Mexico's central bank lowered borrowing costs to help stimulate the economy battered by the coronavirus pandemic but reduced the pace of the cuts to a quarter of a percentage point in an environment of higher inflation. The Bank of Mexico said the rate-setting board unanimously agreed to trim the benchmark rate by 0.25 basis points to 4.25%, for what was its 11th consecutive cut since August 2019. For the past five rates decisions, the bank cut by 50 basis points as the economy plummeted during measures to contain the pandemic. [www.reuters.com/article/us-mexico-rates/mexico-central-bank-cuts-rate-again-but-slows-the-pace-idUSKCN26F3E6](http://www.reuters.com/article/us-mexico-rates/mexico-central-bank-cuts-rate-again-but-slows-the-pace-idUSKCN26F3E6) 24/09/2020.

## Mexico signs commitment to purchase WHO's COVID-19 vaccines through COVAX.

The head of Mexico's Foreign Affairs Ministry (SRE), Marcelo Ebrard, announced that the government sent to Switzerland its commitment to buy vaccines against COVID-19 through COVAX. Mexico has officially signed up for the COVAX multilateral initiative to ensure universal access to the vaccine against COVID-19. Therefore, the Nation will have access to the authorized vaccines by regulatory health authorities. Countries joining the COVAX Facility can participate through a Committed Purchase Arrangement or an Optional Purchase Arrangement. Mexico has agreed as in the first case and will need to make committed guarantees to procure an agreed volume of doses through the Facility, and will be required to provide a lower upfront payment of US\$ 1.60 per dose or 15% of the total cost per dose. [www.eluniversal.com.mx/english/mexico-signs-commitment-purchase-whos-covid-19-vaccines-through-covax](http://www.eluniversal.com.mx/english/mexico-signs-commitment-purchase-whos-covid-19-vaccines-through-covax) 25/09/2020.

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