

# Export Control Regime: Overview (Mexico)

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A Practice Note providing an overview of the export control regime in Mexico, including for military goods, dual-use goods, and other strategic goods and technology. The Note covers controls on exports and related technical assistance and brokering services, as well as the arrangements for licensing and enforcement.

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Mexico places controls on trade in certain types of strategic goods, software, and technology (referred to collectively as strategic items). The strategic items include, for example:

- Military items.
- Dual-use items (that is, items that can be used for both civilian and military purposes).
- Nuclear-related items.

If a person is planning to undertake an activity that is restricted under the export control regime, such as exporting a controlled good or providing related services, they must first obtain a license. Breaching export control rules can lead to criminal prosecution and civil monetary penalties.

This Note provides an overview of the export control regime in Mexico, including the general framework, substantive controls, licensing arrangements, and compliance and enforcement.

This Note does not cover export controls for non-strategic items, for example, animals, plants, and medicines.

## General Framework

The legal framework for Mexico's export controls consists of a series of laws and regulations that should be read and interpreted together. These provisions implement various international treaties and agreements to which Mexico is a party (see [International Treaties](#)). Therefore, an analysis of Mexico's export control regime requires an understanding of not only these domestic provisions, but also the international obligations that the regime is designed to implement.

Export controls were first incorporated into the Mexican regulatory framework almost 20 years ago through publication of various regulatory agreements in the [Mexico Federal Official Gazette](#) (*Diario Oficial de la Federación*) (Federal Official Gazette). These regulatory agreements established a series of requirements for the export of items that could be used to manufacture and promote conventional weapons or weapons of mass destruction. A more coordinated approach to Mexico's export controls was achieved in 2020, when another regulatory agreement was published in the Federal Official Gazette (see [National Laws and Regulations](#)).

## National Laws and Regulations

Mexico's export control regime is based mainly on various secondary legislation enacted under the [Political Constitution of the United Mexican States](#) (*Constitución Política de los Estados Unidos Mexicanos*) (Mexican Political Constitution).

Under the Mexican Political Constitution, Mexico's Congress can empower the President of Mexico to:

- Increase, decrease, or eliminate export and import tariffs.
- Restrict and prohibit imports and exports.

(Article 131, Mexican Political Constitution.) Mexico's Congress has done so through relevant secondary legislation, including:

- The [Foreign Trade Law](#) (*Ley de Comercio Exterior*) and its [regulations](#) (*Reglamento de la Ley de Comercio Exterior*).
- The [General Import and Export Tax Law](#) (*Ley de los Impuestos Generales de Importación y de Exportación*).
- The [Customs Law](#) (*Ley Aduanera*).
- The [Federal Tax Code](#) (*Código Fiscal de la Federación*).
- The [Federal Firearms and Explosives Law](#) (*Ley Federal de Armas de Fuego y Explosivos*).

The Foreign Trade Law authorizes nontariff regulatory and restrictive measures on the export of items in accordance with the international treaties and agreements to which Mexico is a party (see Article 15, Foreign Trade Law and Article 52, Federal Firearms and Explosives Law). This authority is implemented by several Foreign Trade Law regulations.

The Foreign Trade Law also provides that items subject to nontariff restrictions or regulations, such as a Prior Export Control Permit, must be identified by their tariff classification in accordance with the General Import and Export Tax Law (see [Licenses and Permits for Dual-Use Items](#)).

The Customs Law expands on the requirements of the Foreign Trade Law. It requires interested parties, when exporting items, to comply with all the nontariff restrictions or regulations that apply to the items.

While the Mexican Political Constitution and relevant secondary legislation provide general authority for export controls, these measures are implemented by regulatory agreements published in the Federal Official Gazette by the Ministry of Economy and, as applicable, other agencies. Among the most significant is the [Agreement that Establishes the Dual-Use Goods, Software and Technologies Whose Export is Subject to Regulation by the Ministry of Economy](#) (*acuerdo que establece los bienes de uso dual, software y tecnologías cuya exportación está sujeta a regulación por parte de la Secretaría de Economía*) (Export Control Agreement) (published in the Federal Official Gazette on 27 December 2020 and amended on 25 August 2022 and 24 November 2022 (see [Export Control Measures](#))).

## International Treaties

Mexico has signed the following international agreements related to export controls:

- The [Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies](#).
- The [Treaty on Non-Proliferation of Nuclear Weapons](#).
- The [Amendment to the Convention on the Physical Protection of Nuclear Material](#).
- The [Nuclear Suppliers Group](#).
- The [Zangger Committee](#).

- The [Australia Group](#).
- The [Convention on Nuclear Security](#).
- The [United Nations Convention Against the Illicit Traffic of Drugs and Psychotropic Substances of 1988](#).
- The [United Nations Convention Against Transnational Organized Crime](#).
- The [Inter-American Convention Against Corruption](#).

Importantly, these treaties are commonly used for interpretive guidance on Mexico's national regulatory framework.

## Institutional Framework

The Ministry of Economy can adopt measures to regulate, restrict, or prohibit the export of items from Mexico. Other competent ministries, such as the Ministry of National Defense, Ministry of Energy, and Ministry of Health, can adopt these measures relating to exports of items within their particular regulatory scope. The Ministry of Economy and other competent ministries are responsible for, among other things:

- Publishing export controls in the Federal Official Gazette.
- Enforcing export controls, including issuing export permits and licenses (see [Licenses](#)).
- Carrying out inspections to audit compliance with export controls (see [Compliance and Enforcement](#)).

Mexico also has two customs authorities that have responsibilities relating to exports:

- The National Customs Agency of Mexico (ANAM), which oversees customs stations' operations and customs procedures.
- The Tax Administration Service (SAT), which is responsible for, among other things, adopting implementing regulations, maintaining an exporter register, and conducting compliance audits after customs clearance.

## Export Control Measures

Under Mexico's export control system, controls on dual-use and other items are implemented by various regulatory agreements published in the Federal Official Gazette.

## Export Control Agreement

The Export Control Agreement and its amendments provide a coordinated approach to export controls in accordance with the stipulations of the Wassenaar Arrangement. This agreement, as amended, prescribes that the export of ammunition, software, technology, equipment, materials, precursor chemicals, and any other dual-use goods subject to use in the manufacture and proliferation of conventional weapons and weapons of mass destruction requires a prior export license issued by the Ministry of Economy's General Directorate for Foreign Trade (see [Licenses](#)).

Specific items subject to the Export Control Agreement are set out in Annexes to the agreement. They include:

- Dual-use goods (Annex I).
- Ammunition and weapons (Annex II).
- Specified software and technology (Annex III).
- Nuclear-related technology, dual-use equipment, and materials (Annex IV).
- Precursor chemicals, facilities and equipment for manufacturing dual-use chemicals and technology, and associated information systems (Annex V).
- Biological agents, dual-use biological equipment and technology, and associated information systems (Annex V).
- Plant and animal pathogens (Annex V).

The permit requirements of the Export Control Agreement apply to controlled dual-use software, technology, and goods exported from Mexico by any means, including by electronic transmission or any other means of communication.

## Other Regulatory Agreements

Other regulatory agreements imposing controls on the export of certain items include:

- [The Agreement Establishing the Classification and Coding of Goods Whose Import or Export is Subject to Regulation by the Ministry of National Defense](#) (*acuerdo que establece la clasificación y codificación de las mercancías cuya importación o exportación están sujetas a regulación por parte de la Secretaría de la Defensa Nacional*) (National Defense Agreement) (published in the Federal Official Gazette on 30 June 2007).
- [The Agreement Establishing the Classification and Coding of Goods Whose Import and Export are Subject to Regulation by the Agencies that Form the Inter-Secretarial Commission for the Control of the Process and Use of Pesticides, Fertilizers and Toxic Substances](#) (*acuerdo que establece la clasificación y codificación de mercancías cuya importación y exportación está sujeta a regulación por parte de las dependencias que integran la Comisión Intersecretarial para el Control del Proceso y uso de Plaguicidas, Fertilizantes y Sustancias Tóxicas*) (published in the Federal Official Gazette on 26 May 2008).
- [The Agreement Establishing the Classification and Coding of Goods Whose Import and Export is Subject to Prior Authorization by the Ministry of Energy](#) (*acuerdo que establece la clasificación y codificación de mercancías cuya*

*importación y exportación está sujeta a autorización previa por parte de la Secretaría de Energía* (Ministry of Energy Agreement) (published in the Federal Official Gazette on 26 December 2020).

- The [Agreement Establishing the Classification and Coding of Goods Whose Import, Export, Entrance, or Exit is subject to Sanitary Regulation by the Ministry of Health](#) (*acuerdo que establece la clasificación y codificación de mercancías y productos cuya importación, exportación, internación o salida está sujeta a regulación sanitaria por parte de la Secretaría de Salud*) (published in the Federal Official Gazette on 27 September 2007).

## Other Bases for Controls

Items are also subject to export controls when either:

- The exporter has been informed by Mexican authorities that the items:
  - may be subject to diversion;
  - could be used for military end-use; or
  - could be destined in whole or in part to activities related to the proliferation of weapons.
- The acquiring country or the country of final destination is subject to an embargo by a resolution of the United Nations Security Council.
- The exporter has been informed by Mexican authorities that the items may be destined in whole or in part for military use.

(Article 9, Ministry of Energy Agreement and Article 5, Export Control Agreement.)

## Licenses

To export an item from Mexico, an exporter must first determine the item's tariff classification. Once the item is classified, the exporter must verify whether, based on the classification, the item is subject to an export license requirement under Mexico's export control regime. If so, the exporter must apply for and obtain the appropriate permit.

The three main types of export control licenses in Mexico are:

- For dual-use items (see [Licenses and Permits for Dual-use Items](#)).
- For military items (see [Licenses for Military Items](#)).
- By independent expert examination (see [Licenses by Independent Expert Examination](#)).

## Licenses and Permits for Dual-Use Items

Export permits for dual-use items fall into two categories, those required by:

- The Export Control Agreement, which are issued for one year and can be extended.
- Regulatory agreements published by authorities other than the Ministry of Economy, which can be issued for:
  - a specific period; or
  - a specific shipment (these are issued on occasion, depending on the concerned item).

Mexican legislation and regulations establish a series of steps that the applicant must follow to obtain an export permit. For an export permit required by the Export Control Agreement, the exporter must first obtain an approved End-User/End-Use Statement. This statement is obtained by filling out a form as prescribed by the Ministry of Economy, which includes:

- General information about the exporter.
- The name of the exporter's legal representative.
- Information related to the final user to whom the items are destined.
- The end-user's business activity and address.
- The country of export.

(Article 9, Export Control Agreement.)

The Ministry of Economy generally has ten business days from the exporter's submission of the form to approve or reject the End-User/End-Use Statement, but this period can be extended up to 60 business days if the authority requires more time or information to make a decision (Article 12, Export Control Agreement).

When no reliable information is presented or when the requirements of the authority are not adequately met, the Ministry of Economy rejects the End-User/End-Use Statement and a fresh application must be submitted. A blank End-User/End-Use Statement is available on the Ministry of Economy's [website](#).

Once an End-User/End-Use Statement is approved, an exporter must request from the Ministry of Economy a Prior Export Control Permit. To obtain this permit, an applicant must identify, among other things:

- The item to be exported.
- Whether the item is new or used.

- The applicable export regime.
- The export regime classification.
- A description of the item.
- The item's tariff classification.
- The invoice value in pesos.
- The item's unit of measure.
- The specific use of the item.
- The export justification and business purpose.

(Ministry of Economy Guide SE-03-080.)

Once this information is declared, the applicant attaches the approved End-User/End-Use Statement to the application for the Prior Export Control Permit. The permit is granted or rejected within 15 business days from the business day following the application's submission date (Article 21, Foreign Trade Law).

If there are no irregularities in the information provided by the applicant, the Mexican authority grants the Prior Export Control Permit and the interested party can undertake the corresponding export.

A Prior Export Control Permit is valid for up to one year and can be extended for an equal period if all the authorization criteria continue to be met (Article 13, Export Control Agreement).

Export permits required by regulatory agreements published by authorities other than the Ministry of Economy are extensive and vary greatly depending on the type of product exported, the details of which are outside the scope of this Note.

## Licenses for Military Items

The National Defense Agreement determines which exported items must comply with the Ministry of National Defense's permit procedure. Parties interested in exporting items covered by the National Defense Agreement must submit an [application](#) to the Ministry of National Defense for an ordinary permit to export military items. The application must contain, among other things, information:

- On the end-user to which the export is destined.
- On the exporter.
- Demonstrating why the export operation is being carried out.



## Licenses by Independent Expert Examination

Sometimes, due to the complexity or characteristics of a particular item to be exported, the Mexican authorities or the exporter, or both, may be uncertain as to whether the item is subject to export controls. Therefore, the Export Control Agreement provides for a consultation before the Committee for the Control of Exports of Dual-Use Goods, Software and Technologies. A consultation may be requested by either the exporter or the authorities and it is within the discretion of the Ministry of Economy whether to proceed with a consultation. If a consultation takes place, the committee deliberates on whether the items are subject to export controls and decides by majority vote. (Articles 5 and 18, Export Control Agreement.)

## Compliance and Enforcement

### Recordkeeping

An exporter who is required to obtain a prior export permit must have custody of records confirming the fulfillment of this obligation for a period of five years (Article 30, Federal Tax Code). Mexican authorities have five years to verify or audit an exporter's compliance with export control requirements (Article 67, Federal Tax Code).

### Practical Issues Related to Export Clearance

Although export controls are determined at the national level, there may be local variations in how the rules are interpreted and applied due to the large number of customs offices around the country. Therefore, before exporting an item, an exporter should have sufficient records demonstrating that it has obtained any required export permit and that the circumstances that supported granting the permit continue to apply.

An exporter should also be mindful of an export permit's expiration date and, if necessary, file a timely request for the renewal or extension of the permit with the Mexican authorities.

## Consequences for Violating Export Control Laws

Failing to comply with export permit requirements can result in:

- Administrative penalties (see [Administrative Penalties](#)).
- Criminal penalties (see [Criminal Penalties](#)).
- Permit cancellation (see [Permit Cancellation](#))

### **Administrative Penalties**

An administrative penalty can be imposed for:

- Failing to have a required export permit at the time of customs clearance. A fine of 70% to 100% of the commercial value of the items to be exported can be imposed.
- Failing to transmit, or transmitting in an untimely manner, the document that proves the processing of an export permit. A fine of MXN3,730 to 5,590 can be imposed. The Mexican customs authority can place an embargo on the items to be exported if the omission is proven prior to export.

(Articles 178 and 185, Customs Law.)

### **Criminal Penalties**

Exporting an item without the necessary permit is the federal crime of smuggling, which is punishable by three to six years in prison ([Articles 102\(II\) and 104\(IV\)](#), [Federal Fiscal Code](#) (*Código Fiscal de la Federación*)).

### **Permit Cancellation**

A granted export permit can be cancelled if:

- The exporter violates the obligations established in the permit.
- The initial conditions under which the permit was granted have changed.
- The End-User/End-Use Statement or the permit application contains an omission, alteration, or falsification.
- The exporter lacks documentation covering export of the regulated items.
- There are inconsistencies with application declarations.
- The regulated items were exported to a final destination other than that listed on the permit.
- The exports were not destined to the end-user listed on the application.
- The fiscal address declared by the exporter is nonexistent.
- The Mexican authorities determine that the name or fiscal address of the recipient or buyer abroad is false, nonexistent, or untraceable.

(Article 15, Export Control Agreement.)

## **Voluntary Self-Disclosure**

An exporter can remedy an export control violation voluntarily to prevent or limit penalties. Therefore, an exporter that failed to present a Prior Export Control Permit for the export of an item should correct the violation as soon as possible and process the export permit before the authorities trigger an official procedure against the exporter.

Voluntarily correcting an export control violation demonstrates goodwill and may be considered a mitigating factor in any criminal or administrative penalty action initiated by a Mexican authority.