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APPLICATION OF BENEFITS UNDER THE MUTUAL RECOGNITION ARRANGEMENT BETWEEN THE AUTHORIZED ECONOMIC OPERATOR (AEO) PROGRAMS OF THE REPUBLIC OF SOUTH KOREA AND MEXICO

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Introduction

According to Article 100-A of the Customs Law, the Tax Administration Service will authorize the registration of certified companies as **Authorized Economic Operators**, when in addition to complying with the requirements established by Mexican regulations; companies meet the minimum-security standards, determined in the document entitled “**Company’s Security Profile**”. These standards are aligned with the SAFE Framework (Framework of Standards to Secure and Facilitate Global Trade) adopted by the World Customs Organization, in June 2005. In Mexico, the program is known as Authorized Economic Operator (AEO).

The SAFE Framework defines the Mutual Recognition Arrangement, as a concept, whereby an action or decision taken or an authorization granted by the Customs Administration of a country, is recognized and accepted by another Customs Administration. It also states that in order for a system of mutual recognition to work it is essential that:

- Both AEO programs are compatible and follow the standards and principles set in the SAFE Framework.
- Each country has agreed on a set of standards and principles for Customs Administrations and for the AEO Programs as well.
- Standards are applied in a unified manner in order for Customs Administrations to have confidence in **each other’s** authorization.

The Mutual Recognition Arrangement between the Tax Administration Service and the South Korea Customs Service was signed in Mexico City, on March 11th 2014. Through this Arrangement both countries recognize their Authorized Economic Operator (AEO) programs.

Benefits

Benefits received under the Mutual Recognition Arrangement translates into a lower number of inspections during the customs clearance, and in case of inspections, the certified AEO company will have priority.

Cases in which benefits can be received:

In order to receive the benefits from the AEO Program, Mexican importers will identify operations with suppliers who are certified as AEO. To carry out this process, Mexican importers must use the correct fields in the entry summary, according to the Annex 22, Appendix 8 (Entry Summary Guidelines) of the Mexican General Rules for Foreign Trade, as shown in the table below:

| IDENTIFIER | LEVEL | CASES | Complement 1 | Complement 2 | Complement 3 |
|----------------------------------|-------|---|--|---|------------------------------|
| IC- CERTIFIED COMPANY | G | Indicate it is a certified company | <p>Declare the corresponding code/key according to the following:</p> <p>A. Rule 7.1.4. Paragraph A O. Rule 7.1.4. Paragraph B, C, D, E, F</p> <p>According to the Rule 7.1.9. paragraph A, fraction IV and 7.3.11 or when the authorization is valid, please declare the following:</p> <p>A. Rule 3.8.1., paragraph A B. Rule 3.8.1., paragraph B D. Rule 3.8.1., paragraph D F. Rule 3.8.1., paragraph F L. Rule 3.8.1. Paragraph L.</p> | Do not capture data (Empty). | Do not capture data (Empty). |
| OE- AUTHORIZED ECONOMIC OPERATOR | G | Identify international suppliers who have a valid AEO certification in their country, and have signed a Mutual Recognition Arrangement with Mexico. | Declare the Authorized Economic Operator number , provided by the supplier. | Country that signed the Arrangement with Mexico, according to Annex 22, Appendix 4. | Do not capture data (Empty). |

Therefore, there are two different application cases to obtain the benefits:

1. When a Mexican company certified as AEO, performs an import operation and its supplier is a South Korean Company with an AEO certification.
2. When a Mexican company without an AEO certification, performs an import operation and its supplier is a South Korean Company with an AEO certification.

Case 1

In this case, the Mexican company with an AEO certification, importing goods from a South Korean Supplier with an AEO certification, must fill in the field “DATOS DEL PROVEEDOR O COMPRADOR” section, with the following information:

- ✓ TAX ID of the Supplier
- ✓ Company name
- ✓ Address

As shown below:

| DATOS DEL PROVEEDOR O COMPRADOR | | | |
|---------------------------------|--|---|-------------|
| ID. FISCAL KRAEO0000000 | NOMBRE, DENOMINACIÓN O RAZON SOCIAL INTERNATIONAL INDUSTRIES TEH, INC | DOMICILIO: 3560, BAUMOE-RO, SEOCHO-GU SEOUL | VINCULACIÓN |

Additionally, in section “KEY/COMPLEMENT IDENTIFIER”, the Mexican company must apply the identifier “**IC**”, which indicates that it is a certified Mexican company and in the section Complement 1, it must indicate the key “**L**” or “**O**” which means it is a certified company according to rule 3.8.1. paragraph L or rule 7.1.4. category AEO.

In the second line, the Mexican company must apply the identifier “**OE**”, which means that its supplier is an Authorized Economic Operator (AEO) and the supplier is within a country that has signed a Mutual Recognition Arrangement with Mexico. The next step is, in Complement 1, the Mexican company must indicate the **AEO Number** of the South Korean Supplier, which must be provided by the supplier. In Complement 2, indicate the Key of the country of origin, in this case to South Korea is “**KOR**”.

Examples:

1. Rule 3.8.1. category L:

| DATOS DEL DESTINATARIO | | | | | | | | | |
|----------------------------------|-------------------------------------|---------------|--|--|------------|-----|--|--|--|
| ID. FISCAL | NOMBRE, DENOMINACIÓN O RAZON SOCIAL | | | | DOMICILIO: | | | | |
| TRANSPORTE | IDENTIFICACIÓN: | | | | PAÍS: | | | | |
| NUMERO (GUIA/ORDEN EMBARQUE)/ID: | | | | | | | | | |
| NUMERO / TIPO DE CONTENEDOR | | | | | | | | | |
| CLAVE / COMPL. IDENTIFICADOR | IC | L | | | | KOR | | | |
| | OE | KRAEOXXXXXXXX | | | | KOR | | | |
| OBSERVACIONES | | | | | | | | | |

2. Rule 7.1.4. category AEO:

| DATOS DEL DESTINATARIO | | | | | | | | | |
|----------------------------------|-------------------------------------|---------------|--|--|------------|-----|--|--|--|
| ID. FISCAL | NOMBRE, DENOMINACIÓN O RAZON SOCIAL | | | | DOMICILIO: | | | | |
| TRANSPORTE | IDENTIFICACIÓN: | | | | PAÍS: | | | | |
| NUMERO (GUIA/ORDEN EMBARQUE)/ID: | | | | | | | | | |
| NUMERO / TIPO DE CONTENEDOR | | | | | | | | | |
| CLAVE / COMPL. IDENTIFICADOR | IC | O | | | | KOR | | | |
| | OE | KRAEOXXXXXXXX | | | | KOR | | | |
| OBSERVACIONES | | | | | | | | | |

Thus, the validation system of the operation in Mexico, will identify the information provided in the Entry Summary, it will recognize data and suppliers from AEO certified companies and the benefits will be granted under the Mutual Recognition Arrangement.

Case 2

In this case, the Mexican company without AEO certification, imports goods from a South Korean Company with an AEO certification. The Mexican company must fill in the “DATOS DEL PROVEEDOR O COMPRADOR” section, with the following information:

- ✓ TAX ID of the Supplier
- ✓ Company name
- ✓ Address

As shown below:

| DATOS DEL PROVEEDOR O COMPRADOR | | | |
|---------------------------------|--|---|-------------|
| ID. FISCAL KRAEO0000000 | NOMBRE, DENOMINACIÓN O RAZON SOCIAL INTERNATIONAL INDUSTRIES TEH, INC | DOMICILIO: 3560, BAUMOE-RO, SEOCHO-GU SEOUL | VINCULACIÓN |

In the “CLAVE/COMPL. IDENTIFICADOR” section, the Mexican company must apply the identifier “**OE**”, which means that its supplier is an Authorized Economic Operator (AEO) and the supplier is within a country that has signed a Mutual Recognition Arrangement with Mexico. The next step is, in Complement 1, the Mexican company must indicate the **AEO Number** of the South Korean Supplier, which must be provided by the supplier. In Complement 2 (next column), indicate the Key of the origin country of the supplier, in this case, to South Korea is “**KOR**”.

| DATOS DEL DESTINATARIO | | | | | | | |
|----------------------------------|-------------------------------------|-----------|-------------------|------------|--|--|--|
| ID. FISCAL | NOMBRE, DENOMINACIÓN O RAZON SOCIAL | | | DOMICILIO: | | | |
| TRANSPORTE | IDENTIFICACIÓN: | | | PAÍS: | | | |
| NUMERO (GUIA/ORDEN EMBARQUE)/ID: | | | | | | | |
| NUMERO / TIPO DE CONTENEDOR | | | | | | | |
| CLAVE / COMPL. IDENTIFICADOR | | OE | KREOXXXXXX | KOR | | | |
| OBSERVACIONES | | | | | | | |

Thus, the validation system of the operation in Mexico will recognize the information provided in the Entry Summary by the AEO certified company and its suppliers and the benefits will be granted under the Mutual Recognition Arrangement.

Recommendations

It is important that Mexican companies who want to obtain the benefits under the Mutual Recognition Arrangement consider the following recommendations:

- If they are aware their suppliers have AEO certification and they are not receiving the benefits this might be due to the fact that they do not know how to make the request to receive it, therefore, you should ask to include the **AEO Number** in the shipment documentation.
- If the system shows an error, when validating the entry summary, this must be sent through the established procedure in order to get a proper response.
- When Mexican AEO companies do not have a certified AEO supplier, they must continue to use the identifier as they currently do.

As shown below:

| DATOS DEL DESTINATARIO | | | | | | | | | |
|----------------------------------|--|-------------------------------------|----|--|-----|------------|--|--|--|
| ID. FISCAL | | NOMBRE, DENOMINACIÓN O RAZON SOCIAL | | | | DOMICILIO: | | | |
| TRANSPORTE | | PAÍS: México | | | | | | | |
| NUMERO (GUIA/ORDEN EMBARQUE)/ID: | | | | | | | | | |
| NUMERO / TIPO DE CONTENEDOR | | | | | | | | | |
| CLAVE / COMPL IDENTIFICADOR | | | IC | | L/O | | | | |
| OBSERVACIONES | | | | | | | | | |

Legal Framework

- Article 100-A and 100-B of the Customs Law.
- Title 7 from Mexican General Rules for Foreign Trade for 2018.
- Appendix 4 and 8 for the Annex 22 of the Mexican General Rules for Foreign Trade for 2018.

For further information visit:

http://www.sat.gob.mx/informacion_fiscal/normatividad/Paginas/reglas_comercio_exterior_2017.aspx

Glossary

Acronyms

1. **AEO**: Authorized Economic Operator

Definitions

1. **L**: Key according to the rule 3.8.1. paragraph "L".
2. **O**: Key according to the rule 7.1.4, AEO Modality.
3. **Identifier IC**: Identifies certified companies under the AEO program in México.
4. **Identifier OE**: Identifies an international supplier that has an AEO certification in a country that has signed a Mutual Recognition Arrangement with Mexico.
5. **AEO number**: A number provided by the foreign supplier to identify who has AEO certification in their country.
6. **Country of origin**: Country of the foreign supplier with whom a Mutual Recognition Arrangement has been signed. (See list of country of origin codes, Annex 22, Appendix 4).