

Federal Tax and Administrative Court in Mexico

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Administrative Courts in Mexico

- Mexico is a “civil law” country
- Federal Country:
 - 3 levels: Municipal
 - » Local
 - » Federal
- The Mexican Supreme Court of Justice is the highest federal court in Mexico’s judicial system

Tax and Administrative cases. levels

- A.- Administrative Appeal (recursus)
 - “Petition to revoke”
 - Recurso de revocación
- B.- Contentious-administrative trial
- C.- Amparo

Contentious-Administrative Trial

- The taxpayer is able to file a law suit before the Federal Tax and Administrative Justice Court
 - To challenge an illegal resolution of Federal Tax Authorities
 - Within 45 working days following the legal notification of the corresponding resolution
 - Authorities reply in 45 W-days
 - The claim could be additioned in 20 w-days in certain cases
 - The Authorities reply in 20 w-days

History

- XVI century.- first administrative court in Mexico
- 1853.- “Lares Act”
 - (Ley Lares.- Para el arreglo de lo contencioso administrativo)
- 1927.- “Treasury Department Act”
- **August 27, 1936.- Tax Justice Act**
 - “Ley de Justicia Fiscal”
 - Federal Tax Court
 - Tribunal Fiscal de la Federación
- 1939.- Tax Code
 - 1967.- New Tax Code
 - 1982.- New Tax Code
 - » 1995 Reforms
 - » 2000 Reforms.- TFJFA
- 2006.- Federal Act of Contentious-Administrative Procedure

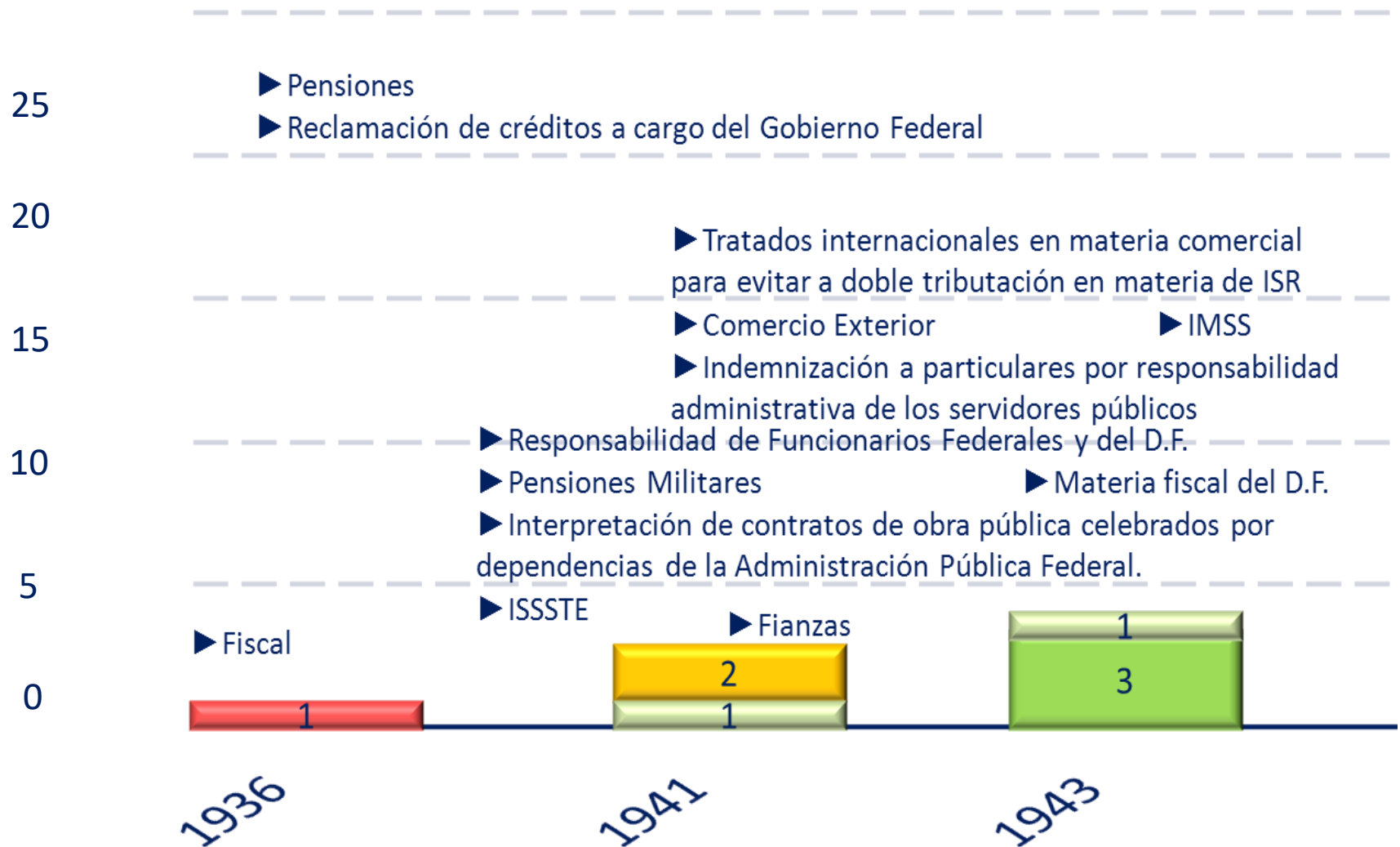
Federal Tax and Administrative Court

- Federal Tribunal of Fiscal and Administrative Justice
 - TRIBUNAL FEDERAL DE JUSTICIA FISCAL Y ADMINISTRATIVA (TFJFA)
 - Follows the French Model (Conseil d'Etat)
 - Resolves any and all fiscal and administrative matters
 - Involving individual or legal entities, national or foreign, on the one hand and Public entities on the other
 - i.e. SAT (Servicio de Administración Tributaria)
 - » Counterpart to the IRS

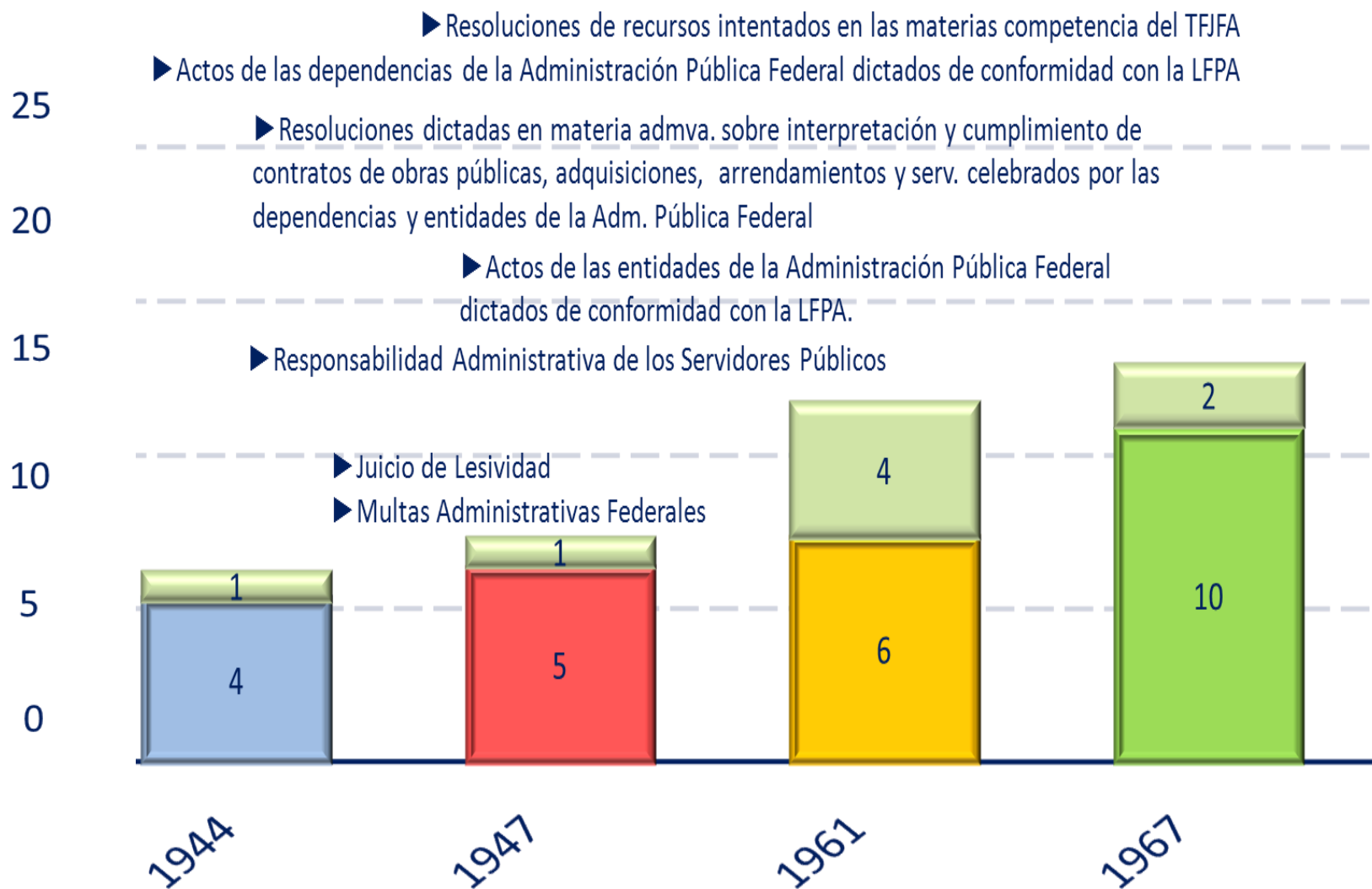
TFJFA

- **Autonomy**
 - Self governing court
 - Endowed with full autonomy to make their decisions with the organization and powers established by law
- **Independent**
 - It is not part of the executive branch (Power)
 - It is not part of the judicial branch (Power)
 - Technical and budgetary independence
- **Full jurisdiction**
 - Specialized Court
 - Hears cases on the legality of contested acts and of Commercial and Tax Treaties
 - Follows the “*causa petendi*” and “*in dubio proactione*” principles
 - Attend what the plaintiff ask (less formal)
 - looks for full recovery and has cautionary measures and forms of execution
 - Can resolve constitutional matters when there is a Supreme Court’s precedent of unconstitutionality and in issues relating civil rights

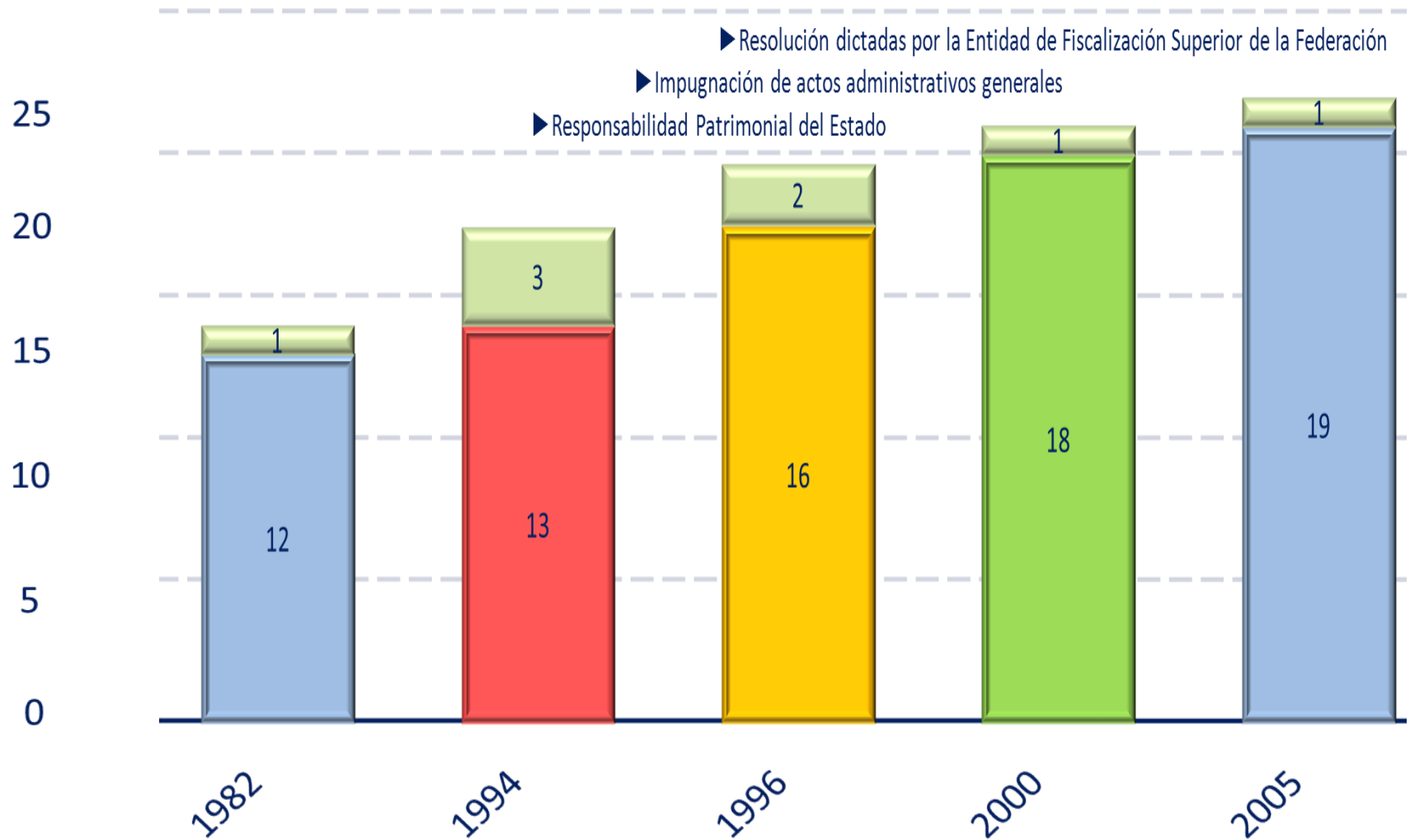
Competence evolution



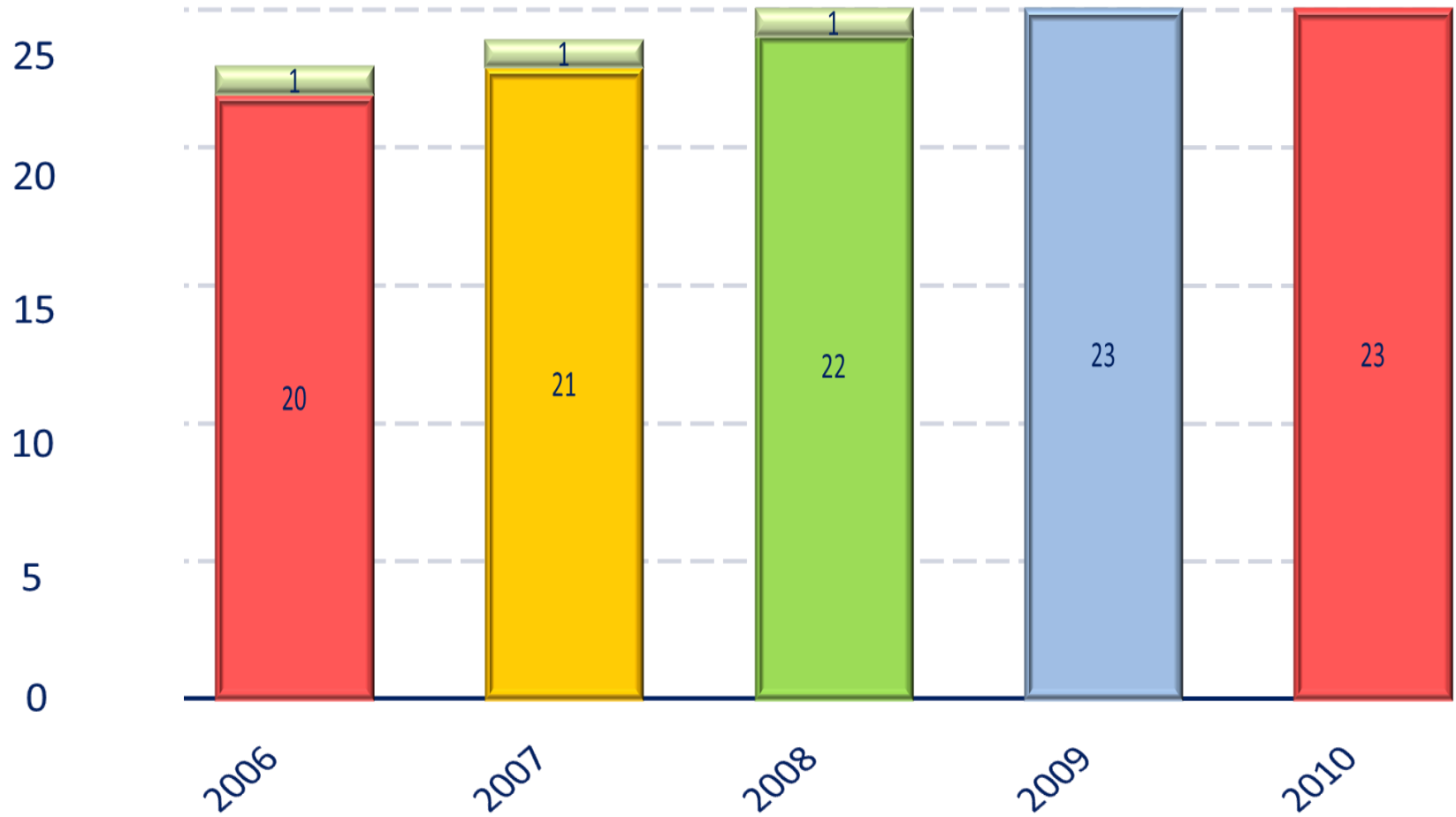
Competence evolution



Competence evolution



Competence evolution



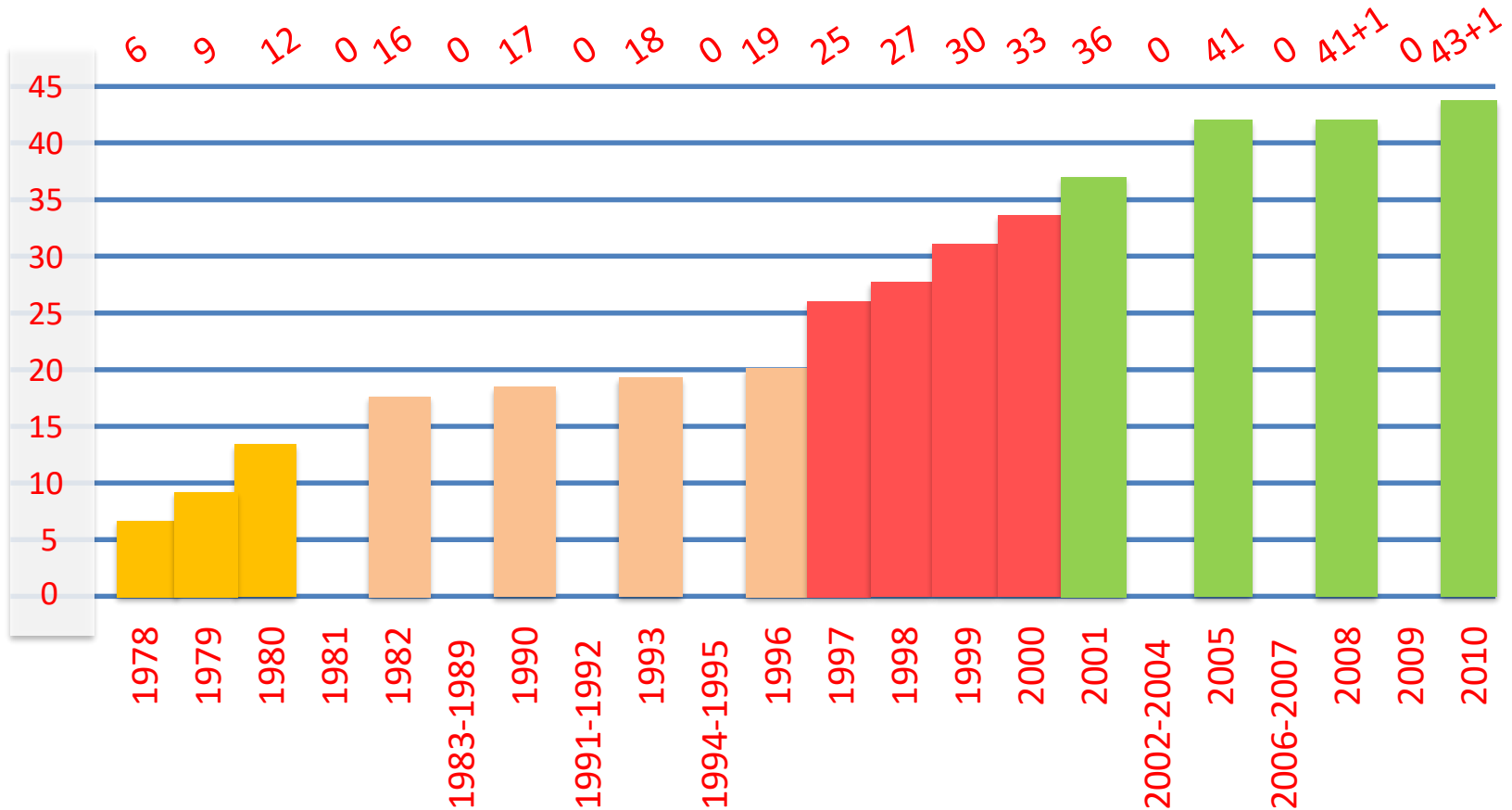
Structure

- Superior Branch (11 magistrates)
 - Operates in “**plenum**” (full jurisdictional assembly) (11) Or in 2 **sections** (5)
- **Regional Branches** 46 (with 3 magistrates in each)
 - 12 in Mexico City
 - 31 in the other regions
 - 2 specialized
 - 1 in intellectual property
 - 1 in on-line process



Tribunal Federal de Justicia Fiscal y Administrativa

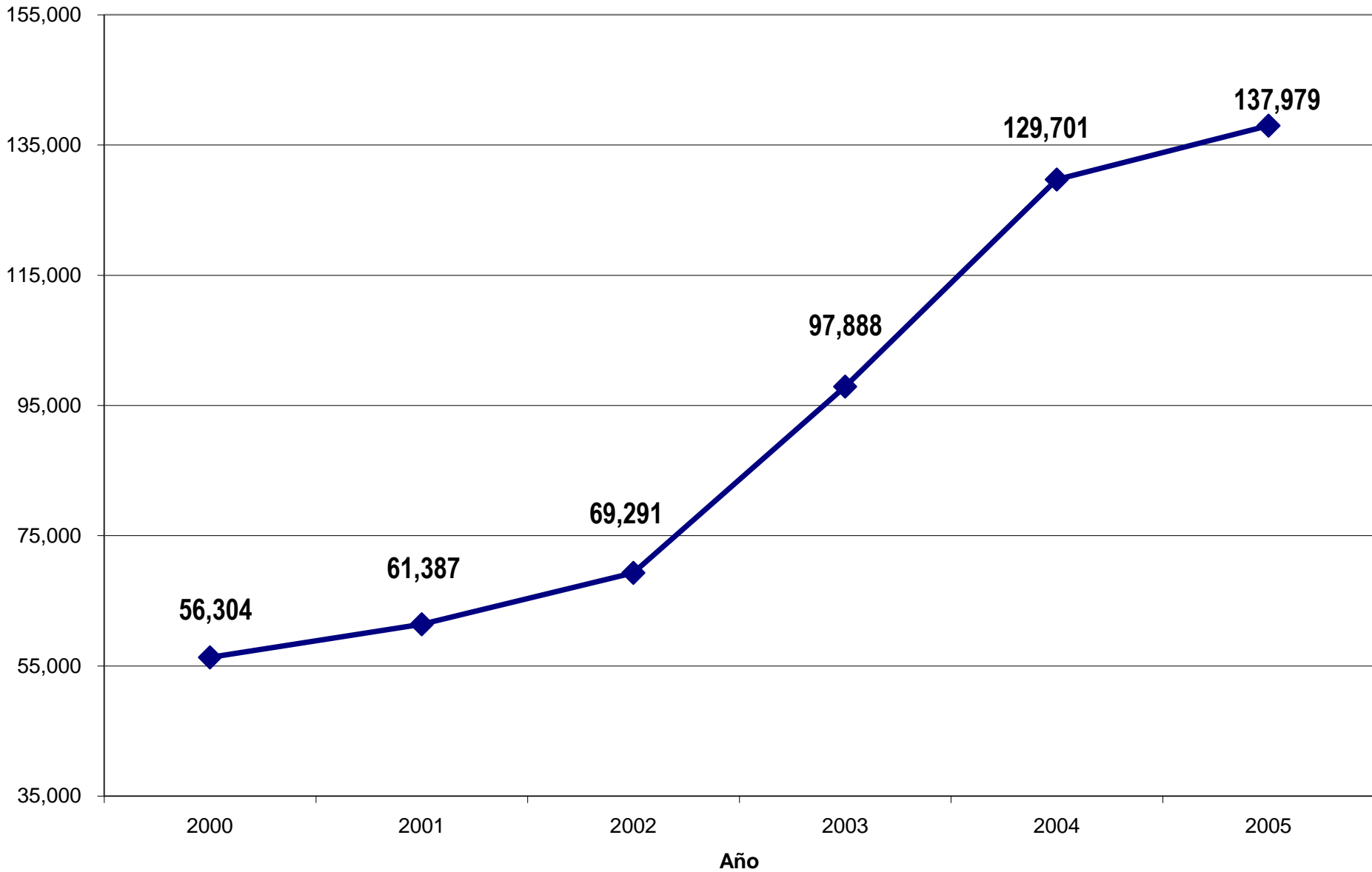
Regional Branches



Regional Branches



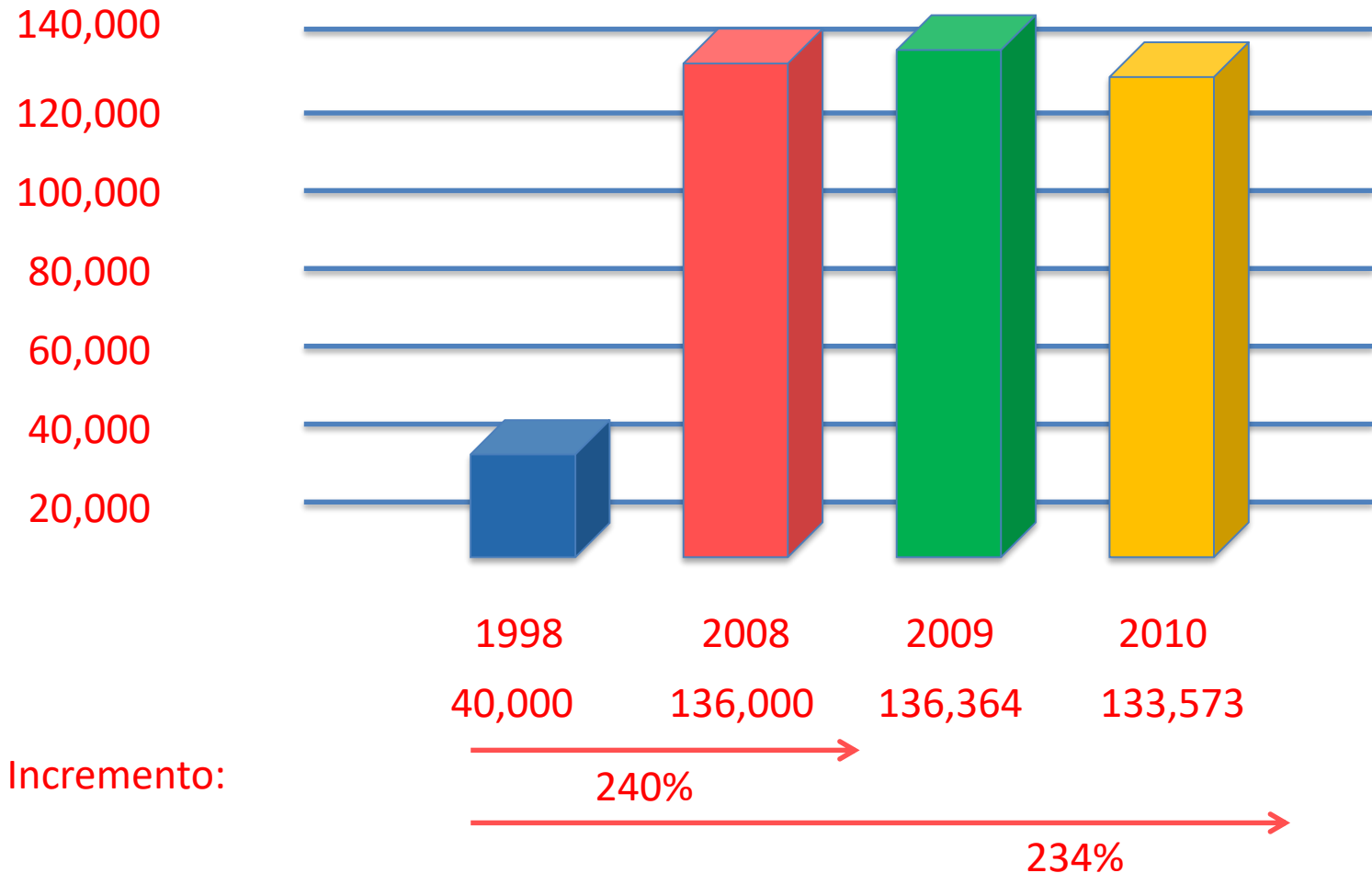
Demandas Nuevas Ingresadas





Tribunal Federal de Justicia Fiscal y Administrativa

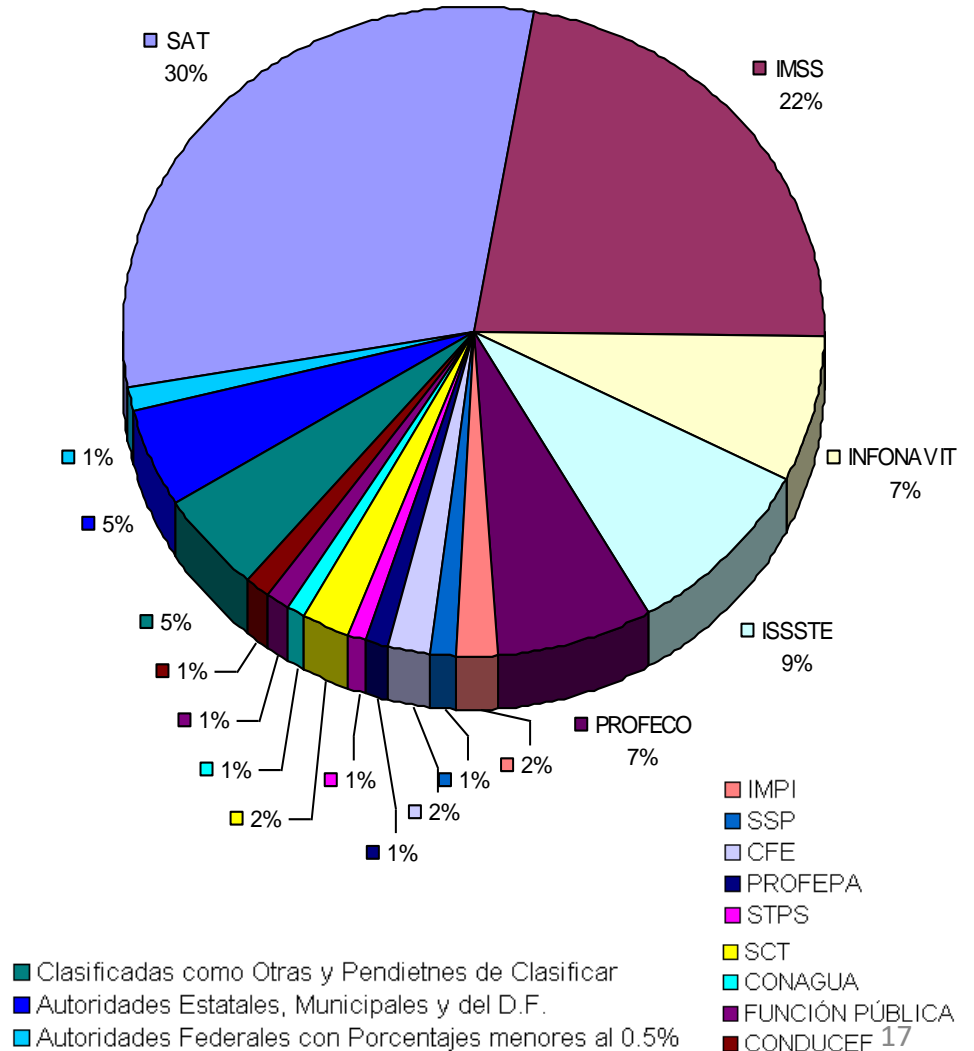
New cases



Inventory

Nov. 2010, 89,727 unfinished cases

\$ 487,533 million pesos.
(aprox. 40 Billion USD)



Strategic Plan 2010-2020

- On-line trial (full process)
 - TIC's
 - E-justice (internet) *“make your case online”*
 - Through a website
- Abbreviated process
 - “fast track trial”
- New Center for Graduate Studies
 - **December 10, 2010**
 - **Law amendments**

E-JUSTICE

- On-line trial is the contentious administrative trial substantiated in all its stages through the on-line justice system
 - Optional for taxpayers,
 - Mandatory for Authorities
- The on-line justice system is an informatics system established by the TFJFA to register, control, process, save, spread, transmit, handle, manage, and notify the contentious-administrative process
 - If the plaintiff chooses to pursue an online trial, the defending authority will be bound to this proceeding through online services and responses on a 24-hour basis
 - Promotions filed in non-working days will be considered as filed on the following working day
 - The parties will be allowed to offer documentary evidence as attachments at the website
- It is effective from august 7, 2011

Abbreviated process

Simplification

in cases below 9,000 USD (aprox.)

**Where there is a Supreme Court jurisprudence or
TFJFA's Superior Branch jurisprudence**

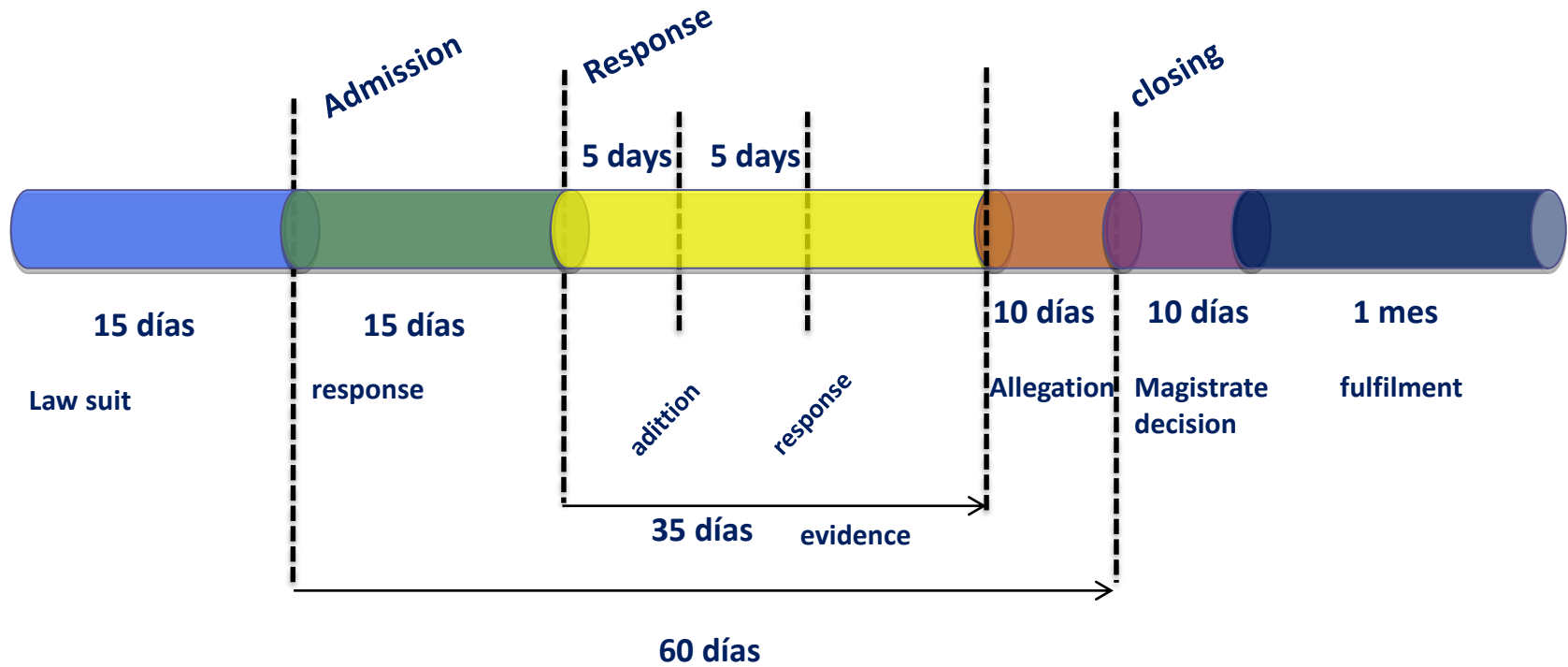
ONLY ONE REGIONAL MAGISTRATE DECIDES





Tribunal Federal de Justicia Fiscal y Administrativa

Abbreviated process



70 days



TRIBUNAL FEDERAL
DE JUSTICIA FISCAL
Y ADMINISTRATIVA



International Cases

- Commercial and Tax Treaties:
 - Exclusive Competence of the 2 sections of the Superior Branch
- 2009.- 642
- 2010.- 817
- At july 2011.- 479

Mission

- “Provide fiscal and administrative justice at the federal level with full autonomy, honesty, quality and efficiency in the service of society, to ensure full access to justice, adhered to the principles of legality and legal certainty, in a free, prompt, complete and impartial manner to contribute to strengthening the rule of law, the country’s development and social peace”