

2023 – 4 International Trade

## Implementation on import restrictions for goods obtained under forced labor conditions

On February 17, 2023, the Ministry of Economy and the Ministry of Labor and Social Welfare jointly published in the Official Gazette of the Federation the "Decision that establishes the goods whose importation are subject to regulation by the Ministry of Labor and Social Welfare" (hereinafter STPS Decision), as well as its Sole Annex, which entered into force on May 18, 2023.

The purpose of the STPS Decision is to establish the goods whose importation will be subject to regulation by the Ministry of Labor and Social Welfare. Considering whether its production is totally or partially made using forced or compulsory labor of workers including minors, attending to its tariff items from the Law of the General Import and Export Duties.

The Sole Annex establishes the procedure to be followed by the Ministry of Labor and Social Welfare, through which an investigation mechanism, the Mexican government can identify and restrict the importation into the country of those products that have been produced totally or partially using the labor of workers who are in a situation of forced or compulsory labor, including minors.

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+52 (55) 5257 7000

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On May 18, 2023, due to the entrance into force of the STPS Decision, the Ministry of Labor and Social Welfare and the Ministry of Economy issued a jointly statement to publish the "Guide for the Implementation of the Mechanism to Restrict the Importation of Goods Produced with Forced or Compulsory Labor<sup>1</sup>" (hereinafter, the Guide).

In this regard, the purpose of such Guide is to explain the procedure contained in the Sole Annex of the STPS Decision, detailing the integration and reception of review requests; the stages and deadlines corresponding to the investigation phase; the criteria to be followed by the labor authority to determine the existence or not of forced labor in the production of goods for import; the mechanisms to order the restriction of the import of goods where the use of forced labor in their production is confirmed; as well as the tools to publicize the resolutions issued by the Ministry of Labor and Social Welfare.

It is important to mention that the procedure at hand may be initiated ex officio by the Ministry of Labor and Social Welfare or at the request of individuals or legal entities legally incorporated in Mexico.

It should be noted that if the request is filed by individuals or legal entities legally incorporated in Mexico, they must provide, among other matters, the facts, description and evidence of the elements that support the initiation of the procedure to determine whether forced or compulsory labor is used in the production of goods.

Thus, once the investigation procedure is performed, the Ministry of Labor and Social Welfare may:

- a) Determine, by means of a resolution to be published on the website of the Ministry of Labor and Social Welfare, the existence of the use of forced or compulsory labor in the production of goods.
- b) Determine that the existence of the use of forced or compulsory labor in the production of goods has not been proven.

Only in case of those goods for which there is a resolution in force issued by the Ministry of Labor and Social Welfare confirming that they have been produced totally or partially

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<sup>1</sup> [https://www.gob.mx/cms/uploads/attachment/file/826091/GUI\\_A\\_INSTRUMENTACION\\_TF\\_VF\\_2.1.pdf](https://www.gob.mx/cms/uploads/attachment/file/826091/GUI_A_INSTRUMENTACION_TF_VF_2.1.pdf)



through the use of labor of workers in a situation of forced or compulsory labor, including minors, it would be considered that they do not comply with the regulation on forced or compulsory labor in accordance with the STPS Decision and its Sole Annex.

It should be noted that any foreign or domestic person may request the nullity of a resolution, or to update the list of resolutions issued in terms of the STPS Decision when it is proven that the use of forced or compulsory labor in the production of the goods in question has ceased.

On the other hand, it is important to note that the Guide defines the criteria for determining the existence of forced labor in the production of imported goods, as follows:

- Abuse of vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical and sexual abuse
- Intimidation and threats
- Withholding of identity documents
- Withholding of wages
- Debt bondage
- Abusive living and working conditions
- Excessive working-overtime

Finally, we inform you that as of today, no resolution has been issued by the Ministry of Labor and Social Welfare in accordance with the STPS Decision and its Sole Annex.

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Mexico City  
June 2023

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