CURRENT LEGISLATION	PROPOSED REFORM
Article 144. The Ministry shall have, in addition to those conferred by the Federal Fiscal Code and other laws, the following powers: XII. To correct and determine the customs value of goods declared in the customs declaration, or other document authorized by the Ministry for such purposes, using the corresponding valuation method under the terms of the First Section of Chapter III of Title Three of this Law, when the importer does not correctly determine the value under said section, or when the importer has failed to provide, upon prior request, the elements taken into consideration to determine such value, or has determined it based on false or inaccurate documentation or information.	Article 144. The Ministry shall have, in addition to those conferred by the Federal Fiscal Code and other laws, the following powers: XII. To correct and determine the customs value of goods declared in the customs declaration, or other document authorized by the Ministry for such purposes, using the corresponding valuation method under the terms of the First Section of Chapter III of Title Three of this Law, when the importer does not correctly determine the value under said section, or when the importer has failed to provide, upon prior request, the elements taken into consideration to determine such value, or has determined it based on false or inaccurate documentation or information. **When the value declared in the customs declaration is lower than the transaction value of identical or similar goods determined pursuant to Articles 72 and 73 of this Law, the customs authorities shall initiate ex officio the exercise of their audit powers.**
Article 151. The customs authorities shall proceed with the precautionary seizure of goods and the means of transport in the following cases: VII. When the value declared in the customs declaration is lower **by 50% or more** than the transaction value of identical or similar goods determined pursuant to Articles 72 and 73 of this Law, **unless the guarantee referred to in Article 86-A of this Law has been posted.**	Article 151. The customs authorities shall proceed with the precautionary seizure of goods and the means of transport in the following cases: VII. When the value declared in the customs declaration is lower than the transaction value of identical or similar goods determined pursuant to Articles 72 and 73 of this Law.

Article 153. [...]

When the interested party submits documentary evidence proving the legal stay or possession of the goods in the country; rebuts the grounds on which the precautionary seizure was based; or demonstrates that the declared value was determined in accordance with Title III, Chapter III, First Section of this Law in the cases referred to in Article 151, Section VII of this Law, the authority that prepared the record referred to in Article 150 of this Law shall immediately issue a resolution, with no penalties imposed in such cases; if there are seized goods, their return shall be ordered.

When the interested party fails to submit evidence or the evidence does not rebut the grounds for the precautionary seizure, the customs authorities shall issue a final resolution within a period not exceeding four months from the day following the date on which the case file is duly completed. The case file is deemed duly completed when the deadlines for submitting all written evidence and arguments have expired, or, if applicable, the authority responsible for issuing the resolution has carried out the necessary proceedings to process the evidence offered by the parties. If the final resolution is not issued within said period, the actions of the authority that initiated the proceedings shall be rendered null and void.

Article 153. [...]

When **the interested person** submits documentary evidence proving the legal stay or possession of the goods in the country; rebuts the grounds on which the precautionary seizure was based; or demonstrates that the declared value was determined in accordance with Title III, Chapter III, First Section of this Law in the cases referred to in Article 151, Section VII of **this statute**, the authority that prepared the record referred to in Article 150 of this Law shall immediately issue a resolution, with no penalties imposed in such cases; if there are seized goods, their return shall be ordered; **it shall release the guarantee or carry out the refund of the cash deposit submitted under Article 154, second paragraph, of this Law, in accordance with the rules issued by the competent customs authorities.**

When **the interested person** fails to submit evidence or the evidence does not rebut the grounds for the precautionary seizure, the customs authorities shall issue a final resolution within a period not exceeding four months from the day following the date on which the case file is duly completed. The case file is deemed duly completed when the deadlines for submitting all written evidence and arguments have expired, or, if applicable, the authority responsible for issuing the resolution has carried out the necessary proceedings to process the evidence offered by **the** parties. If the final resolution is not issued within said period, the actions of the authority that initiated the proceedings shall be rendered null and void.

Article 154. The precautionary seizure of goods may be substituted by the guarantees established by the Federal Fiscal Code, except in the cases set forth in Article 183-A of this Law. In the cases referred to in Article 151, Section VII of this Law, **the precautionary seizure may only be substituted through a deposit made in the customs guarantee accounts under the terms of Article 86-A, Section I of this Law.** When the seized goods are not subject to estimated prices set by the Ministry of Finance and Public Credit, the precautionary seizure may be substituted through a deposit made in the customs guarantee accounts for an amount equal to the taxes and countervailing duties that would be owed on the difference between the declared value and the transaction value of identical or similar goods determined pursuant to Articles 72 and 73 of this Law, which was used as the basis for the precautionary seizure.

Article 154. The precautionary seizure of goods may be substituted by the guarantees established by the Federal Fiscal Code, except in the cases set forth in Article 183-A of this Law. In the cases referred to in Article 151, Section VII of this Law, when the seized goods are not subject to estimated prices set by the Ministry, **the following shall apply:**

I. When the value declared in the customs declaration is less than 20% lower than the transaction value of identical or similar goods determined pursuant to Articles 72 and 73 of this Law, the interested persons may, within ten business days following notification of the initiation of the administrative proceedings, request the substitution of the precautionary seizure by submitting a cash deposit or a deposit in the customs guarantee accounts, in accordance with the rules issued by the competent customs authorities, for an amount equivalent to the taxes and countervailing duties that would be owed on the difference between the declared value and the transaction value of identical or similar goods referred to in said articles, or

II. When the value declared in the customs declaration is 20% or more lower than the transaction value of identical or similar goods determined pursuant to Articles 72 and 73 of this Law, the interested persons may, within ten business days following notification of the initiation of the administrative proceedings, request the substitution of the precautionary seizure by submitting a cash deposit, in accordance with the rules issued by the competent customs authorities, for an amount equivalent to the taxes and countervailing duties that would be owed on the difference between the declared value and the transaction value of identical or similar goods referred to in said articles.

Article 177. The infractions established in Article 176 of this Law are presumed to have been committed when: XII. In the course of exercising audit powers, it is detected that a person who brings goods into the country under a customs regime that permits the determination of taxes without payment thereof declares in the customs declaration or relevant customs document a value that is **50%** or more below the transaction value of identical or similar goods determined pursuant to Articles 72 and 73 of this Law, provided that, based on the data submitted, had the goods been destined for the definitive importation regime, there would have been a total or partial omission of foreign trade taxes and, if applicable, countervailing duties.

Article 177. The infractions established in Article 176 of this Law are presumed to have been committed when: XII. In the course of exercising audit powers, it is detected that a person who brings goods into the country under a customs regime that permits the determination of taxes without payment thereof declares in the customs declaration or relevant customs document a value that is **20%** or more below the transaction value of identical or similar goods determined pursuant to Articles 72 and 73 of this Law, provided that, based on the data submitted, had the goods been destined for the definitive importation regime, there would have been a total or partial omission of foreign trade taxes and, if applicable, countervailing duties.