



ORGANIC LAW OF THE FEDERAL COURT OF ADMINISTRATIVE JUSTICE

CURRENT TEXT

New Law published in the Official Gazette of the Federation on July 18, 2016.

On the margin a seal with the National Emblem, which reads: Estados Unidos Mexicanos. - Presidency of the Republic.

ENRIQUE PEÑA NIETO, President of the United Mexican States, to its inhabitants be it known:

That the Honorable Congress of the Union, has been pleased to address to me the following

DECREE

"THE GENERAL CONGRESS OF THE UNITED MEXICAN STATES:

ENACTING THE GENERAL LAW OF THE NATIONAL ANTI-CORRUPTION SYSTEM; THE GENERAL LAW OF ADMINISTRATIVE RESPONSIBILITIES, AND THE ORGANIC LAW OF THE FEDERAL COURT OF ADMINISTRATIVE JUSTICE.

ARTICLE ONE.

ARTICLE TWO.

ARTICLE THREE. The Organic Law of the Federal Court of Tax and Administrative Justice is hereby repealed and the Organic Law of the Federal Court of Administrative Justice is hereby enacted.

ORGANIC LAW OF THE FEDERAL COURT OF ADMINISTRATIVE JUSTICE

TITLE ONE GENERAL PROVISIONS

Chapter I The Federal Court of Administrative Justice

Chapter II Jurisdiction of the Tribunal and Conflicts of Interest

[...]

Article 3. The Tribunal shall hear the lawsuits filed against the final resolutions, administrative acts and proceedings indicated below:

- I. Decrees and agreements of a general nature, other than regulations, when they are self-executing or when the interested party contests them on the occasion of their first act of application;
- II. Those issued by federal tax authorities and autonomous tax agencies, in which the existence of a tax obligation is determined, or in which a liquid amount is fixed or the basis for its liquidation is established;



- III. Those that deny the refund of an income regulated by the Federal Tax Code, unduly collected by the State or whose refund is due in accordance with the tax laws;
- IV. Those imposing fines for infringement of federal administrative regulations;
- V. Those that cause an offense in tax matters other than those referred to in the preceding sections;
- VI. Those that deny or reduce the pensions and other social benefits granted by law in favor of members of the Army, Air Force and Navy or their family members or beneficiaries charged to the Military Pension Directorate or the federal treasury, as well as those that establish obligations to be borne by the same persons, in accordance with the laws that grant such benefits.

When the interested party claims that is entitled to a greater number of years of service than those recognized by the respective authority, that it should have been retired with a higher rank than the one stated in the contested resolution or that its military situation is different from the one recognized by the Secretary of National Defense or the Secretary of the Navy, as the case may be, in order to support its claim; or when questions of hierarchy, seniority in rank or time of military service are involved, the resolutions of the Court will only have effects with respect to the determination of the amount of the pecuniary benefit that corresponds to the military personnel themselves, or the basis for their depuration;

- VII. Those issued in the area of civil pensions, whether charged to the federal treasury or to the Institute of Security and Social Services for State Workers;
- VIII. Those arising from rulings in public bids and the interpretation and fulfillment of public contracts, public works, acquisitions, leases and services entered into by the agencies and entities of the centralized and parastatal Federal Public Administration, and the productive enterprises of the State; as well as, those under the responsibility of the federal public entities when the laws expressly indicate the competence of the court;
- IX. Those that deny the indemnification for patrimonial responsibility of the State, declare its claim inadmissible or when having granted it does not satisfy the claimant. Also, those that by repetition, impose the obligation to the public servants to compensate the State the payment corresponding to the indemnification, in the terms of the law of the matter;
- X. Those that require the payment of guarantees in favor of the Federation, the federal entities or the Municipalities, as well as their parastatal entities and the productive companies of the State;
- XI. Those that are related with the matters indicated in Article 94 of the Foreign Trade Law;
- XII. Those issued by the administrative authorities that put an end to an administrative procedure, to an instance or resolve a file, under the terms of the Federal Administrative Procedure Law;
- XIII. Those that resolve the administrative appeals against the resolutions indicated in the other sections of this article;
- XIV. Those based on an international treaty or agreement to avoid double taxation or in commercial matters, subscribed by Mexico, or when the plaintiff asserts as a concept of challenge that any of the referred treaties or agreements have not been applied in its favor;
- XV. Those that are configured by fictitious refusal in the matters indicated in this article, due to the elapse of the term indicated in the Federal Tax Code, the Federal Law of Administrative Procedure or the applicable provisions or, in the absence thereof, within a term of three months, as well as those that deny the issuance of the certificate of having configured the fictitious positive resolution,



when this is provided by the law that governs such matters.

The provisions of the preceding paragraph shall not be applicable in all those cases in which the right of a third party, recognized in a registry or annotation before an administrative authority, may be affected;

- XVI.** The final resolutions by which administrative sanctions are imposed on public servants in terms of the applicable legislation, as well as against those that decide the administrative appeals provided for in such ordinances, in addition to the autonomous constitutional bodies;
- XVII.** The resolutions of the Comptroller General of the National Electoral Institute that impose non-serious administrative sanctions, in terms of the General Law of Electoral Institutions and Procedures;
- XVIII.** The sanctions and other resolutions issued by the Superior Audit Office of the Federation, in terms of the Law of Auditing and Accountability of the Federation, and
- XIX.** Those indicated in this and other laws as competence of the Tribunal.

For the purposes of the first paragraph of this Article, the resolutions shall be considered final when they do not admit an administrative appeal or when the filing of such appeal is optional.

The Court shall also hear lawsuits filed by the authorities to annul administrative resolutions favorable to an individual, when they are considered contrary to the law.

[...]