

On July 29, 2010, an Executive Order amending Article 17 of the Mexican Federal Constitution was published in the Federal Official Gazette. The amendment became effective on the day following its publication and added as a third paragraph, the text set out below and changed the order of paragraphs.

“The Federal Congress shall pass laws governing class actions. Such laws shall determine the areas in which they will be applied, judicial proceedings, and the mechanisms for calculating damages. Federal judges shall have exclusive jurisdiction over these proceedings and mechanisms.”

According to its text, the amendment expressly empowers the Federal Congress to enact laws governing “class actions” on the understanding that such laws are to determine the areas to which it will apply, the judicial proceedings to be used to implement them, and mechanisms for the calculation of damages.

Although the amendment does not identify the areas in which class actions will be permitted, the discussions between lawmakers and experts have dealt with the environmental, consumer protection, and antitrust areas, among others.

The amendment also gives jurisdiction over class actions exclusively to federal judges.

Finally, and even though this is a purely technical point, it is noteworthy that this authority given to the Federal Congress had been included in the section on constitutional rights and not in Article 73 that deals with the powers granted to Congress.

The lawyers in the Civil and Commercial Litigation Practice Group of the firm would be pleased to provide any additional information you might wish on this subject.

YOURS TRULY

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