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Mexico

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

Section I. Food Laws, Section II. Labeling Requirements, Section III. Packing and Container Regulations, Section IV. Food Additive Regulations, Section V. Pesticides and Other Contaminants, Section VI. Other Regulations and Requirements, Section VII. Other Specific Standards, Section VIII. Projected Regulatory Amendments, Section IX. Copyright and/or Trademark Laws, Section X. Import Procedures, Section XI. Other Relevant Reports, Appendix I. Government Regulatory Agency Contacts, Appendix II. Other Import Specialist Contacts, Appendix III. List of Approved Food Additives Hermetically Sealed Subject to Heat Treatment.

This report was prepared by the Agricultural Trade Office of the USDA/Foreign Agricultural Service in Mexico City, Mexico, for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Section I. Food Laws:

The Mexican Bureau of Standards (DGN, Dirección General de Normas) is responsible for overall management and coordination of standards in Mexico. The legal framework for Mexico's regulatory process is the Federal Law of Metrology and Normalization. This law gives authority to the competent Mexican ministries and agencies to establish regulations relating to the protection of human, animal and plant health, and the environment. This law establishes the requirements for products, services, processes, raw materials, labeling, testing, packaging, facilities, and safety and hygiene, among others. In addition, it lays out the administrative procedures by which the regulations are developed and disseminated.

The Mexican government publishes technical regulations (Reglamentos) or standards (Normas Oficiales Mexicanas, often simply referred to as NOMs), in the Diario Oficial de la Federación (Official Gazette), which is the Mexican equivalent of the U.S. Federal Register. Mexico's Secretariat of the Economy (ECONOMIA) coordinates the regulatory process through its Directorate General of Normas. Although other Mexican federal agencies may develop regulations under their jurisdictions, they must work through ECONOMIA. Electronic versions of all valid NOMs are available on the ECONOMIA website at <http://www.economia-noms.gob.mx>. These NOMs are coded by subject and are revised every five years.

Additional laws directly applicable to food and agricultural product imports are the General Health Law, the Federal Law for Animal Health, and the Federal Law for Plant Health.

General Health Law – The General Health Law assigns the Mexican Secretariat of Health (SALUD) with the responsibility of issuing regulations related to human health. This law deals with all aspects related to the promotion and protection of human health. SALUD has the authority by law to require prior import authorization based on health risks. In the case of an authorization waiver, the importer must show all the required documentation under implemented regulations by the General Health Law, and must include a health certificate issued by authorities in the country of origin. The Secretariat may also randomly sample and inspect imported products to ensure compliance with Mexican requirements. Mexican regulations related to human health are issued through the SALUD's regulatory agency, which is the

Federal Commission for the Protection against Sanitary Risks (COFEPRIS); its website is www.cofepris.gob.mx/.

The Federal Law on Animal Health – The Animal Health Law grants the Secretariat of Agriculture (SAGARPA) authority to establish animal health measures to prevent the introduction of pests and diseases affecting animal health. SAGARPA also has the legal authority to endorse the welfare of animals, regulate products such as feed and pharmaceuticals consumed or used by livestock, establish best practices in livestock production and in slaughter, as well as in meat processing facilities, of which it shares this responsibility with SALUD. The Law also authorizes SAGARPA to promote harmonization with international standards and enter into equivalence agreements with other countries. SAGARPA is also responsible for establishing a list of substances or products of which use of, or consumption by animals is prohibited, as well as determining maximum levels of contaminants. Finally, SAGARPA is tasked with formulating a preliminary Regulation for the Animal Health Law.

The Federal Law on Plant Health – The Plant Health Law authorizes SAGARPA to reduce the risks of microbiological, physical, and chemical contamination in the production of crops and to take actions to promote and protect plant health. According to this law, phytosanitary certificates are required for imports likely to host diseases or pests. While some agricultural products may be the subject of specific regulations, such as [NOM-013-SEMARNAT-2010 for Christmas Tree Imports](#) on preventing the introduction of possible Christmas tree pests, the Plant Health Law further requires SAGARPA to develop Phytosanitary Requirement sheets ([Hojas de Requisitos Fitosanitarios](#)) which also lay out specific requirements for imported plant products.

Section II. Labeling Requirements:

Mexican requirements for specific commercial information which must be marked on products sold to consumers may differ based on product. In general, specific labeling requirements for prepackaged food and non-alcoholic beverages are included in NOM-051-SCFI-/Salud1-2010, "General Specifications for Labeling Prepackaged Foods and Non-alcoholic Beverages" which supersedes NOM-051-SCFI-1994 and becomes effective on January 1, 2011. (See below for further discussion). The Mexican importer is responsible for making sure that the products comply with the revised NOM. For this reason, U.S. exporters should seek informed advice from an agent, distributor, importer or local consultant familiar with the market requirements.

Revised NOM-051 Takes Effect July 1, 2011

On April 5, 2010, ECONOMIA published a new version of the Mexican Official Standard: NOM-051-SCFI/Salud1-2010, which establishes general labeling and sanitary specifications for pre-packaged food and non-alcoholic beverages (both domestic and imported) that are for retail sale directly to consumers in

Mexico. The implementation date of this revised NOM was scheduled to take effect January 1, 2011. However, on December 6, 2010, the Mexican Government announced a six-month extension pushing back the implementation date to July 1, 2011. The enforcement of the new NOM-051 will be monitored jointly by the Federal Consumer Protection Agency (PROFECO) which is part of Secretariat of Economy and COFEPRIS which is part of Secretariat of Health.

The new NOM-051 includes several important changes as compared to the old version of the NOM. U.S. pre-packaged food and non-alcoholic beverages for retail sale directly to consumers in Mexico are required to comply with the provisions established under NOM-051. Some of the changes to NOM-051 that may have a bigger impact include: a change from voluntary to mandatory of the indication of nutritional information in the labels; a new requirement to indicate in the labels all those ingredients/additives associated with hypersensitivity, intolerance or allergy; and new provisions related to health and nutritional claims, among others. Those U.S. companies exporting pre-packaged food products and non-alcoholic beverages to Mexico for retail sale directly to consumers will have to adjust the labels of their products to make them compliant with the revised NOM-051.

Major Revisions to NOM-051

The following summary describes some but not all of the changes included in the new NOM-051-SCFI/Salud1-2010 as compared to the old NOM-051. Therefore, it is strongly recommendable to review the whole text of the new NOM-051 to make sure that the labels of pre-packaged food and non-alcoholic beverages exported to Mexico for retail sale directly to consumers are in compliance.

Spanish and Unofficial English Translation of NOM-051-SCFI/Salud1-2010: "General labeling and sanitary specifications for pre-packaged food and non-alcoholic beverages" can be found on the Mexico City ATO website at www.mexico-usda.com.

The summary below describes only some of the relevant changes included in the new NOM-051. The revised NOM also changed the concept of the label from being solely a commercial reference providing facts on ingredients, net content, country of origin, etc., to being a more descriptive tool, including health-related information, such as nutritional values, allergy-related ingredients, expiration dates, and traceability information.

1. A new provision has been added to the scope of the NOM indicating that the new NOM-051 will not be applicable to food products and non-alcoholic beverages packed in the point of sale. According to NOM-

051, the standards do not apply either to products in bulk, products subject to other regulations that specifically exclude compliance with NOM-051, and other products determined by competent authorities (section 1.2).

2. The maximum level of ethyl alcohol in a beverage to be considered a non-alcoholic beverage has been changed from "no more than 0.5%" to "less than 2.0%". In other words, under the new NOM, any beverages containing less than 2.0% in volume of ethyl alcohol, would be considered a "non-alcoholic beverage" (section 3.5)

3. A new term called "*Responsable del producto*" (responsible for the product) is included in the new NOM defined as: "person or company that imports or manufactures a product or that has ordered the total or partial manufacturing of the product to a third party". The new NOM states that in the case of imported food products, the legal name and fiscal address of the "*Responsable del producto*" must appear in the label of the product and that this information can be included in the product after its customs clearance and before its sale in Mexican territory (sections 3.35 and 4.2.4).

4. The provision included in the old NOM indicating that the "best before date" must be earlier than (not exceeding) the "expiration date", has been eliminated in the new NOM (section 3.18).

5. The composition of ingredients must be declared in the label has been changed from 25% to 5%. In other words, under the new NOM, when a composite ingredient constitutes more than 5% of a food or non-alcoholic beverage, this must be declared in the label (section 4.2.2.1.3).

6. A new paragraph has been added to the NOM indicating that all those ingredients or additives that cause hypersensitivity, intolerance or allergy must be indicated in the labels of the products. In addition, the new NOM lists a series of food products and ingredients that have demonstrated to cause hypersensitivity and therefore must always be declared, such as: cereals with gluten, crustaceans, eggs, fish, peanuts, soy, milk, nuts and sulphite in concentrations of 10 mg/kg or more, among others (section 4.2.2.2.3).

7. A new provision has been added indicating that flavors or odors can be described in the labels as: "natural", "identical to natural" or "artificial" or with a combination of these, according to each specific case (section 4.2.2.2.4).

8. Regarding the indication of the country of origin of the product, a new provision has been added that allows the use of terms indicating the origin of the product, such as: "American Product" (instead of "Product of USA"), as long as they are not misleading.

9. A new provision has been added indicating that the identification of the lot in the label must be "indelible and permanent", and must be preceded by the terms: "LOTE", "Lot", "L", "Lote", "lote", "lot", "l", "lt", "LT", "LOT" (sections 4.2.6.2 and 4.2.6.3).
10. A new provision has been included indicating that either the expiration date or the best before date must be included in the labels of the products, and that in the case of imported products, when the format of the expiration date or the best before date does not match with the format established in section 4.2.7.1 of the new NOM, this can be adjusted to make it compliant with the said section of the NOM; or the label must contain an interpretation of the indicated date. According to the NOM, in none of the above cases, the adjustments would be considered as an alteration of the label (section 4.2.7). The new NOM also states that the expiration date and best before date can be placed in any part of the package (section 4.2.10.1.3).
11. The new NOM lists several products in which the indication of the expiration date or best before date in the labels is not necessary, such as: vinegar, salt, sugar, certain confectionary products, etc (section 4.2.7.4).
12. The indication of nutritional information on the labels is changed from voluntary to mandatory in the new NOM. The new NOM indicates those nutrients that must be declared such as: energetic content; quantities of proteins and carbohydrates (indicating the quantity corresponding to sugars); quantity of fats or lipids (specifying the quantity corresponding to saturated fat); quantity of fiber, etc. The new NOM also states that whenever statements are made regarding the quantity of fat acids or cholesterol, the quantities of each of the following fats must be stated: trans-fat, monounsaturated fat, polyunsaturated fat and cholesterol. In addition, the new NOM lists some products that are exempted from the indication of nutritional information in their labels (as long as a claim related to its properties is not made), such as: products that include one single ingredient, herbs, coffee extracts, tea, vinegars, purified bottled waters, etc (sections 4.2.8.1 and 4.2.8.2).
13. The new NOM indicates that the nutritional information must be presented according to the General System of Measurement Units and includes a table on how the nutritional information must be presented (section 4.2.8.3).
14. The new NOM includes some additional statements related to declaration of properties and misleading statements that are prohibited, such as: declaration of properties affirming that a said product constitutes an adequate source of all essential nutrients (section 6.1).
15. The new NOM allows the declaration of certain conditional properties such as the terms: "natural",

"kosher", "halal", "organic", "biologic", etc, as long as the product complies with the applicable requirements to make use of such terms (section 6.2).

16. A new section is included in the NOM with provisions related to the addition of health and nutritional claims in the labels of pre-packaged food products and non-alcoholic beverages. This section includes a definition of health and nutritional claims and those claims that would be allowed and prohibited in the labels of the products (section 6.3).

Source: Manitoba Food Processors Association

Extension Mechanism for NOM-051

For those U.S. companies whose product labeling cannot be modified to fulfill with the NOM-051-SCFI/Salud1-2010 by July 1, 2011, an extension can be requested to the General Direction of Regulation of the Secretariat of Economy. This request should be presented at least 3 months before the implementation date and must include technical and economic justifications as to why an extension is necessary. The following documentation must be included:

- Request signed by legal representative
- Legal document that show the power of the legal representative
- Amount of inventory
- Inventory rotation expected Draft of labeling according to the NOM-051
- Date when the inventory is expected to end
- Economy justification
- Technical justification for non compliance with the NOM-051 on January, 2010.

Extension requests should be sent to:

Mr. Christian Turegano Roldan

Director General de Normas y Presidente del Comité Consultivo Nacional de Normalización de Seguridad al Usuario, Información Comercial y Practicas de Comercio

Dirección: Puente de Tecamachalco 6, Piso 3,

Col. Lomas de Tecamachalco,

C.P. 53950, Naucalpan de Juárez, Edo. de Mexico.

A copy of extension requests should be sent to:

Mr. Miguel Ángel Toscano Velasco

Comisionado Federal para la Protección Contra Riesgos Sanitarios y Presidente del Comité Consultivo Nacional de Normalización de Regulación y Fomento Sanitario.

Lic. Miguel Ángel Toscano Velasco

Dirección: Monterrey 33

Col. Roma

C.P. 06700, Mexico, D.F.

Verification Units Authorized by Mexican Government Online

It is important to note that there are verification units authorized by the Mexican government to evaluate that the labels of pre-packaged foods and non-alcoholic beverages comply with NOM-051. A copy of the label must be sent to one of the verification units, which would review the label and advise whether any adjustments need to be made to ensure that it complies with NOM-051. U.S. exporters are strongly recommended to make use of the services of the said verification units to ensure that the labels of their products comply with the new NOM-051 and avoid any potential problems with their products, once the new NOM comes into effect. Preferably, in order to facilitate communication, consultations with the verification units should be made by the Mexican company that will import the products. We understand that the verification units charge a fee for their services. The list of verification units that are currently authorized to evaluate compliance of NOM-051 can be found in the following link:

http://www.economia.gob.mx/swb/work/models/economia/Resource/441/1/images/51scfi_apb04.pdf

For detailed information on the changes, please see the following reports:

MX0318 Additional Changes to Food Labeling Requirements NOM -051

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Additional%20Changes%20to%20Food%20Labeling%20Regulations%20NOM-051_Mexico%20ATO_Mexico_10-29-2010.pdf

MX0312 Update on Revised NOM-051 Labeling Requirements

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Update%20on%20Revised%20NOM-051%20Labeling%20Requirements_Mexico%20ATO_Mexico_10-18-2010.pdf

MX0505 Mexico Revises Food Labeling Requirements

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Mexico%20Revises%20Food%20Labeling%20Regulations_Monterrey%20ATO_Mexico_6-17-2010.pdf

Other Labeling NOMS

Aside from the requirements in NOM-051, some products such as alcoholic beverages, meat, cheese, poultry and eggs, honey, and cereal have specific regulations that include special information on the labels. Some of them are:

Alcoholic Beverages:

NOM-142-Salud1-1995, "Goods and Services. Alcoholic Beverages. Sanitary Specifications. Sanitary and Commercial Labeling." Alcoholic beverages containing alcohol of 2% to 55% by volume are required to

exhibit the following information on their packaging and or label:

- The statement "el abuso en el consumo de este producto es nocivo para la salud" (abuse in the consumption of this product is harmful to your health). The label must be easily legible, in contrasting colors and without invoking or making reference to any legal provision;
- Alcohol content. Percentage of volume of alcohol at 29C: % Alc. Vol.;
- Each container must have a visible coded batch number;
- For Brandy, the word "Brandy" in an obvious way and the statement, "100% de uva" (made 100% with grapes), which must be true;
- If it contains aspartame the following statement should apply: "Fenilcetonuricos: Contiene Feninlanina";
- If daily consumption exceeds 50g of sorbitol, the following statement should apply: Contiene sorbitol: el abuso puede causar efectos laxantes (contains sorbitol and its abuse might have laxative effects).

Milk:

NOM-155-SCFI-2003 "Milk, milk formula and combined dairy products – denomination, physical/chemical specifications, commercial information and testing methods"

While no official amendment has been made to this NOM to date, the GOM has announced plans to modify it, to update the test methods for the acidity of milk and dairy products and change the protein specification of certain types of milk, among other adjustments. For further discussion of this pending NOM amendment, please see:

MX0045 Mexico Aims to Streamline Standards

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Mexico%20Aims%20to%20Streamline%20Standards_Mexico_Mexico_7-16-2010.pdf

NOM-091-Salud1-1994 Pasteurized cow's milk, health specifications

Meat:

NOM-030-ZOO-1995 "Specifications and Procedures to Verify Imported Meat, Carcasses, Viscera and Offals at the Animal Health Verification Points"

NOM-034-Salud1-1993 "Goods and Services. Meat products. Packaged ground meat and molded ground meat. Sanitary Specifications"

NOM-122-Salud1-1994 "Goods and Services. Meat products. Cured or cooked, emulsified and cooked meat products. Sanitary Specifications"

These NOMs require the following information on the products' package or on the label to allow for full identification:

- For the importation of meat, viscera or offals from beef, goats, horses, sheep, pigs, deer and poultry, they shall be packaged from the point of origin, exclusively using boxes or combos;
- Carcasses will only be accepted if they are identified with the stamp from the establishment approving beef, goats, horses, sheep, pigs and deer;
- On one side of the box or combo, the information indicated below shall be printed, or on a label, as indicated below.

In the case of labels, they shall be placed in such a way that displays the identification completely, if possible:

- The original label of the plant with the generic name of the product, net weight in kilograms, establishment name and number, as well as the packaging date. All this information shall be in the language of the country of origin;
- A label in Spanish with the information regarding the country of origin, the establishment's name, number and address, name of product and the legend "keep under refrigeration" or "keep frozen", must be included;
- For boxes and combos, the stamp of inspected by the corresponding health authority from the country of origin, as well as the corresponding batch number should be displayed and visible;
- Refrigerated products under NOM-034, should also include the following statements as required "Keep Refrigerated" and "This Product Must be Consumed Well Cooked" and the expiration date indicating day and month;
- Frozen products under NOM-034 should include the statements: "Keep Frozen at a Maximum Temperature of -18 C"; "Once Unfrozen Do Not Freeze Again", and "This Product Must be Consumed Well Cooked";
- Products under NOM-122 should include the statement "Keep Refrigerated" and the expiration date.

Other NOMS that supplement the meat industry include:

Biotechnology Labeling: Currently there is not a specific NOM for labeling genetically modified organisms (GMO's) or products containing GMO's. However, the industry has agreed that yellow corn must be identified as such on the package. Also, the law and regulations indicate that GMO's or products containing GMO's must be identified as such when the product's characteristics are significantly different from the traditional product. They are also subject to general labeling requirements.

Organic Labeling: As with the case with GMO's, currently there is not an organic labeling policy in place and the official logo has not been defined. Organic products are subject to general labeling requirements.

Section III. Packaging and Container Regulations:

The General Health Law grants SALUD the authority to regulate the packaging of food, alcoholic and non-alcoholic beverages, and tobacco with respect to health concerns. Manufacturers of metal containers intended to contain food and beverages, as well as importers and distributors of canned foods and beverages are required to comply with Standard [Nom-002-Salud1-1993](#). This regulation prohibits the sale or import of foods or beverages in metal containers with lead solders and specifies the type of seams permitted for hermetically sealed containers.

[Nom-130-Salud1-1995](#) lays out basic sanitary requirements for hermetically sealed products with thermal treatment, including limits on microorganisms, heavy metals and additives. Mexico does not have any strict recycling requirements. However, a significant percentage of soft drink and beer bottles are recyclable.

Section IV. Food Additives Regulations:

Mexican regulations define a food additive as a substance that is added directly to food and beverages during their manufacture in order to provide or intensify aroma, color or flavor, to improve their stability or preservation. The term does not include contaminants, substances added to foods to maintain or to improve the nutritional quality, or sodium chloride.

SALUD, through COFEPRIS, regulates the use of additives in the preparation of food intended for human consumption. NOM-130-Salud1-1995 establishes the regulation and sanitary specifications for foods in hermetically sealed containers subject to heat treatment and includes the list of authorized food additives for canned foods and their maximum allowable limits. A copy of this list is included in Appendix III.

Separate regulations address additives in cheese and meat. As of November 26, 2010, NOM-243-Salud1-2010 sets for the regulations for all products and specifications formally included under NOM-121-Salud1-

1994.

NOM-213-Salud1-2002 addresses the sanitary specifications for processed meat products and includes a list of permitted additives subject to best manufacturing practices, as well as a list of additives for which specific maximum levels have been established.

Additionally, as a protective measure to: 1) guarantee the health of the Mexican population through the controlled use of additives in the preparation of food; and 2) to cope with the constant development of the Food Industry, SALUD published on July 17, 2006, a list of authorized additives, colorants, purified substances, enzymes and synthetic flavors to be used as additives in food, beverages, and food supplements. (See GAIN reports MX6058 & MX6070.)

Section V. Pesticides and Other Contaminants:

The Inter-Secretariat *Commission for the Control Process and Use of Pesticides, Fertilizers and Toxic Substances* (CICLOPLAFEST) governs the use of pesticides in Mexico. Although it is not a regulatory body itself, the Commission coordinates the Mexican Government actions on pesticides through its member agencies, each of which has regulatory authority for certain aspects of pesticide use, including imports and exports. The four member secretariats are:

- Secretariat of Agriculture (SAGARPA)
- Secretariat of Environment and Natural Resources (SEMARNAT)
- Secretariat of Health (SALUD)
- Secretariat of Economy (ECONOMIA)

The federal regulation (Reglamento) on registration, import and export authorizations, and export certificates for pesticides, fertilizers, and toxic materials, lays out the procedures for pesticide registrations. The Secretariat of Health, through COFEPRIS, is responsible for authorizing registrations and issuing free sale certificate for pesticides, as well as granting import permits. The Secretariat of the Environment (SEMARNAT) provides technical opinions regarding the protection of the environment. The Secretariat of Agriculture provides technical support regarding the biological effectiveness of pesticides and fertilizers and on phytosanitary aspects of maximum residue levels.

On April 13, 2010, the Mexican government implemented NOM-232-SSA1-2009 which establishes and updates maximum residue levels.

CICLOPLAFEST also works with its counterparts in the United States and Canada under the NAFTA joint technical working groups.

A number of NOMs, such as NOM-004-ZOO, NOM-021-ZOO-1995 and NOM-028-ZOO-1995, address maximum residue limits for specific veterinary medicines (including hormones), pesticides, heavy metals, and industrial contaminants. Limits on contaminants in meat are under the jurisdiction of SAGARPA.

Section VI. Other Regulations and Requirements:

Imports of many agricultural products entering Mexico are subject to physical inspection and/or prior approval to ensure that animal, plant, and human health requirements are met. The most important thing for the U.S. exporter to do is to first determine the exact tariff classification under which the products will enter Mexico. The harmonized system number will determine the relevant regulatory agency and the import requirements that must be met. The three main agencies that issue specific import requirements and regulations for specific products are the Secretariat of Agriculture, the Secretariat of Health, and the Secretariat of Environment.

Import Requirements Based on Animal and Plant Health Risks (SAGARPA)

Imports of live animals (including aquatic) and plants, animal and plant products, and byproducts must comply with the requirements specified by SAGARPA and implemented through its regulatory agency, the National Service of Health, Food Safety and Agro Food Quality (SENASICA). SENASICA includes the General Directorate of Plant Health (DGSV) and the General Directorate of Animal Health (DGSA). These agencies are assisted by the General Directorate of Phytozoosanitary Inspection (DGIF) which is responsible for providing verification, inspection, and certification services for the products subject to the regulations.

The plant and animal health requirements take into account countries free of pests and diseases of quarantine importance to Mexico, specific requirements relevant to the product, certification from the country of origin sanitary authorities, the country of origin, laboratory tests, authorized treatments, and authorized points of entry into Mexico, among other items.

The products regulated by SAGARPA are listed in the "Accord that Establishes the Classification and Codification of Products the Importation of Which is Subject to Regulations from the Mexican Ministry of Agriculture SAGARPA" last updated on June 30, 2007. For a complete list of the products included in this Accord, please see <http://www.senasica.gob.mx/default.asp?doc=845>. Live animals, meats, processed meat products, dairy products, other animal products (e.g. genetic material), animal fats, feeds, pet foods, hides, skins, and other products that fall under the tariff classifications included in this list must comply with the requirements of the "HRZ" (or Hoja de Requisitos Zoosanitarios) issued by the DGSA and

are subject to inspection at the point of entry to verify that the products are free of pests and diseases.

New HRZ System for Animal Products

On October 13, 2010 SAGARPA announced the establishment of a new on-line system for issuing *HRZs* for the importation of animal products. The new system is intended to simplify administrative procedures and facilitate the trade of animal products from the United States and other countries. The new on-line system replaced the prior method of issuing HRZs and went into effect on December 13, 2010. As with the prior system, the importer of record is still responsible for obtaining the HRZs for imported products. The process for requesting new HRZs remains the same.

For further information about the new system, please see <http://www.senasica.gob.mx/?id=2587> or to access the system. Some important facts to know about using the new online system for obtaining an HRZ:

- The importer of record will log into the electronic system and request each HRZ for the shipment of product to be imported. U.S. exporters and Mexican importers should discuss and agree on which HRZ should be presented for each shipment;
- The Mexican import inspection system and the new electronic system for issuing HRZ will be linked. Therefore, printing and providing a hardcopy of the HRZ will no longer be required;
- A password-protected website will provide real-time information regarding changes to HRZs. Any change to an HRZ must be announced at least two months prior to going into effect. However, in the case of emergency, this time period may be waived and the HRZ may go into effect immediately;
- Industry feedback will be key to ensuring that the HRZ's website is properly updated.

Dairy Products

Effective November 26, 2010, the Mexican Government implemented NOM-243-Salud1-2010, which establishes the sanitary and nutritional requirements for milk, milk formula, combined milk products and dairy products. While this regulation went into effect on November 26, 2010, sections 6.1.5.5 and 6.1.5.5.1 will not be effective until September 27, 2011. This new NOM eliminates five old regulations as well as establishes the Mexican range for vitamin D (200-300 IU/L, International Unit per liter) allowed in milk, milk formula and combined milk and dairy products. With the implementation of NOM-243, the following NOMs were canceled:

- NOM-035-Salud1-1993, Goods and services. Whey cheeses. Sanitary specifications as published

January 30, 1995;

- NOM-036-Salud1-1993, Goods and services. Ice creams of cream, of milk or fat plant, sherbets and conditions or mixtures for ice creams. Sanitary specifications as published March 10, 1995.
- NOM-121-Salud1-1994, Goods and services. Cheeses: fresh, matured and processed. Sanitary Specifications as published February 23, 1996.
- NOM-184-Salud1-2002, Products and services. Milk, milk formula and combined dairy products. Sanitary specifications, as published October 23, 2002.
- NOM-185-Salud1-2002, Products and services. Butter, creams, sweetened condensed milk product, fermented and acidified milk products, milk-based sweets. Sanitary specifications, as published October 16, 2002.

For further discussion, please see MX0076 New Mexican Regulation for Milk and Milk Products.

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/New%20Mexican%20Regulation%20for%20Milk%20and%20Milk%20Products_Mexico_Mexico_10-18-2010.pdf

Aquatic Organisms

In the case of aquatic organisms the Accord mentions these must be accompanied by an aquatic health certificate ("Certificado de Sanidad Acuícola") issued by SAGARPA. Certain seafood species, such as lobster and shrimp, are subject to inspection at the point of entry to ensure they are free of pests and diseases.

Plant and Plant Products

Plants and plant products included on the list, such as fresh fruits and vegetables including potatoes, onions, mushrooms, apples, pears, peaches, cherries, some seeds, herbs, and grain meals, must meet the requirements of an "HRF" or Hoja de Requisitos Fitosanitarios issued by the DGSV if there is no specific NOM for the product. For example, grains and seeds not intended for planting (classified under NOM-028-FITO-1995) and fresh produce (classified under NOM-008-FITO-1995) do not require an HRF but they have to fully comply with these specific relevant NOMs.

All imported plants and plant products on the list are subject to inspection at the point of entry by the DGIF to ensure that they are free of pests and diseases. Any plant products that are not specified in a NOM or in a HRF must comply with NOM-006-FITO-1995 and will go through a pest risk assessment to determine if they are approved for import. This is a lengthy process.

Specific HRFs by product can be obtained for plant health requirements at:

<http://148.245.191.4/requisitosfito/Formulario.aspx>

The NOMS commonly applied to the import of plants and plant products are:

Phytosanitary requirements and specifications for the importation of propagative plant material
Phytosanitary requirements and specifications for the importation of fresh produce
Phytosanitary requirements and specifications for the importation of fresh flowers and foliage
Phytosanitary requirements for the importation of grains and seeds except for sowing
Phytosanitary requirements and specifications for the importation of nuts, processed and dried products and by-products
Phytosanitary requirements and specifications for importation of vegetables, vegetable products and sub-products by mail or international carrier

New products or those products that do not fall under a specific NOM must adhere to NOM-006-FITO-1995 which establishes minimum requirements to import vegetables, vegetable products, and by-products not regulated in a specific NOM. These products will be subject to a pest risk analysis and the results need to be acceptable to gain import approval.

Some of the information required for the application of a HRF include: product name, importer's legal name, product description, quantity, estimated value, use, tariff code number, country of origin, port of entry, and final destination.

In order to ensure compliance with these requirements, the Secretariat of Agriculture has established 87 approved border crossings where inspection for plant and animal health requirements can take place. Since approved border crossing points change from time to time, exporters should verify current information with their importers.

At the border, the importer by law has to use a registered customs broker or customs agent. They will provide the Mexican agricultural inspectors the necessary documentation to prove the shipment meets the relevant Hoja de Requisito. If the documents are in order and the products are found free of pests and diseases, the DGIF will issue the sanitary import certificate "Certificado de Importación Sanitaria" which must accompany the "Pedimento Aduanal" (see Section IX Import Procedures). If quarantine is required, SAGARPA has an approved list of companies that provide quarantine services under NOM-022-FITO-1995.

Import Requirements Based on Public Health Risks (SALUD)

The Secretariat of Health (SALUD) issues the regulations designed to improve and protect public health. Imports of food and beverages for human consumption are subject to compliance with sanitary regulations dictated by SALUD. COFEPRIS (www.cofepris.gob.mx) is the regulatory agency in charge of the control and surveillance of food and beverages, food supplements, tobacco, plant nutrients, toxic or dangerous substances, biotechnology products, and pesticides among others.

The "Accord that establishes the classification and codification of products, the importation of which is subject to regulations from SALUD," issued on September 27, 2007, and last updated on June 25, 2009, lists the tariff numbers of the products that are subject to SALUD's regulation. These products require either an import permit, "PERMISO Sanitario de Importación," or simply an import notification, "AVISO Sanitario de Importación," to COFEPRIS. Currently, only energy drinks with low levels of ingredients such as ephedrine, taurin, and glucoronolactone are eligible for submitting an AVISO.

Products such as fish, seafood products, dairy products, vegetable oils, fruit and vegetable products, food supplements, and energy drinks with higher levels of the ingredients mentioned above must apply for a "PERMISO".

Again, the most important thing for the U.S. exporter to do is to determine the exact tariff classification number that applies to the product being exported to Mexico. This number will define the regulatory agency and all the documentation necessary to attain import approval.

The importer of products subject to SALUD regulations must be registered with SALUD and is responsible for securing all the necessary documentation to assure a smooth import process. The documents that must be submitted to attain an import permit are: a health certificate or a free sale certificate issued by the U.S. government or other competent authority, the original product label, a Spanish label for the product, a copy of the fees payment, and if required, a physicochemical, microbiological or physical analysis of the product to be imported.

Import Requirements Based on Environmental Concerns (SEMARNAT)

The Ministry of the Environment and Natural Resources (SEMARNAT) regulates the imports of products that could potentially disrupt the ecological balance. It issues import authorizations for different products through the General Directorate of Wildlife.

The "Accord that establishes the classification and codification of products, the importation of which is subject to regulations of SEMARNAT," published on June 30, 2007, lists the tariff code for which SEMARNAT has authority. Some wild animals and plant species, products and byproducts, aquatic species and products, and forestry products, among others are included on this list. Among some of the requirements that these products have to meet are the submission of CITES certificates and compliance with NOM-059-SEMARNAT-2001. They are subject to inspection at the point of entry. Importers and traders of products regulated by SEMARNAT must be registered with this agency.

Section VII. Other Specific Standards:

Genetically Modified Organisms (GMOs) and Products Containing GMOs

The Biosafety Law ([Ley de Bioseguridad de Organismos Genéticamente Modificados](#)), published in March 2005, regulates the commerce, release, marketing, and import of GMOs with respect to impact on human health, the environment, biological diversity, and plant, animal, and aquatic health. The regulations under the Biosafety Law can be found at [Biosafety Law Regulations](#).

Approval for Human Consumption

Products containing GMOs that are intended for human use or consumption or for processing of food for human consumption, including for feed of animals destined for human consumption, require an authorization.

Requests for authorization must include an assessment by SALUD for potential risks to human health. The guidelines, requirements, and procedures for applying for authorizations for GMOs or GMO-containing products for human consumption are laid out in the "Regulations to the Genetically Modified Organisms Biosafety Law" published on March 19, 2008. Authorizations are generally to be determined within six months from the submission of the application. Under these regulations, the list of GMOs authorized for human consumption will be published annually, in early February.

The Ministry of Finance and Public Credit (HACIENDA) has authority over importation of GMOs and products containing GMOs. This authority includes ensuring that the appropriate permits or authorizations are in place and that any identity requirements under Mexican regulations are met. The law specifically prohibits, for example, the import into Mexico of GMOs or products containing GMOs in cases where such organisms are forbidden in their countries of origin.

Packaging of GMOs and products containing them are subject to official standards jointly issued by SALUD and ECONOMIA, in accordance with the General Law of Health and the Federal Law on Metrology and Standardization. There is no current official NOM for such products.

Currently 76 biotechnology derived products (involving one or more events) have been authorized for human consumption in Mexico. By product category these include:

Tomato	3
Alfalfa	1
Sugar Beet	1
Potato	3
Cotton	24
Canola	4
Soybean	6
Rice	1
Corn	33

Approval for Planting

The Mexican regulatory framework for biotech seeds has not been as fully developed as that for conventional products intended for consumption. One of the underlying principles of the Biosafety Law is that the government will take a precautionary approach with respect to the protection of the environment and biological diversity. The permit for commercial release into the environment is to be based on scientific principles as well as on a precautionary approach.

Appellations of Origin

Mexico is one of 19 signatories to the Lisbon Agreement on Appellations of Origin. The Mexican Law of Industrial Property (Art 156) recognizes the appellation of origin as the name of a geographic region of the country used to designate a product originating there, whose quality or characteristics are attributable to that location. In 1974, Mexico recognized Tequila as a protected appellation of origin, limited to the liquor of agave elaborated in specific areas in Mexico including parts of five states (Guanajuato, Michoacan, Tamaulipas, Nayarit, and Jalisco). Mexico has sought international protection for the use of the term tequila.

Organic Products

On February 6, 2006, the Mexican "Organic Products Law" ([Ley de Productos Orgánicos](#)) was published in the Diario Oficial, and since then the government's involvement in this sector has increased significantly. As mandated under this law, the National Council for Organic Production (CNPO – Consejo Nacional de Producción Orgánica) was established in 2007 with the participation of producers, processors, importers/distributors, universities, government entities, and certifiers who act as consultants for the Secretariat of Agriculture on organic production and commercialization issues.

From 2006 through 2008, the Secretariat of Agriculture developed the "Rules and Regulations for the Organic Products Law" (Reglamento) with the support of ECONOMIA, SALUD, and SEMARNAT. On April 1, 2010, the "Rules and Regulations" for the Organic Products Law were published in the Diario Oficial. These guidelines outline industry requirements necessary to establish an organic operation in the country, including guidelines for obtaining organic certification, policies and restrictions, and procedures for obtaining a national official organic seal. While the "Reglamento" has been published, the organic operation guidelines have not yet been finalized. These guidelines are expected to be submitted for approval to the National Council for Organic Production in mid-2011. The guidelines will provide the legal framework and standardization for organic production and commercialization in Mexico including the establishment of labeling requirements for organic products, among several other important policies related to the organics sector.

The Mexican Government has announced plans to amend certain standards and procedures concerning imported products, of which the final modifications have not yet been implemented as of the date of publication of this report. These impending amendments are:

NOM-008-FITO-1995: Phytosanitary specifications and requirements for the Importation of Fresh Fruits and Vegetables

For further information, please see:

- **MX0074 Mexico to Revise Fruit and Vegetable Import Regulation NOM -008**

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Mexico%20to%20Revise%20Fruit%20and%20Vegetable%20Import%20Regulation%20NOM-008_Mexico_Mexico_10-15-2010.pdf

- New SENASICA inspection guidelines for Food and Agricultural Products

For further information, please see:

- MX0084 Guidelines to Harmonize Import Inspection of Agricultural Products

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Guidelines%20to%20Harmonize%20Import%20Inspection%20of%20Agricultural%20Products_Mexico_Mexico_11-15-2010.pdf

- NOM-013-FITO-1995: Foreign quarantine requirements designed to prevent the introduction of rice pests and diseases

SENASICA will soon publish an amendment to the Mexican Official Standard establishing foreign quarantine requirements designed to prevent the introduction of rice pests and diseases (NOM-013-FITO-1995). The amendment will state that *Tilletia barclayana* (false smut) exists in Mexico and, consequently, will allow the elimination of the requirement that U.S. rice exports to Mexico be treated with methyl bromide.

For further information, please see:

- MX0089 December Grain and Feed Update

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/December%20Grain%20and%20Feed%20Update_Mexico_Mexico_12-3-2010.pdf

- MX9003 Instructions for the Entry of Patty Rice into Mexico

<http://www.fas.usda.gov/gainfiles/200902/146327189.pdf>

- Application of the 2010 National Normalization Program to reduce the number of Official Mexican Regulations and other regulations in an effort to promote more streamlined national regulations

For further information, please see:

- MX0045 Mexico Aims to Streamline Standards

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Mexico%20Aims%20to%20Streamline%20Standards_Mexico_Mexico_7-16-2010.pdf

- PROY-NOM-181-SCFI-2010: specifications for yogurt sold in Mexico

ECONOMIA will soon be issuing a new regulation for yogurt that will establish physical and chemical specifications, commercial information requirements, and test methods to be used to verify these

specifications. The NOM will apply to all yogurt sold in Mexico. According to industry sources, this NOM will not affect the use of imported dairy ingredients in the making of yogurt, however minimum requirements of milk-protein and butyric fat will be established and processors will be required to include these ingredients on the label as well as nutritional content.

For further information, please see:

- MX0034 Dairy and Products Semi-annual

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Dairy%20and%20Products%20Semi-annual_Mexico%20City_Mexico_5-13-2010.pdf

Section VIII. Copyright and/or Trademark Laws:

Trademarks, patents and industrial designs are considered "Industrial Property" in Mexico. They are protected under Mexico's Law of Industrial Property ("Ley de la Propiedad Industrial") and its implementing regulations. The United States Embassy in Mexico places significant importance on the protection of intellectual property rights (IPR) and all its aspects in Mexico. The U.S. Government is working with Mexico to develop adequate standards of IPR protection and enforcement as well as with the private sector and the public to raise awareness about IPR crime and its impact on economic growth and innovation. In addition, the U.S. Government wishes to raise IPR protection levels in order to strengthen the North American market and avoid adulteration and counterfeiting of products that place consumers at risk.

Trademarks are protected for ten years and can be renewed for an unlimited number of ten-year periods. Trademark applications in Mexico are not subject to opposition. Registrations are issued and can only be canceled post-registration. On average, it takes two and a half years to cancel a trademark registration, and the registrant is allowed to continue using the mark for one year following cancellation.

Companies interested in registering a trademark can contact the Mexican Institute of Industrial Property, IMPI ("Instituto Mexicano de la Propiedad Industrial"), an independent agency that operates under ECONOMIA. According to the U.S. Commercial Service in Mexico, some U.S. trademark holders have encountered difficulties in preventing former subsidiaries and franchisees from continued use of their trademarks. U.S. companies holding trademarks in Mexico have cited problems with trademark enforcement and administration. When counterfeit items are discovered, injunctions against trademark violators are often unenforceable and are consistently challenged before the courts. In addition, USDA cooperator organizations have reported several instances of registered trademarks being misused in the marketplace. Several cooperators have reported instances of third-country and domestic Mexican products being marketed as U.S. origin.

Although federal administrative actions are supposed to be completed within four months, actions related to trademark enforcement often take as long as 18 months. The time can be lengthened by jurisdictional and procedural disputes within the Mexican government, as well as by internal coordination problems within IMPI.

U.S. exporters of food and agricultural products may contact the Office of Agricultural Affairs or the Agricultural Trade Office with any intellectual property concerns so that issues reach the interagency task force at the U.S. Embassy in Mexico City, Mexico. The task force has representation from several different U.S. government offices, including the Department of Agriculture, the Department of Justice, the Department of Commerce, the Department of State, Customs and Border Protection, Immigration and Customs Enforcement, the U.S. Food and Drug Administration.

Plant Variety Protection

The Federal Law of Plant Varieties (“Ley Federal de Variedades Vegetales”) protects the rights of plant breeders. The Regulations under the Federal Law on Plant Varieties can be found at:

http://www.cddhcu.gob.mx/LeyesBiblio/regley/Reg_LFVV.pdf.

SAGARPA is responsible for approving applications and for maintaining a public registry of protected varieties. Perennial species may be registered for 18 years, and other species for ten years. The law allows the use of protected varieties for research, individual use as seed or grain, or for personal consumption without the permission of the breeder.

According to the U.S. Commercial Service in Mexico, copyright piracy remains a major problem in Mexico with U.S. industry losses estimated to be growing each year. Although enforcement efforts by the Mexican government are improving, piracy levels continue to rise, resulting in closures of legitimate copyright-related businesses. Copyrights and related rights are governed by the Mexican Federal Copyright Law. Additional information on Mexican Copyright Laws for Copyright can be found at the National Copyright Institute (INDAUTOR, “Instituto Nacional del Derecho de Autor”).

Section IX. Import Procedures:

Before exporting products to Mexico, it is advisable to locate an experienced Mexican customs broker to help avoid problems during the border entry and inspection process. These brokers are authorized by the Mexican Internal Tax Registry (HACIENDA y Crédito Público) to handle the customs clearance operations. In addition, all companies that import agricultural products must be registered with the Mexican government customs authority (Padrón Importador) [1]. The documentation that a customs broker needs to clear shipments includes:

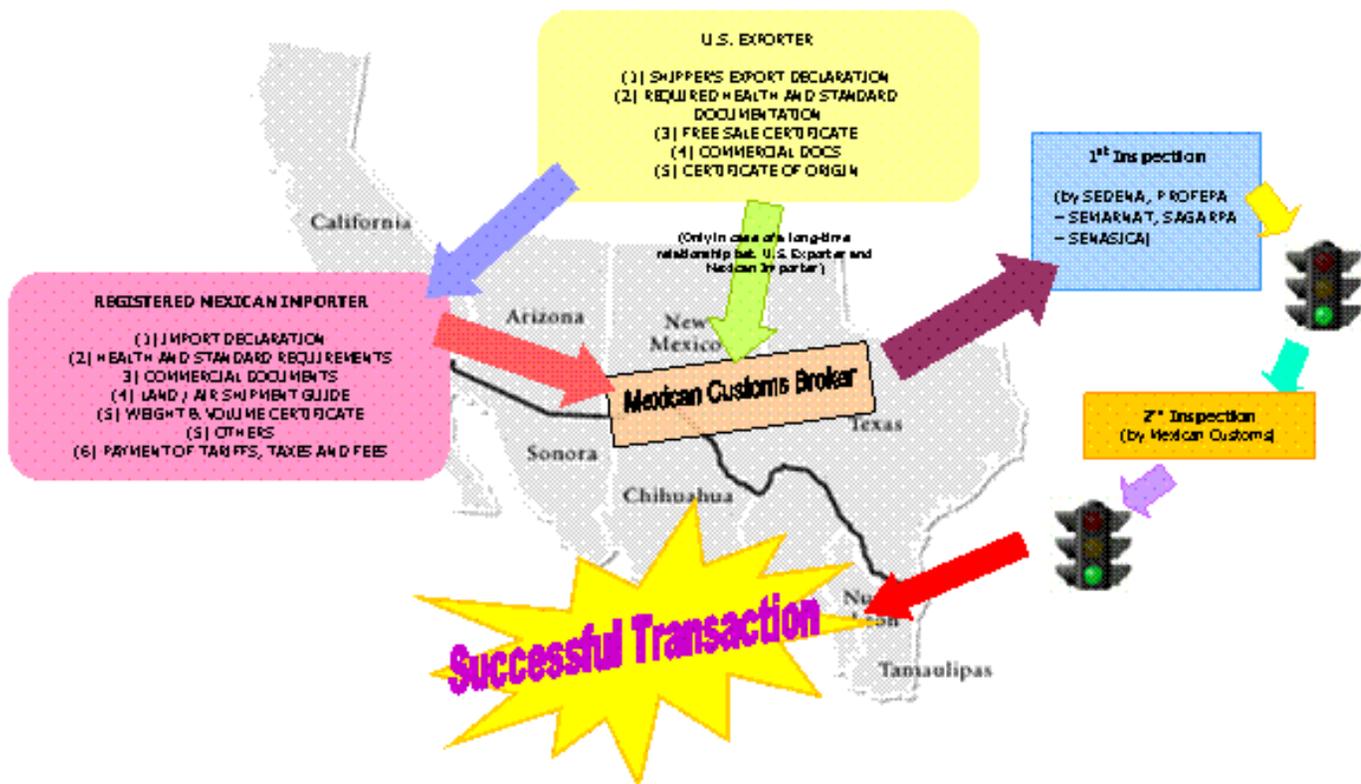
- Commercial Invoice or Bill of Sale;
- Required Health and Standard Certificates (issued either by the Animal and Plant Health Inspection

Service [APHIS] or the Food Safety and Inspection Service [FSIS]), and/or any other relevant U.S. government regulatory authorities;

- Certificate of Origin (Note: A complete certificate of origin must be completed for products to receive NAFTA treatment);
- Technical information on product classification (tariff code, which complies with the uniform customs identification system under the General Agreement on Tariffs and Trade);
- Commercial information regarding lot (batch) number, brand and product appearance in addition to weight and volume certificate (for bulk products);
- Air or land freight shipping guide;
- Duty payments (please check this with your importer).

Finally, customs brokers will process an Export Declaration (Pedimento Aduanal). (we would never advise an exporter to ship to Mexico without the use of an experience custom broker).

The entire customs clearance procedure normally takes around 24 hours upon submission of all required documentation. The following flow chart depicts the import process.



Required Documentation

Below, you will find a brief description of U.S. and Mexican documents required to clear shipments through Mexico. The documents mentioned are subject to specific norms and regulations, so please make sure to look for specific product regulations by tariff code before engaging in import operations. It is

important to know your product's HTS code in order to learn if it underwent tariff increases as set by the Mexican Government [2] and if it is subject to commodity-specific quotas. This, in turn, will lessen delays in deliveries, storage fees, food decay, and will enable you to attain a better appraisal of costs.

I. U.S. Documents

A. Shippers Export Declaration

An Export Declaration is required by U.S. Customs for all shipments over US \$2,500.

B. Sanitary or Phytosanitary Certificates

In order to comply with the SAGARPA's regulations regarding "Hojas de Requisitos," you may need to obtain an export certificate from the U.S. Department of Agriculture on health aspects of plant and animal products. This can be obtained from USDA's Animal and Plant Health Inspection Service (APHIS). The phytosanitary certificate is issued by the Plant Protection and Quarantine (PPQ) office of APHIS and the animal health certificate is issued by the Veterinary Service (VS) office of APHIS. In general, both certificates guarantee that plant and/or animal products described have been inspected and are considered to be free from pests or quarantine diseases. Specific requirements are found in this "Hoja de Requisitos" and may also be addressed in the "remarks" section. An original of this document is required at Mexican Customs. The "Hoja de Requisitos" is valid only if it is signed by an official inspector from the PPQ or VS office, and must contain a complete name and date.

C. Meat and Poultry Export Certificate of Wholesomeness

The Meat and Poultry Export Certificate is issued by the Field Operation Staff of the Food Safety and Inspection Service (FSIS) of USDA. The Meat Export Certificate attests that meat products comply with all Mexican requirements. It guarantees that meat products in a particular shipment are sourced from healthy animals that received ante-mortem and post-mortem inspections and have been registered at a federally-inspected slaughterhouse. For poultry and poultry products, the certificate certifies that birds were officially inspected and that the meat is wholesome and fit for human consumption.

These documents are issued to the exporter and include the consignee's general data. Other information contained in the certificate include the FSIS district office, country of destination, folio number, plant number, city of origin, type of facility, total net weight, total number of containers, products as labeled with their individual market weight, and number of packages. On the product description, the name of the species must be included (i.e. beef, pork, turkey, etc.). In the remarks section, it is important to write the slaughter date, packing date, lot number, and name several sanitary statements, which are listed in the "Hoja de Requisitos" for any given product. The document will only be valid once it is signed by an official inspector of the Meat and Poultry Inspection Program, including a full name and date. The original document is always required.

D. Free Sale Certificate

A Free Sale Certificate can be issued by several state and federal government agencies as well as from certified laboratories of the U.S. Food and Drug Administration (FDA). It certifies to the authorities of the importing countries that the products comply with U.S. requirements and that they are sold freely in the country of origin. For example, certificates for non-alcoholic goods are issued by the FDA or state health authorities. On the other hand, the U.S. Bureau of Alcohol, Tobacco and Firearms (ATF) issues Free Sale Certificates for alcoholic beverages. For poultry products, FSIS export certificates of wholesomeness described above are accepted as an equivalent to free sale certificates. A manufacturer's paper declaration, with the company's letterhead, stating that the products are distributed and authorized for human consumption within the United States may also be valid.

E. Commercial Invoice

The commercial invoice is a bill of the purchased goods issued by the seller to the buyer. It should include basic information about the transaction, such as a description of goods, the shipper's and seller's addresses, delivery and payment terms. The Mexican government needs the commercial invoice to assess customs duties and other taxes. The original document is required at Mexican Customs.

F. Certificate of Origin

The Mexican government requires a signed statement regarding the origin of products. Certificates are usually acquired through semi-official organizations such as local Chambers of Commerce. Its purpose is to validate that the listed products originated from the territory of the exporting company and that they comply with origin requirements as indicated for their type of goods under the North America Free Trade Agreement (NAFTA). It also ensures NAFTA tariff treatment (i.e. zero duties for most of agricultural goods). The U.S. Customs Office of the Department of Homeland Security issues certificates of origin for exporters.

G. Export Packing List

This list itemizes products per package and indicates the type of packaging (box, crate, drum, carton, etc.). It displays individual net, legal, crate, gross weights and measurements for each package (in U.S. and metric systems). Package markings should be shown with the shipper's and buyer's references. The Export Packing List should be attached to the outside of a package in a waterproof envelope marked "packing list enclosed." The list must be used by the shipper or forwarder detailing (1) the total shipment weight and volume, and (2) whether the right cargo is being shipped. Mexican and U.S. customs officials use this list to check the cargo. The original document is required by Mexican Customs.

H. Bill of Lading

Bills of lading are contracts secured between the owner of the goods and the carrier. International bills of lading can be co-signed to coordinate several arrangements between buyers and sellers. If the buyer is purchasing on an open-account basis, the bill of lading can be consigned directly to the buyer. Hence,

merchandise can be immediately available upon arrival to the delivery site. On the other hand, if the seller wants to exchange title and custody of the goods for payment, he must state on the bill of lading: "Consigned to the order of _____". Usually, the customer needs the original as a proof of ownership for custody of the goods.

II. Mexican Documents

In addition to the documents listed in this section, please make sure to have in possession all of the U.S. documentation stated above since they will also need to be submitted to Mexican authorities.

A. Land or Air Shipment Guide

Mexican customs will expect a land or air shipment guide with information about the cargo, such as the destination address and freight charges.

B. "Hoja de Requisitos Sanitarios" – Sanitary Requirements Sheet on Plant and Animal Products

The Hoja de Requisitos Sanitarios is provided by the Regulation and Sanitary Inspection Directorate (Dirección de Regulación e Inspección Sanitaria) of SAGARPA. It enumerates all sanitary requirements that apply to the specific plant or animal product being imported to Mexico. The original document is required during Mexican customs clearance. This document has to be secured by the importer or representative (customs broker) and must be submitted at the moment of the SAGARPA inspection. During the inspection, SAGARPA officials will check that the shipment's documentation complies with the requirements. It is the importer's responsibility to notify the U.S. exporter about sanitary and other requirements prior to shipment. This will enable the U.S. exporter to cater and provide all the requirements fully (like APHIS and FSIS certification).

C. Sanitary Requirements on Processed Products (Human Health)

Mexican imports of processed foods are subject to regulations issued by Salud. The specific agency that enforces such regulations is COFEPRIS. Depending on the product, it can be subject to import notice (AVISOS) or to an import permit (PERMISO). For further information see section VI.

D. Weight and Volume Certificate

This certificate is claimed for bulk products. For example, the number of imported metric tons per cargo must be written.

E. Other Certificates & Information

Other documents might be needed to support your credentials such as permits from Economía, printed NOMs, and/or other regulations depending on the agricultural product. In addition, information yielding product identification, analysis and merchandise control will be required. Make sure to include lot number, brand and description of product presentations (it is petitioned by Article 36 of the Mexican Customs Law).

F. Duty Payments

They can be ad valorem, IVA (Value Added Tax - 11% charge of the goods' value at the Mexico-U.S. border region and 16% for the rest of Mexico), port fees, and/or other special taxes place on products such as wine/spirits. It is recommended that you seek advice from your importer regarding such duties. Any applied tariffs will need to be paid at this stage of the process. As mentioned before, most of U.S. agricultural products have no tariffs. However, after March 18, 2009, some agricultural products become subject to duty increases by HS code (see GAIN report MX9010 for more details).

G. "Pedimento Aduanal" - Export Declaration

All documents must be accompanied by an Export Declaration. Once complete information is introduced in the Export Declaration it will be reviewed and approved by an automated centralized program. Afterwards, it will be validated by the central authority of the Mexican government.

^[1] Importers need special permission for certain goods such as wine. They must be registered at the Sector Registry (Padrón Importador) for such commodities.

^[2] As of August 18, 2010, tariffs on some agricultural products were revised. Please see GAIN Report [MX0054](#) for more information.

Appendix I. Government Regulatory Agency Contacts:

1. MX0045 Mexico Aims to Streamline Standards

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Mexico%20Aims%20to%20Streamline%20Standards_Mexico_Mexico_7-16-2010.pdf

2. MX0054 Mexico Increases Trucking Retaliation Against Ag Products

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Mexico%20Increases%20Trucking%20Retaliation%20Against%20AG%20Products_Mexico_Mexico_8-18-2010.pdf

3. MX0058 Shell Egg Categories for Import into Mexico

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Shell%20egg%20categories%20for%20import%20into%20Mexico_Mexico_Mexico_8-24-2010.pdf

4. MX0074 Mexico to Revise Fruit and Vegetable Import Regulation NOM -008

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Mexico%20to%20Revise%20Fruit%20and%20Vegetable%20Import%20Regulation%20NOM-008_Mexico_Mexico_10-15-2010.pdf

5. MX0076 New Mexican Regulation for Milk and Milk Products

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/New%20Mexican%20Regulation%20for%20Milk%20and%20Milk%20Products_Mexico_Mexico_10-18-2010.pdf

6. MX0084 Guidelines to Harmonize Import Inspection of Agricultural Products

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Guidelines%20to%20Harmonize%20Import%20Inspection%20of%20Agricultural%20Products_Mexico_Mexico_11-15-2010.pdf

7. MX0090 New SENASICA System for Import Requirement Sheets (HRZ's)

[http://gain.fas.usda.gov/Recent%20GAIN%20Publications/New%20SENASICA%20System%20for%20Import%20Requirement%20Sheets%20\(HRZ's\)_Mexico_Mexico_12-3-2010.pdf](http://gain.fas.usda.gov/Recent%20GAIN%20Publications/New%20SENASICA%20System%20for%20Import%20Requirement%20Sheets%20(HRZ's)_Mexico_Mexico_12-3-2010.pdf)

8. MX0505 Mexico Revises Food Labeling Regulations

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Mexico%20Revises%20Food%20Labeling%20Regulations_Monterrey%20ATO_Mexico_6-17-2010.pdf

9. MX0312 Update on Revised NOM-051 Labeling Requirements

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Update%20on%20Revised%20NOM-051%20Labeling%20Requirements_Mexico%20ATO_Mexico_10-18-2010.pdf

10. MX0318 Additional Changes to Food Labeling Requirements NOM-051

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Additional%20Changes%20to%20Food%20Labeling%20Regulations%20NOM-051_Mexico%20ATO_Mexico_10-29-2010.pdf

11. MX0085 NOM-013-SEMARNAT-2010 Finalized for Christmas Tree Imports

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/NOM-013%20Finalized%20for%20Christmas%20Tree%20Imports_Mexico_Mexico_11-19-2010.pdf

GOVERNMENT REGULATORY AGENCY CONTACTS

COFEMER – ECONOMIA (Federal Commission for Regulatory Improvement, Secretariat of Economy):

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Attachment Name	Attachment Link
<i>Appendix III: List of Approved Food Additives Hermetically Sealed Subject to Heat Treatment</i>	Download