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Draft Procedures to Obtain Import and Export Certificates

Report Categories:

Agriculture in the News

Exporter Guide

FAIRS Subject Report

Policy and Program Announcements

Trade Policy Monitoring

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Report Highlights:

This report describes a draft agreement issued by the Mexican Secretariat of Agriculture outlining the procedures and formats to be used by the industry when required to obtain either import or export certificates of regulated agricultural, livestock, fisheries and seafood products. The draft is currently under discussion and subject to comments from interested parties and not yet in effect.

General Information:

Disclaimer: This report was prepared by the Agricultural Trade Office of the USDA/Foreign Agricultural Service in Monterrey, 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.

BACKGROUND

On June 8, 2012, the Mexican Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food (Spanish: *Secretaria de Agricultura, Ganaderia, Desarrollo Rural, Pesca y Alimentacion*, or SAGARPA) submitted a proposal to the Federal Commission for Regulatory Improvement (Spanish: *Comision Federal de Mejora Regulatoria*, or COFEMER) outlining the procedures and formats that interested parties must follow to obtain import or export certificates issued by SAGARPA on agricultural, livestock, fisheries and seafood products under its jurisdiction.

The proposal is currently under review at COFEMER, waiting for interested parties to submit their comments and observations. If no comments are received and COFEMER determines that the proposed document is in line with the government's efficiency regulations, it will authorize SAGARPA to submit the document to the Mexican equivalent of the Federal Register (Spanish: *Diario Oficial de la Federacion*, or DOF) so it can go into effect. If comments are received, COFEMER will request SAGARPA to make adjustments or respond to said comments, which might extend the period of review.

GENERAL INFORMATION

Title: "Agreement that notifies the procedure to obtain, through electronic means, the certificates for importing or exporting agricultural, livestock, fisheries and seafood products". (Spanish: *Acuerdo por el que da a conocer el procedimiento para obtener, a traves de medios electronicos, los certificados de importacion y de exportacion de mercancias agricolas, pecuarias, acuicolas y pesqueras.*)

Type of Ruling: Information of procedures.

Agency in Charge: SAGARPA.

Products Affected: Agricultural, livestock, fisheries and seafood products, whose import or export is regulated by SAGARPA.

Summary: This proposal is basically a notification of the procedures and formats to be used when requesting an import or export certificate for products regulated by SAGARPA. Interested parties will be able to request and fill out the electronic documentation by accessing either the Government of Mexico's (GOM) "one-stop shop" for foreign trade operations' website (Spanish: *Ventanilla Unica*, or VU), or through SAGARPA's National Service of Health, Food Safety & Food Quality (Spanish:

Servicio Nacional de Sanidad, Inocuidad y Calidad Agroalimentaria, or SENASICA). When potential users cannot remotely access the aforementioned websites, they can fill out the documents at any designated SAGARPA office throughout the country.

The full dossier of the proposal can be reviewed at a [specific website](#) (in Spanish) within COFEMER. Comments should be submitted electronically to the following e-mail address: cofemer@cofemer.gob.mx

I. Import Certificates

With regard to imports, SAGARPA makes three certificates electronically available:

- a. Phytosanitary Import Certificate,
- b. Zoosanitary Import Certificate, and
- c. Aquatic Health Import Certificate.

Importers are responsible for verifying the specific requirements for importing agricultural, livestock, fisheries and seafood products (most of them can be reviewed in [SENASICA's website](#)). Once said requirements are met and the importer has collected the supporting documentation, they can then proceed to the aforementioned websites to fill out and attach the relevant information to the on-line formats. SENASICA will then respond to the request per the following time frames:

- a. No more than one working day after the request was submitted if the product to be imported is not subject to laboratory testing or treatment and all other regulation is covered,
- b. No more than three working days after the request was submitted if the product to be imported is required to undergo a specific treatment or preparation (this time frame can be extended if the specific sanitary treatment that applies requires a larger exposure time), or
- c. No more than 30 working days after the request was submitted if the product to be imported is subject to laboratory analysis.

If SENASICA considers the information or documentation attached to be incomplete, it will notify the importer, who will then have five working days to provide the missing information; otherwise, the request will be cancelled. Likewise, prior to granting the Import Certificate, SENASICA might carry out a physical inspection of the product in order to verify the product's compliance to applicable regulation.

If the request is rejected, sanitary measures such as reconditioning, destruction or return to country of origin may apply.

Once the Import Certificate is issued, it will remain valid for eight working days, and will cover the products' transport to its final destination, stated in the Import Certificate.

Finally, SAGARPA declares that SENASICA will reserve the right to cancel Import Certificates and take immediate sanitary protection measures in the event of a food safety emergency.

II. Export Certificates

Regarding exports, again the three available electronic certificates are:

- a. Phytosanitary Export Certificate,
- b. Zoosanitary Export Certificate, and
- c. Aquatic Health Export Certificate.

Similar to importers in the previous section, exporters are responsible for verifying the specific country requirements for the products they intend to export and should request a SAGARPA-approved Certifying Agency/Verification Unit to carry out a physical inspection of the products in order to guarantee the compliance of the destination country's regulations by issuing a Verification Declaration.

Once the export requirements are met and the supporting documentation is obtained, exporters can proceed to the VU or SENASICA websites to fill out and attach the relevant information to the on-line formats. After the request is submitted, SENASICA will have three working days to respond.

If SENASICA considers the information or documentation attached to be incomplete, it will notify the importer, who will then have five working days to provide the missing information; otherwise, the request will be cancelled.

Once the Export Certificate is issued, it will remain valid for the duration of the products' transport through the stated route to its exit point from the Mexican territory (border crossing, port, bonded area, etc.)

Important Dates:

1. Draft presented for review to COFEMER: June 8, 2012.
2. Deadline for submitting comments by interested parties: July 20, 2012 (extensions and corrections may apply, lengthening the review process).
3. Other relevant dates:
 - a. The Agreement will come into effect 60 days after its publication in DOF.
 - b. A time frame of twelve months (again, after the Agreement is published in DOF) is set for SAGARPA in order to approve/validate the Certifying Agencies/Verification Units required for the issuance of Export Certificates.

FAS/Mexico Comment: The GOM recently launched a centralizing web-based tool for foreign trade operations, in which nearly 30 different participants (government agencies, custom brokers, importers, exporters, transportation & logistics companies and other ancillary services providers) interact through 165 procedures, using 40 different documents; this tool was designed with the intention of simplifying procedures and reducing costs, creating a sort of "one-stop shop" for international trade operations.

This proposed regulation is merely a reference with the intention of aligning the traditional methods and formats used to request import or export certificates issued by SAGARPA to the aforementioned web-based platform and giving legal certainty by defining the time frames and applicable responsibilities of SAGARPA when responding to requests from the industry for either an import or export certificate. It

does not create additional requirements for importers or exporters, although it assumes that for the issuance of Export Certificates, a Verification Declaration might be required, and said document would be issued by a SAGARPA-validated Certifying Agency/Verification Unit, which currently does not exist. We anticipate that SAGARPA will shortly announce the guidelines and definitions applicable for the establishment of these Units.

FOR MORE INFORMATION

FAS Mexico Web Site: We are available at: <http://www.mexico-usda.com> or visit the FAS headquarters' home page at: <http://www.fas.usda.gov> for a complete selection of FAS worldwide agricultural reporting.

Other Relevant Reports Submitted by FAS Mexico:

Report Number	Subject	Date Submitted
MX2033	Presidential Candidates Speak on Agriculture	5/25/2012
MX2503	UPDATE - Exporting to Mexico – Managing Border Entry Issues	3/22/2012
MX2501	UPDATE - Simplified Labeling Procedures in Mexico's Border Areas	2/29/2012
MX2008	Mexico Proposes New System to Consult Phytosanitary Requirements	2/15/2012
MX2301	Exporter Guide 2011	12/31/2011
MX0344	Food and Agricultural Import Regulations and Standards - Narrative	12/27/2011
MX1529	Food and Agricultural Import Regulations and Standards - Certification	12/21/2011

Useful Mexican Web Sites: Mexico's equivalent to the U.S. Department of Agriculture (SAGARPA) can be found at <http://www.sagarpa.gob.mx> and Mexico's equivalent to the U.S. Department of Commerce (SE) can be found at <http://www.economia.gob.mx> These web sites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with, the information contained on the mentioned sites.