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Mexico

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

At the time this report was written Mexico ranked as the 3rd most important market for U.S. agricultural exports behind Canada and China. In 2015 U.S. exports of agricultural products to Mexico reached US \$18.5 billion. This document provides the reader with an overview of major Mexican laws and regulations that norm local agricultural and food products, and that serve as framework for applicable import regulations for agricultural and food products imported into Mexico. This report updates Mexico Food and Agricultural Import Regulations and Standards – Narrative 2015. As an update to the 2015 FAIRS Narrative, regulations mentioned remain the same unless noted otherwise.

Section I was updated by including Mexico's Secretariat of the Environment and Natural Resources (SEMARNAT) General Law on Sustainable Forestry Development. U.S. exporters are encouraged to keep abreast of regulations affecting the import of specific product categories. This can be done by checking the websites of the Mexican Secretariats mentioned in this report.

Disclaimer: This report was prepared by the Agricultural Trade Office of the USDA/Foreign Agricultural Service in Monterrey, Mexico, for U.S. exporters of food and agricultural products. This document reviews some of Mexico's principal laws and regulations that apply to food and food products imported into Mexico. While every possible care was taken in the preparation of this report, information provided may not be completely accurate, either because laws and regulations have changed since its preparation or because clear and consistent information about the laws was not available. This report should not be viewed as a definitive reading of Mexico's import regulations. U.S. exporters are encouraged to verify the full set of import requirements with their customers in Mexico, 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 inspection officials at the port of entry.

Section I. Food Laws:

The General Directorate for Standards or Dirección General de Normas of the Mexican Secretariat of Economy is responsible for coordinating the standardization and conformity assessment system based on the provisions of the Federal Metrology and Standardization Law and its Regulations. Mexican Secretariats and various government agencies follow this Law to develop standards or Normas Oficiales Mexicanas, also known as NOMs. NOMs are technical regulations that contain information, requirements, specifications, procedures and methodology that allow government agencies to establish parameters to avoid putting at risk the population's, animal, plant, and environmental welfare. NOMs are developed for a wide variety of products and services including agricultural and food products and the import of these goods. Government agencies are required to revise NOMs at least every five years. Following this revision NOMs are ratified, modified or cancelled. The Normas Oficiales Mexicanas are published in the Diario Oficial de la Federación (DOF) which is equivalent to the U.S. Federal Register. Electronic versions of current NOMs can be reviewed in <http://www.economia-noms.gob.mx>. Laws applicable to agricultural and food products imported into Mexico include: General Health Law, Federal Animal Health Law, and the Federal Law for Plant Health.

General Health Law – According to this law, the Secretariat of Health through its operating arm, the Federal Commission for the Protection against Sanitary Risks (COFEPRIS), implements and enforces sanitary regulations, controls and promotions, to protect the population against health risks. Based on health risks COFEPRIS determines if food and food products imported into Mexico should be subject to an import permit previous to importation. COFEPRIS randomly inspects food products at point of sale to verify compliance with current food labeling regulations, and samples food products to perform lab tests to guarantee products are safe for human consumption.

Federal Animal Health Law– This law falls under the authority of Mexico's Secretariat of Agriculture, Livestock, Rural Development, Fishery and Food (SAGARPA). Topics covered in this law include animal health measures to safeguard Mexico's livestock assets/heritage, the application of good practices for livestock production; with respect to transit of animals and animal products, regulations are stipulated for importation, national and international transit and exportation of animals. This law also regulates the operation of verification and inspection points (VIPs) for animals and animal products, and good manufacturing practices at Federal Inspection Type Establishments or Establecimientos Tipo Inspección Federal (TIF). Regulations for Imports, International Transit and Exportation are contained in Title Three Chapter II in the Regulations for this law. SAGARPA's National Service of Health, Food Safety, and Food Quality Directorate is responsible for implementing and enforcing regulations of the aforementioned law. SENASICA's specific import requirements for live animals, animal products and by-products, and seafood are contained in a document known as zoosanitary requirement sheet or Hoja de Requisitos Zoosanitarios. Applicable and updated requirements are available in SENASICA's ([Módulo de consulta de requisitos para la importación de mercancías zoosanitarias](#)). SAGARPA oversees pet food and animal feed and has the authority to regulate products such as feed and pharmaceuticals consumed or used by livestock, and can prohibit the use in animals or consumption by animals of substances and products, as well as determining maximum levels of contaminants.

The Federal Law for Plant Health This law falls under the authority of Mexico's Secretariat of Agriculture, Livestock, Rural Development, Fishery and Food (SAGARPA). Topics covered in this law

include identification and measures to prevent dissemination of pests that represent a phytosanitary risk for fruits and vegetables and their by-products. Phytosanitary requirements for importing regulated goods, and inspection and certification of imported goods are contained in Title Four Chapter III and Chapter IV in the Regulations of the aforementioned law, respectively. SAGARPA's National Service of Health, Food Safety, and Food Quality Directorate is responsible for implementing and enforcing regulations of the aforementioned law. SENASICA's specific import requirements for plant and plant products can be viewed online in SENASICA's ([Módulo de consulta de requisitos fitosanitarios para la importación de mercancía de origen vegetal](#))

The General Law on Sustainable Forestry Development– This law falls under the authority of the Ministry of Environment and Natural Resources (SEMARNAT). This law regulates and promotes conservation, protection, restoration, production, organization, development, management and exploitation of the country's forestry ecosystems and their resources. General regulations for importing forest inputs, products and by-products including wood packaging material used for transporting goods are contained in Chapter Three Articles 129 through 139. Specific import requirements for wood packaging materials, Christmas trees, wood by-products, and sawn wood are contained in NOMs under SEMARNAT. The Federal Prosecutor for Environmental Protection (PROFEPA) is SEMARNAT's operating arm and is responsible for enforcing the corresponding regulations at ports of entry.

Law on Biosafety of Genetically Modified Organisms - The application of the regulations of this law fall under Mexico's Secretariat of Agriculture, Livestock, Rural Development, Fishery and Food (SAGARPA), the Ministry of Environment and Natural Resources (SEMARNAT) and by the Secretariat of Health (SALUD) as stipulated in their respective fields of competence detailed in the aforementioned law. The Law on Biosecurity of Genetically Modified Organisms provides regulations concerning to imports, exports, commercialization, research and release of, genetically modified organisms. The objective of regulations under this law is to prevent, avoid, or reduce the risks that the aforementioned activities may cause to human health, the environment, biological diversity, or the health of plants and animals. Specific rules and regulations for this law are published in the Regulations for Law on Biosafety of Genetically Modified Organisms document. This document was last updated in March 2009.

Section II. Labeling Requirements:

In general, specific labeling requirements for processed consumer- ready and non-alcoholic beverages for retail in Mexico are included in NOM-051-SCFI-/Salud1-2010, "General Specifications for Labeling Pre-packaged Foods and Non-alcoholic Beverages". NOM-051-/Salud1-2010 became effective on January 1, 2011. Bulk products and products used in the food service industry do not have to comply with this labeling regulation. The enforcement of the new [NOM-051](#), in its original Spanish edition found in this link, is monitored jointly by the Federal Consumer Protection Agency (PROFECO) which is part of the Secretariat of the Economy (Economía) and by COFEPRIS. The Mexican importer is responsible for making sure that the products comply with the aforementioned NOM. U.S. exporters should keep abreast of applicable labeling requirements by maintaining close communication with the Mexican importer.

General Requirements

The original label in English may remain on the package as long as an additional label in Spanish, meeting current labeling requirements, is affixed. On the other hand, the product can be packaged for

the local Mexican market with a label presenting required information in Spanish. In addition, if more than one language is used, the Spanish content must be in a font size that is equal or larger than those used for the other languages. Adhesive labels/stickers are permitted as long as they remain adhered to the package until product is used by the consumer. When a U.S. nutrition panel appears on the package, a second panel must be presented in Spanish to comply with current Mexican requirements, the aforementioned panel must be affixed over the U.S. nutrition panel.

Mandatory labeling requirements under NOM-051-SCFI-2010 include:

- Product Name/Product Description
- Brand Name
- Exporter's name and address
- Country of origin (Product from/de EE.UU.)
- Importer's name, address and RFC number (taxation number)
- List of Ingredients
- Net Content/Drained Mass
- Manufacturer and Importer's Information
- Batch Number
- Expiration Date: According to Codex International Regulations any dating system is accepted DD/MM/YY or MM/DD/YY
- Nutritional Information
- Products Sold in Multiple Packages: The information contained in NOM-051 must be located on the package, except for the batch number and the expiration date which must appear on each product. The package must include the statement "Not Labeled for Individual Sale".

Front of Pack Nutrition Labeling

On April 15, 2014 the Federal Commission for the Protection against Sanitary Risks (COFEPRIS) announced in the Diario Oficial new guidelines for the labeling of processed packaged foods, making it mandatory to include a front-of-pack nutrition label (FOP) with nutritional information on sugar, sodium, fats, and caloric content per portion. For additional information please see report MX 4305 [Mexico's New Front-of-Pack Labeling Regulations](#).

Biotechnology Labeling

The Biosafety Law does not require labeling for packaged foods and feeds that are equivalent to the conventionally produced commodities, but labeling is required for seeds for planting (Provision 101). Labeling information should include the fact that the planting seeds are genetically engineered, the characteristics of the acquired genetic combination, implications with regard to special conditions and growing requirements, and changes in reproductive and productive characteristics. Labeling information has been included in a project of a Mexican Official Norm, NOM (See report [MX4002](#)).

Organic Labeling

On May 8, 2015, SAGARPA published in Mexico's Federal Register an official extension of the deadline for U.S. exporters to comply with Mexico's organic regulations. This publication modifies Mexico's organic guidelines, meaning that U.S. exporters now have until April 29, 2017 to comply with the corresponding organic labeling requirements. As a result of this extension, products certified as organic under the U.S. National Organic Program (NOP) can continue to be exported to and sold in Mexico as organic. In addition, this gives the U.S. and Mexican government additional time to complete

their work toward establishing organic equivalency between the two countries. For additional information please read Gain Report [MX5020](#) and GAIN report [MX3313](#).

Labeling Procedures for Border Areas

On January 17, 2012, Economía updated the special labeling procedures that are optional for food and agricultural products imported into Mexico that are shipped to and commercialized in defined border areas, in accordance with NOM-051-2010. U.S. exporters may find this special treatment beneficial when shipping products to those areas. The simplified procedures came into effect on January 18, 2012. For additional information please read GAIN Report MX2501 [Simplified Procedures in Mexico's Border Areas](#).

Section III. Packaging and Container Regulations:

The General Health Law grants the Health Secretariat (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.

Section IV. Food Additives Regulations:

The Health Secretariat, through COFEPRIS, regulates the use of additives in the preparation of food 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 permissible amounts. 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. 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.) On July 16 2012, SALUD published in the Diario Oficial the new Agreement which determines additives and others substances (colorants, enzymes, synthetic flavors) used in food, beverages and food supplements, its uses and sanitary dispositions with the purpose of reinforcing the food safety of edible products and the health of the consumers. This agreement contains a reference list of permitted and prohibited additives as well as the maximum and minimum levels of additives in food, beverages and food supplements. The aforementioned agreement can be found in:

http://www.salud.gob.mx/cdi/nom/compi/Acuerdo_aditivos_160712.pdf

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 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:

Agriculture (SAGARPA)

Environment and Natural Resources (SEMARNAT)

Health (SALUD)

Economy (Economía)

The federal regulation on registration, import and export authorizations, and export certificates for pesticides, fertilizers, and toxic materials, lays out the procedures for pesticide registrations. SALUD, 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. SAGARPA provides technical support regarding the biological effectiveness of pesticides and fertilizers and on phytosanitary aspects of maximum residue levels. On August 11, 2015, the Secretariat of Agriculture (SAGARPA) published in Mexico's "Diario Oficial" (Federal Register) the official standard NOM-032- FITO-1995 that establishes requirements and phytosanitary specifications to prepare studies of the biological effectiveness of agricultural pesticides and the rendering of a Technical Report. To control pests, the use of pesticides is one of the most used alternatives, making it necessary to ensure that each product be evaluated properly in order to determine with precision, its efficiency and performance in Mexico's field conditions and to assess the benefits of its use. Therefore the information to obtain the Technical Report of Biological Effectiveness must be firmly grounded on scientific bases and in accordance with laboratory good practices. The present modification was approved on June 15, 2015, and subsequently ratified by the National Advisory Committee of Standardization for Agro-food. For more information please read GAIN report [MX 5032](#) "Final Modifications to Pesticide Registration NOM-032". On October 2014, SAGARPA consolidated its regulation of maximum residue levels for animal and fishery products by cancelling the existing NOMs and publishing a [new regulation](#) outlining the establishment of MRLs monitoring of residues in animal products.

Section VI. Other Regulations and Requirements:

Imports of agricultural and food products exported to Mexico are subject to documentary and physical inspection at port of entry to ensure current import requirements are met.

Import Requirements for Animals and Plants (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 inspectors at port of entry ensure that agricultural and food products imported into Mexico comply with applicable import requirements. Current import regulations for live animals, animal, and animal by-products and plants can be obtained through SENASICA's on-line system:

For animal and animal by-products review ([Módulo de consulta de requisitos para la importación de mercancías zoonitarias](#)). For plant and plant products review ([Módulo de consulta de requisitos fitosanitarios para la importación de mercancía de origen vegetal](#))

Import Requirements for forest, wood and wood products (SEMARNAT)

Specific import requirements for wood packaging materials, Christmas trees, wood by-products, and sawn wood are contained in the following NOMs:

- Wood packing material and dunnage ([NORMA OFICIAL MEXICANA NOM-144-SEMARNAT-2012](#))
- Christmas trees ([NOM-013-SEMARNAT-2010](#))

- Wood by-products ([NOM-029-SEMARNAT-2003](#))
- Sawn wood ([NOM-016-SEMARNAT-2013](#))

For additional information on lumber regulations please review the following GAIN reports: [MX3020 Phytosanitary Regulations for Lumber Importations](#) and [MX4086 Change to Certificates Required to Export Lumber to Mexico](#).

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

Mexico does not make a distinction between food and feed approval, but rather SALUD approves both for animal and human consumption. Since 1995, there have been a growing number of genetically engineered commodities approved for food and feed. Corn is the species with more than 50 percent of the events approved for consumption. 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. 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 the Secretariat of Health and the Secretariat of the Economy, 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.

Organic Products

In October 2013, SAGARPA, via its regulatory agency SENASICA, issued the long-expected revised organic production guidelines. These create Mexico’s equivalent of the USDA National Organic Program, with production certifications, lists of approved pesticides and fertilizers, and marketing and labeling regulations. You can review these guidelines [here](#).

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. 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 legal challenge.

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 Economía. 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. 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, U.S. Patent and Trademark Office, Immigration and Customs Enforcement, and the U.S. Food and Drug Administration.

Section IX. Import Procedures:

Mexican customs brokers are responsible for clearing imported products. Mexican importers are encouraged to work with a Mexican Customs broker who has experience in clearing agricultural products to avoid problems during the export-import process. These brokers are authorized by the Mexican Internal Tax Registry (HACIENDA y Crédito Público) to handle the customs clearance operations. In addition, Mexican companies that import agricultural products must be registered with the Mexican government customs authority in the Padrón de Importadores.

The documentation that a Mexican 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 Import Declaration (Pedimento de Importación).

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 crossing the products. 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 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.

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

C. Meat and Poultry Export Certificate of Wholesomeness

- D. Free Sale Certificate
- E. Commercial Invoice
- F. Certificate of Origin
- G. Export Packing List
- H. Bill of Lading

The Mexican importer has the responsibility of notifying 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 AMS, APHIS and FSIS certification). For information on certificates issued by US government agencies please read the updated GAIN Report MX6511 - Food and Agricultural Import Regulations and Standards – Certification.

Appendix I. Government Regulatory Agency Contacts:

USDA/FAS Mexico Contact Information

For further information and to learn more about the services provided by FAS/Mexico, please contact us at:

Office of Agricultural Affairs US Embassy in Mexico City

Agmexicogroup@usda.gov

Ph. (52) 55-5080-2868

U.S. Agricultural Trade Office Monterrey, Mexico

atomonterrey@fas.usda.gov

Eduardo.lozano@usda.gov

Ph. (52) 81-8047-3318 / 3232

U.S. Agricultural Trade Office Mexico City, Mexico

atomexico@fas.usda.gov

Ph. (52) 55-5080-2000 Ext 5282

Mexican Government Regulatory Agencies

SENASICA-SAGARPA

www.senasica.gob.mx

Ph. (52) 55-5905-1000

SEMARNAT

<http://www.semarnat.gob.mx/temas/gestionambiental/forestalsuelos>

Ph. (52) 55-5484-3500

COFEPRIS – SALUD (Federal Commission for Sanitary Risks Protection)

<http://www.gob.mx/cofepris/PBX>:

Ph. (52) 55-5080-5200