

measures were imposed on imports from India and definitive duties were applied in July of that year.⁴²

3.1.7.4 Safeguard measures

3.63. Mexico did not have recourse to global safeguard measures during the review period. A safeguards investigation concerning imports of spiral-welded steel pipes and tubes, initiated in 2010, was terminated in 2012 without imposition of any measure. This was the second global safeguards investigation initiated by Mexico since the creation of the WTO.⁴³

3.64. Mexico has reserved the possibility of using the special safeguard measure provided for in the Agreement on Agriculture, but did not do so during the review period.

3.65. The Decision regulating the application of transitional safeguard measures for specific products originating in China expired on 11 December 2013.⁴⁴ However, the authorities indicated that during the review period no transitional safeguard measure was applied to China.

3.66. Several of Mexico's trade agreements include provisions on global, bilateral and special safeguards, such as the North American Free Trade Agreement (NAFTA) and the agreements with Japan, Central America, Peru and Panama. Mexico did not use bilateral safeguards in the period 2012 to 30 November 2016.

3.1.8 Technical regulations and standards

3.67. The Federal Law on Metrology and Standardization (LFMN)⁴⁵ and its implementing Regulations⁴⁶ govern the Mexican System of Metrology, Standardization and Conformity Assessment (SISMENEC). The WTO Agreement on Technical Barriers to Trade (TBT Agreement) is also an integral part of Mexican legislation. Mexican Official Standards (NOMs), which are mandatory at the point of entry, are listed in Decisions of the Ministry of Economy (SE).⁴⁷ Under the Foreign Trade Law and the Customs Law, importers must demonstrate that goods comply with the NOMs before goods can enter the country.

3.68. The National Standardization Commission (CNN) and the Directorate-General of Standards (DGN) are responsible for applying the law. The DGN remains the contact point for the TBT Agreement.⁴⁸ The CNN is tasked with formulating standardization policy and adopting the National Standardization Programme and its Supplement published each year in the Official Journal.⁴⁹ Through the National Advisory Committee on Standardization (CCNN), the DGN, in collaboration with other bodies, prepares, reviews, modifies, repeals and issues both technical regulations and standards.

3.69. Mexico issues Mexican Official Standards (NOMs) (technical regulations) and Mexican Standards (NMXs) (standards). The Reference Standards (NRFs) (industrial or sectoral standards) prepared by Petróleos Mexicanos (PEMEX) and the Federal Electricity Commission (CFE) ceased to

⁴² See WTO documents in the series G/SCM/N/*/MEX.

⁴³ See WTO documents in the series G/SG/N/*/MEX.

⁴⁴ Decision on the Transitional Safeguard Mechanism contained in the Protocol of Accession of the People's Republic of China to the WTO (published in the Official Journal of 21 April 2005).

⁴⁵ Federal Law on Metrology and Standardization (published in the Official Journal of 1 July 1992; latest amendment published in the Official Journal of 18 December 2015).

⁴⁶ Regulations implementing the Federal Law on Metrology and Standardization (published in the Official Journal of 14 January 1999; latest amendment published in the Official Journal of 28 November 2012).

⁴⁷ Decision identifying tariff headings in the Tariff Schedule in the General Import and Export Tax Law classifying goods subject to compliance with NOMs upon entry into and exit from Mexico (published in the Official Journal of 31 December 2012; latest amendment published in the Official Journal of 13 April 2016) or Annex 2.4.1, tariff headings in the Tariff Schedule in the General Import and Export Tax Law classifying goods subject to compliance with NOMs upon entry into and exit from Mexico (NOM Annex) (latest amendment published in the Official Journal of 1 April 2016). Viewed at:

http://www.dof.gob.mx/nota_detalle.php?codigo=5266224&fecha=03/09/2012.

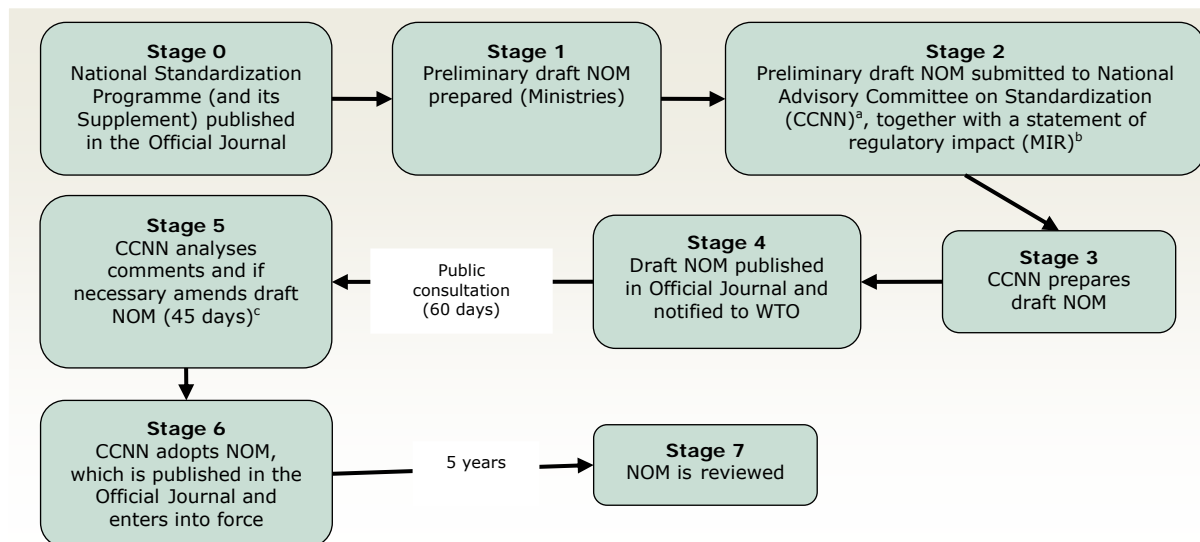
⁴⁸ Online information viewed at: <http://tbtims.wto.org>.

⁴⁹ The latest National Standardization Programme was published in the Official Journal of 18 April 2016. Viewed at: http://www.dof.gob.mx/nota_detalle.php?codigo=5433410&fecha=18/04/2016.

be issued as of 2012.⁵⁰ The NRFs are currently being reviewed with a view to converting them into NOMs or NMXs or repealing them. Since 2013, the Federal Telecommunications Institute set up as a result of the constitutional reform issues "technical provisions" for the telecommunications and broadcasting sector. These "technical provisions" are mandatory on the domestic market, but for them to apply in the case of imports the SE has to issue a NOM based on the relevant "technical provision".

3.70. There has been no change to the procedure for preparing, issuing or revising NOMs since the previous review (Chart 3.6).

Chart 3.6 Procedure for the preparation of a NOM



- a The CCNN consists of public and private sector individuals and bodies.
 b The MIR includes, *inter alia*, a description of the standard, its characteristics, its advantages and disadvantages and its costs and benefits in monetary terms.
 c The comments and amendments (if any) are published in the Official Journal.

Source: WTO Secretariat, on the basis of the LFMN.

3.71. Technical regulations (NOMs) are compiled in the Decisions; in addition, the DGN keeps a catalogue of NOMs.⁵¹ In cases of emergency, the competent agency may draw up a NOM directly, without the need for a preliminary draft or a draft.⁵² Emergency NOMs remain valid for a maximum of six months and may be renewed for a further six months (Article 48 of the LFMN).

3.72. NOMs have to be reviewed every five years as of their entry into force. Following this review, the NOM may be renewed for a further five years, modified or cancelled. This decision must be notified to the CNN within 60 days of the end of the five-year period. If no such notification is made, the NOM ceases to have effect and the agency that issued it must publish its annulment in the Official Journal (Article 51 of the LFMN).

3.73. Over the period 2012-2016 (November), 218 draft NOMs were published in the Official Journal, of which 135 became NOMs, 81 remained at the draft stage and two were annulled. During the same period, 217 NOMs were published in the Official Journal, of which 151 do not coincide with international standards, 38 coincide partially and 28 coincide fully.

⁵⁰ Online information from the Ministry of Economy. Viewed at: <http://www.2006-2012.economia.gob.mx/comunidad-negocios/normalizacion/catalogo-mexicano-de-normas>.

⁵¹ The NOMs Catalogue can be viewed at: <http://www.economia-noms.gob.mx/noms/inicio.do>. These catalogues were viewed in August 2016.

⁵² Unexpected events that affect or threaten the objectives laid down by the LFMN (the safety of persons, human, animal or plant health, the environment and working conditions, or the conservation of natural resources, *inter alia*) are deemed to be emergencies (Articles 40 and 48 of the LFMN).

3.74. Between the start of 2012 and 31 July 2016, Mexico notified to the WTO 108 technical regulations or draft technical regulations, of which 12 concerned conformity assessment procedures and eight were emergency NOMs.⁵³ The emergency measures concerned: design, construction, safety, operation and maintenance of systems for storing liquefied petroleum gas; biotechnology medicines and their biopharmaceuticals; equipment for connection or interconnection with a public telecommunications network; quality specifications for petrochemicals; pollution emission levels for motor vehicles; and test methods and parameters for the operation, maintenance and efficiency of gasoline (petrol) vapour recovery systems at service stations selling petrol to the public.⁵⁴

3.75. Both domestic and imported products must comply with the relevant NOMs. To import a product subject to a NOM, a NOM certificate or authorization issued by the competent agency or an accredited certification body has to be obtained (Article 53 of the LFMN). These procedures are currently carried out through the Digital Window (Article 36 of the Customs Law as amended in 2013).

3.76. Where products or services that are required to comply with a specific NOM do not meet the corresponding specifications, the competent authority must immediately prohibit their marketing and immobilize the products until they are brought into conformity, reprocessed, repaired or replaced. If this cannot be done, the necessary measures will be taken to ensure that they are not used. Imported products that do not comply with the requirements of a NOM or which are not accompanied by the required certificates must be placed in an in-bond facility until the importer has rectified the situation. Otherwise, the Customs will prohibit importation. If the product or service is already on the market, the traders or suppliers cannot market it.

3.77. Mexican Standards (NMXs) serve as a reference and are voluntary. They are prepared by a national private standardization body or by the DGN. In 2016, Mexico had ten national standardization bodies (ONNs) registered with the SE.⁵⁵ The standards may not contain specifications lower than those set out in NOMs (Articles 51A and 54 of the LFMN). The DGN also keeps a catalogue of NMXs.⁵⁶

3.78. As in the case of NOMs, NMXs must be included in the National Standardization Programme, be based on international standards (except where these are unsuitable) and have the consensus of the sectors taking part in the corresponding advisory committee. NMXs must be published by a notice in the Official Journal for public consultation for a period of at least 60 days before being published in their final version as NMXs. The procedure for the revision, updating or cancellation of NMXs is the same as for their preparation. As in the case of NOMs, NMXs must be reviewed or updated within five years from their entry into force (Article 51-A of the LFMN). If the results of the review or updating are not notified to the CNN, the latter will order the NMX to be annulled. The SE, *ex officio* at the request of another agency, may also issue an NMX in the case of areas

⁵³ This figure excludes Addenda/Corrigenda and Supplements to the notifications. Viewed at: <http://tbtims.wto.org>.

⁵⁴ WTO documents G/TBT/N/MEX/227 of 29 March 2012; G/TBT/N/MEX/242 of 1 October 2012; G/TBT/N/MEX/287 of 16 March 2015; G/TBT/N/MEX/299 of 25 January 2016; G/TBT/N/MEX/300 of 28 January 2016; G/TBT/N/MEX/312 of 14 June 2016; G/TBT/N/MEX/315 of 5 July 2016; and G/TBT/N/MEX/332 of 16 November 2016.

⁵⁵ These are: the Sociedad Mexicana de Normalización (NORMEX) (Mexican Standardization Society); Instituto Mexicano de Normalización y Certificación (IMNC) (Mexican Institute for Standardization and Certification); Asociación de Normalización y Certificación (ANCE) (Standardization and Certification Association); Instituto Nacional de Normalización Textil (INNTEX) (National Institute of Textiles Standardization); Organismo Nacional de Normalización y Certificación de la Construcción y Edificación (ONNCCCE) (National Standardization and Certification Body for Construction and Building); Normalización y Certificación Electrónica (NYCE) (Electronic Standardization and Certification); Consejo para el Fomento de la Calidad de la Leche y sus derivados (COFOCALEC) (Quality Promotion Council for Milk and Dairy Products); Centro de Normalización y Certificación de Productos (CNCP) (Product Standardization and Certification Centre); Cámara Nacional de la Industria del Hierro y del Acero (CANACERO) (Mexican Iron And Steel Industry Chamber); and Organismo Nacional de Normalización de Productos Lácteos, A.C. (ONNPROLAC) (National Standardization Body for Dairy Products, A.C.). Online information from the SE. Viewed at: <http://www.2006-2012.economia.gob.mx/comunidad-negocios/normalizacion/nacional/procesos-de-normalizacion/organismo-nacionales>.

⁵⁶ The NMXs Catalogue can be viewed at: <http://www.economia-nmx.gob.mx/normasmx/index.nmx>. These catalogues were viewed in August 2016.

not covered by the national standardization bodies or where the standards issued by the latter do not reflect the interests of the sectors involved (Article 51-A of the LFMN).

3.79. Conformity assessment procedures are drawn up by the competent Ministries, following consultation with interested parties and in accordance with the LFMN, its implementing Regulations and international guidelines, as was also the case in 2012. Once finalized, the procedures are published in the Official Journal, initially for public comment and then in final form (Articles 73 of the LFMN and 80 of its implementing Regulations).

3.80. Conformity assessment of NOMs is carried out by the competent authorities or accredited private entities. The assessors (for example, certification bodies, test laboratories, calibration laboratories and verification units) assess conformity by means of visual inspection, sampling, measurement, laboratory tests or document checks.⁵⁷ Since 2014 one of the competent bodies has been the Federal Telecommunications Institute. The SE keeps a list of authorized accreditation bodies and accredited persons, by standard, subject, sector or branch, as well as a list of the national standardization bodies and international bodies recognized by the Mexican Government.

3.81. For the conformity assessment of NOMs and of technical provisions relating to telecommunications and broadcasting, conformity assessors must be accredited by the Mexican Accreditation Entity (EMA).⁵⁸ The EMA accredits testing laboratories, calibration laboratories, clinical laboratories, verification units (inspection agencies) and certification bodies, proficiency test providers and greenhouse gas validation/verification bodies (GHG VVBs). These entities may be certification bodies, verification units and test or calibration laboratories (Articles 53 y 68 of the LFMN). Besides being accredited by the EMA, such entities must be approved by the competent authority in order to operate (Articles 68 and 69 of the LFMN).

3.82. The competent authorities may establish official marks denoting conformity assessment of NOMs and, where required, of NMxs. Products or services subject to NOMs and NMxs may voluntarily display these official marks. However, the relevant authorities may also require that specific products should obligatorily carry these marks, in which case the competent authority, or persons accredited and approved by it, will be responsible for the conformity assessment.

3.83. Mexico has mutual recognition agreements (MRAs) with bodies in Canada; China; Colombia; Hong Kong, China; the Netherlands; Norway; Singapore; Thailand; and the United States. In addition, the EMA has MRAs with various international forums. (Table 3.10).⁵⁹

Table 3.10 EMA mutual recognition agreements

Body	Accreditation
International Laboratory Accreditation Cooperation (ILAC)	Calibration and testing laboratories
Asia-Pacific Laboratory Accreditation Cooperation (APLAC)	Verification units and testing, calibration and clinical laboratories (2007), proficiency test providers (2014) and reference material producers (2016)
International Accreditation Forum (IAF)	Certification bodies for quality management (2001), environmental management (2004), product certification (2004), and food safety (2015) systems
Pacific Accreditation Cooperation (PAC)	Certification bodies for quality management (2001), environmental management (2004), product (2004), food safety (2014) and greenhouse gas validation/verification (2014) systems
Inter-American Accreditation Cooperation (IAAC)	Certification of quality management systems (2002), accreditation of product certification bodies (2008), environmental management systems (since 2008), accreditation of testing, calibration and clinical laboratories (since 2009), accreditation of verification units (since 2010) and accreditation of food safety certification bodies (2016)

Source: Online information from the EMA, viewed at: <http://www.ema.org.mx/portal/index.php/Reconocimiento-Internacional/reconocimientos-internacionales.html>.

⁵⁷ Article 70 of the LFMN specifies the terms and conditions of approval of certification bodies.

⁵⁸ Online information from the EMA. Viewed at: <http://www.ema.org.mx/portal/index.php/Ema/ema.html>.

⁵⁹ Online information viewed at: <http://www.ema.org.mx/portal/index.php/Reconocimiento-Internacional/reconocimientos-internacionales.html>.

3.1.9 Labelling and marking

3.84. The NOM establishing the requirements for general labelling of products was not amended during the period under review.⁶⁰ Pursuant to this NOM, any Mexican or imported product to be sold in Mexico must bear a label in Spanish providing commercial information on the product, together with instructions and guarantees (Section 5.3 of NOM-050-SCFI-2004). The requirements set out in this NOM are mandatory for all products, with the exception of: (a) products subject to commercial information requirements contained in other NOMs; (b) products in bulk; (c) live animals; (d) books and other publications, magnetic and compact discs, tapes and similar articles, and other audio-visual products; (e) spare parts bought from catalogues and identified by the number of the part or a code; and (f) other products as determined by the competent authority (Section 2.2 of NOM-050-SCFI-2004). In addition to this general NOM, there are NOMs concerning labelling and commercial information requirements for specific products (Table 3.11).

Table 3.11 Products subject to specific labelling or packaging requirements, 2016

Product	Number of tariff lines (8 digits)	Official standard	Publication in the Official Journal/ amendment
Textiles, clothing and their accessories, and household linen	1,191	NOM-004-SCFI-2006	21/06/2006
Products in general	825	NOM-050-SCFI-2004	01/06/2004
Electronic, electrical and household electrical appliances	397	NOM-024-SCFI-2013	12/08/2013
Pre-packaged foods and non-alcoholic beverages	375	NOM-051-SCFI/SSA1-2010	05/04/2010/ 14/08/2014
Toys	293	NOM-015-SCFI-2007	17/04/2008
Leather articles, natural tanned hides and synthetic or artificial materials of the same appearance	189	NOM-020-SCFI-1997	27/04/1998
Alcoholic beverages	28	NOM-142-SSA1/SCFI-2014	23/03/2015
Paints, colours, varnishes, lacquers and enamels	26	NOM-003-SSA1-2006	04/08/2008
Pre-packaged perfumery and cosmetic products	19	NOM-141-SSA1/SCFI-2012	19/09/2012/ 14/02/2014
Natural vanilla extract, derivatives and substitutes	8	NOM-139-SCFI-2012	10/07/2012
Pre-packaged tuna and bonito products	8	NOM-084-SCFI-1994	22/09/1995
Flame retardants and/or inhibitors and/or fireproof products	5	NOM-055-SCFI-1994 NOM-072-SCFI-2012 NOM-131-SCFI-2012	08/12/1994
Medication and herbal remedies		NOM-137-SCFI-2008	
Food and non-alcoholic beverages for infants and young children		NOM-182-SCFI-2010	
Medical devices			
Plant nutrients			
Lubricating oils for petrol or diesel engines	3	NOM-116-SCFI-1997	04/05/1998
Household cleaning products	46	NOM-189-SSA1/SCFI-2002	02/12/2002
Masa dough, tortillas, tostadas and ready-mixed flours	2	NOM-187-SSA1/SCFI-2002	18/08/2003
Pesticides	n/a	NOM-232-SSA1-2009	13/04/2010/ 04/04/2012
Iodized salt and fluoridated iodized salt	n/a	NOM-040-SSA1-1993	31/12/2010/ 26/12/2012

n/a: Not applicable.

Source: WTO Secretariat, on the basis of information available at: <http://www.economia-noms.gob.mx/noms/inicio.do>.

3.85. The importer is responsible for ensuring that the goods include the commercial information required by the NOMs. In general, importers do not need a certificate establishing that the commercial information has been verified, except where there is a high sanitary, plant or animal health, safety or consumer protection risk. In such cases the competent authority may require a laboratory analysis to check the truthfulness of the information provided for the product (Article 50 of the Regulations implementing the LFMN).

⁶⁰ Mexican Official Standard on commercial information –general labelling of products (NOM-050-SCFI-2004), published in the Official Journal of 1 June 2004. Viewed at: http://www.dof.gob.mx/nota_detalle.php?codigo=708514&fecha=01/06/2004.

3.1.10 Sanitary and phytosanitary measures

3.86. The principal legislation governing the drafting and implementation of sanitary and phytosanitary measures has not changed substantially since 2012, although some modifications have been introduced concerning, for example, the competence of the various institutions. In addition, the Regulations implementing the Federal Plant Health Law were issued during the period covered by this review. The products subject to animal health requirements as well as the various requirements themselves are published in a number of Decisions (modules), some of which have been amended to take account of changes in the Harmonized System (HS) nomenclature (Table 3.12).

Table 3.12 Principal legal instruments governing the sanitary and phytosanitary system, 2016

Legislation	Publication in the Official Journal	Latest amendment published in the Official Journal
Federal Law on Metrology and Standardization (LFMN)	1 July 1992	18 December 2015
Regulations implementing the Federal Law on Metrology and Standardization	14 January 1999	28 November de 2012
Federal Plant Health Law	5 January 1994	16 November 2011
Regulations implementing the Federal Plant Health Law	15 July 2016	
Federal Animal Health Law	25 July 2007	7 June 2012
Regulations implementing the Federal Animal Health Law	21 May 2012	
General Law on Health	7 February 1984	10 May 2016
General Law on Sustainable Forestry Development (LGDFS)	25 February 2003	10 May 2016
Law on Biosafety of Genetically Modified Organisms	18 March 2005	
Regulations implementing the Law on Biosafety of Genetically Modified Organisms	19 March 2008	6 March 2009
Regulations for the sanitary control of products and services	9 August 1999	12 February 2016
Regulations for health inputs	4 February 1998	14 March 2014
Regulations implementing the General Law on Sustainable Forestry Development (LGDFS)	21 February 2005	31 October 2014
General Law on Sustainable Fishery and Aquaculture	24 July 2007	4 June 2015
Law on Organic Products	7 February 2006	
Regulations implementing the Law on Organic Products	1 April 2010	8 April 2010

Source: WTO Secretariat on the basis of information provided by the Mexican authorities.

3.87. The bodies responsible for drafting and implementing sanitary and phytosanitary measures remain the same as in 2012 (Table 3.13).

Table 3.13 Bodies responsible for the sanitary system, 2016

Body	Function
National Agrifood Health, Safety and Quality Service (SENASICA)	Implements and monitors compliance with the provisions on agrifood health, safety and quality in connection with plant, animal, fishery and aquaculture products and by-products. Issues NOMs, decisions and other legal provisions in order to prevent, control and combat pests and diseases that affect plant, animal, aquaculture and fishery species. Determines the requirements, quarantine regulations and sanitary safety measures. Protects agricultural, aquaculture and livestock resources from pests and diseases of quarantine and economic importance. Regulates and promotes the implementation and certification of risk reduction systems for food contamination and agrifood quality.
Federal Commission for Protection against Health Risks (COFEPRIS) (attached to the Ministry of Health)	Applies, oversees and certifies implementation of the provisions relating to the healthiness of products for human use and consumption (for example: food, beverages, medicaments, cosmetics, cleaning products, tobacco, pesticides, additives and plant nutrients). Applies and oversees implementation of the health provisions relating to the export and import of products for human use and consumption. Drafts and issues NOMs.
Ministry of the Environment and Natural Resources (SEMARNAT)	Responsible for national forest health policy. Issues NOMs on forestry and the soil. Issues phytosanitary documents needed for the movement, import or export of regulated forest products and by-products.

Body	Function
Interministerial Commission on Biosafety and Genetically Modified Organisms (CIBIOGEM)	Responsible for coordinating policy on the production, consumption, import, export and movement of genetically modified organisms (GMOs).

Source: General Law on Health (published in the Official Journal of 7 February 1984; latest amendment published in the Official Journal of 10 May 2016). Regulations of the Federal Commission for Protection against Health Risks (published in the Official Journal of 13 April 2004). Viewed at: <http://senasica.gob.mx>.

3.88. In 2012, the National Advisory Committee on Agrifood Standardization (CCNNA) was established under the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA), and the previously existing Committees for plant and animal health protection were merged to create a single Committee.⁶¹ The CCNNA is assisted by various specialized sub-committees for issuing NOMs, namely: the Animal Health Protection Sub-Committee, the Plant Health Protection Sub-Committee, the Responsible Fisheries Sub-Committee, and the Biosafety, Organic and Bioenergy Products Sub-Committee, as well as ad hoc specialized sub-committees that assist the CCNNA as necessary. These sub-committees closely monitor needs in terms of standardization relating to health, quality and safety in the domestic and export agrifood markets. The National Advisory Committee on Environmental and Natural Resource Standardization (COMARNAT) prepares NOMs on forestry issues.⁶²

3.89. Mexico is a member of the Codex Alimentarius Commission (FAO/WHO), the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC). It also participates in regional sanitary protection bodies such as the North American Plant Protection Organization (NAPPO) and the International Regional Organization for Plant and Animal Health (OIRSA). The SE's Directorate-General of Standards is the national enquiry point designated by Mexico in connection with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).⁶³

3.90. The policy on plant and animal health and GMOs seeks to reduce risks for agricultural and forestry production and public health, boost productivity in the sectors and facilitate domestic and international marketing of these products. To this end, measures and programmes are implemented to prevent pests and diseases from entering Mexico and to control and eradicate those that exist in the country, and to accredit, both nationally and internationally, the sanitary quality of domestic and imported products and products containing GMOs.

3.91. According to the authorities, phytosanitary and zoosanitary requirements are based on scientific principles and/or international recommendations and, as appropriate, on risk analysis according to the plant and/or animal health situation of the geographical areas concerned as well as of adjoining areas and areas with which there are trade flows.

3.92. Sanitary or phytosanitary measures in Mexico are established by means of a Mexican Official Standard (NOM) or Decisions containing the modules for consultation of the phytosanitary and zoosanitary import requirements, including those for forestry products.⁶⁴ The Decisions establish the classification and coding of goods subject to requirements, specify the goods and indicate those that must undergo inspection at the point of entry. Wildlife species and their products and forest products must undergo physical inspection when entering Mexican territory. The physical inspection of forest products is conducted in accordance with the procedure laid down in the corresponding NOM. Shipments of other products are checked in accordance with the risk that each product or shipment represents or on the basis of the physical inspection requirements established as a result of a pest risk analysis. Goods subject to plant or animal health requirements must also come from authorized countries that have sanitary services recognized by SAGARPA.

⁶¹ Decision issuing the Rules for the creation, membership, organization and operation of the National Advisory Committee on Agrifood Standardization of the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (published in the Official Journal of 26 November 2012).

⁶² Online information viewed at: <http://www.gob.mx/semarnat/acciones-y-programas/comites-del-sector-medio-ambiente-y-programa-nacional-de-normalizacion>.

⁶³ Online information from the WTO. Viewed at: <http://spsims.wto.org>.

⁶⁴ Online information from the SE. Viewed at: <http://www.economia-noms.gob.mx/noms/inicio.do>.

3.93. The procedure for the preparation of NOMs for plant and animal health, fisheries, biosafety and food safety matters is the same as for other NOMs. Each sub-committee prepares the preliminary drafts, drafts and replies to comments on the NOMs in its area of competence and submits them for consideration by the CCNNA. Interested parties may also present proposals for preliminary drafts of NOMs in these fields. The CCNNA carries out the corresponding evaluation and as appropriate submits the draft project for consideration by the appropriate sub-committee. The CCNNA reviews NOMs every five years or earlier, in order to update them in line with scientific and technological progress and animal health campaigns. In emergency cases, the Ministry concerned may directly prepare, with the participation of the other competent bodies, an emergency NOM without the need for a preliminary draft or a draft. Emergency NOMs are valid for six months and may be renewed for a further six months.

3.94. At November 2016, Mexico had 75 NOMs relating to animal and plant health in force, 35 of which concerned animal health, 28 plant health, eight food safety and four forestry health.⁶⁵ In addition, at that date there were other NOMs issued by COFEPRIS concerning food and/or beverages related with Good Manufacturing Practice (GMP), including the Hazard Analysis and Critical Control Points system (HACCP).⁶⁶

3.95. Between 1 January 2012 and 30 November 2016, Mexico notified 76 sanitary and phytosanitary measures to the WTO, of which only one was an emergency measure.⁶⁷ Mexico imposed this emergency measure - for the temporary suspension of imports of shrimp (of the species *Peneaus monodon* and *Litopenaeus vannamei*) in any form of presentation coming from China, Malaysia, Thailand and Vietnam - on animal health grounds.⁶⁸ Most of the regular notifications (58) concerned measures adopted on plant health grounds, followed by measures to safeguard human health, in particular with regard to food safety (28), with a limited number of measures on animal health (7).⁶⁹ The plant health measures affected in particular products from Turkey (7) and the United States (5).

3.96. At the point of entry into the country, importers of agricultural products must demonstrate to SAGARPA's Directorate-General of Plant and Animal Health Inspection (DGIF), or in the case of forest products SERMANAT's Federal Environmental Protection Agency (PROFEPA), that the imported goods comply with the requirements. If so, the competent authority grants the corresponding certificate or verification record, in the case of forest products. Previously, a documentary and/or physical inspection of imports was carried out to verify compliance with the requirements, but since 2013, with the introduction of the Digital Window, only physical inspection is conducted.⁷⁰ Moreover, since 2012, in order to facilitate and streamline the procedure for issuing import (export) certificates of goods of agricultural, livestock, aquaculture or fisheries origin, the person concerned may request such certificates electronically, using the advanced electronic signature, via the Digital Window or the SENASICA web page. These requests can also be made in person.⁷¹

3.97. Importers of products that may involve a risk to human health must present, together with the import declaration, the sanitary authorization prior to importation⁷², a certificate of free sale issued by the country of origin and, where appropriate, entry authorizations, the sanitary import notification or copy of the sanitary registration; where relevant, they must also prove compliance

⁶⁵ The NOMs on animal health, plant health and food safety can be viewed at: <http://senasica.gob.mx/?id=1050> and the NOMs on forestry products at: <http://www.ccmss.org.mx/documentacion/legislacion-forestal-mexicana-leyes-y-normas-federales>.

⁶⁶ Online information from COFEPRIS. Viewed at: <http://www.cofepris.gob.mx/MJ/Paginas/NormasPorTema/Alimentos.aspx>.

⁶⁷ WTO database. Viewed at: <http://www.spsims.wto.org>.

⁶⁸ WTO document G/SPS/N/MEX/236 of 26 April 2013.

⁶⁹ Some of the notified measures concern both animal and plant health, which explains why the sum of these figures is greater than the number of notifications.

⁷⁰ Article 11 of the Decision determining the classification and coding of goods whose import or export is subject to regulation by the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food through the National Agrifood Health, Safety and Quality Service (published in the Official Journal of 3 September 2012; latest amendment published in the Official Journal of 18 July 2016). Online information viewed at: <https://www.gob.mx/cms/uploads/attachment/file/23058/A766.pdf>.

⁷¹ Decision setting out the procedure for electronically obtaining the import and export certificates for agricultural, livestock, aquaculture and fishery products (published in the Official Journal of 9 August 2012).

⁷² In order to obtain this permit importers must prove that the goods comply with the requirements sheet (in other words the sanitary measure).

with labelling requirements. Importers of these products must, moreover, be domiciled in Mexico.⁷³ For products that do not require a prior import permit (non-automatic import licence), a sanitary certificate issued by the competent authority in the country of origin has to be submitted and the Ministry of Health has to be notified of the entry and destination of the goods.

3.98. Compliance with the plant and animal health requirements does not exempt the importer from the obligation to obtain the permits required by other Ministries. Most goods subject to sanitary regulation also require non-automatic import licences (prior permits).⁷⁴

3.99. Import certificates for goods such as plants, animals or aquaculture and fishery species are valid for eight days from the date of issue and cover movement through the national territory to the final destination of the goods. In the event of a pest or disease that threatens the health of domestic plants, animals or aquaculture and fishery species, import health certificates may be cancelled and the necessary safety measures will be taken (Table 3.14).

Table 3.14 Import certificates, 2016

Product	Body	Document	Legislation
Products of plant origin	SENASICA	Phytosanitary import (export) certificate	Decision establishing the module of phytosanitary requirements for the import of goods regulated by SAGARPA with respect to plant health Decision establishing the classification and coding of goods whose import is subject to regulation by SAGARPA, through SENASICA Decision setting out the procedure for electronically obtaining the import or export certificates for agricultural, livestock, aquaculture and fishery products
Products of animal origin	SENASICA	Animal health import (export) certificate	Decision establishing the means for consultation of the requirements for import into the national territory of goods regulated by SAGARPA with respect to animal health Decision setting out the procedure for electronically obtaining the import or export certificates for agricultural, livestock, aquaculture and fishery products
Products that involve risks for aquaculture or fishery health	SENASICA	Aquaculture health import (export) certificate	Decision establishing the module of sanitary requirements for the import of aquatic species, their products and by-products, and biological, chemical, pharmaceutical or food products for use or consumption by such species
Wildlife species and their products, and forest products	SEMARNAT - PROFEPA	Verification record	Decision amending the decision establishing the classification and coding of goods whose import and export is subject to regulation by the Ministry of the Environment and Natural Resources
Products involving a risk to human health ^a	Ministry of Health or COFEPRIS	Sanitary authorization prior to importation	Decision establishing the classification and coding of goods and products whose import, export, inward clearance or exit are subject to sanitary regulation by the Ministry of Health
Genetically modified organisms	SAGARPA or SEMARNAT	Authorization certificate	Law on Biosafety of Genetically Modified Organisms

a For example, medicines, foodstuffs, beverages, perfumery, cosmetic and cleaning products, tobacco, pesticides, plant nutrients, biotechnology products, raw materials and additives used to prepare the aforementioned products, substances that are toxic or hazardous to health, and food supplements.

Source: WTO Secretariat.

3.100. Where import requirements for products of plant, aquaculture or fisheries origin are not specified in a NOM or Decision, the importer has to contact SENASICA or, in the case of forest products, SEMARNAT. These bodies will indicate whether: (a) requirements exist; (b) the entry of the product is prohibited for health reasons; or (c) whether a risk analysis is required.⁷⁵ In the case of products of animal origin, where the requirements are not specified in a NOM or a consultation module, the importer must contact SENASICA, which will, as the case may be:

⁷³ Article 285 of the General Law on Health (published in the Official Journal of 7 February 1984; latest amendment published in the Official Journal of 1 June 2016).

⁷⁴ WTO document G/LIC/N/3/MEX/2 of 18 October 2006.

⁷⁵ *Consulta de Medidas de Sanidad Acuicola a la Dependencia* (Consultation of Aquaculture Health Measures at the competent authority). Online information from SENASICA. Viewed at: <http://www.senasica.gob.mx/?proceso=formulario&Idformulario=4>.