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Tariff Reduction Upsets Domestic Industry

Report Categories:

Agriculture in the Economy

Agriculture in the News

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FAIRS Subject Report

National Plan

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Trade Policy Monitoring

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Report Highlights:

The Government of Mexico announced broad-based tariff duty reductions on a number of food and agricultural commodities on November 23, 2012. Many of the duty reductions were implemented on November 24 while others will be phased in through January 1, 2017. The duties are only applicable to countries with which Mexico has not previously negotiated free trade agreements. Mexico's agricultural industry is opposing the duty reductions; some of which remain considerably great.

General Information:

This report summarizes an announcement by the Secretariat of Economy (SE) published in Mexico's "*Diario Oficial*" (Federal Register) on November 23, 2012, related to modifications of the General Import and Export Tax Law.

Disclaimer: This summary is based on a *cursory* review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulation or announcement as published in Spanish, the latter shall prevail.

Title: Agreement that modifies the General Import and Export Tax Law and the duties of the same law.

Important Dates

1. Publication Date: November 23, 2012
2. **Effective Date:** November 24, 2012 (except when specified)

Executive Summary:

On November 23, 2012, SE announced modifications to the applied duty rates for the import of specific products (see Harmonized Tariff Schedule (HTS) codes, below). Under the premise of offering the Mexican domestic industry and consumers better access conditions to goods and products not produced domestically or produced in insufficient amounts on the domestic market, SE modified the applied duties previously published on June 18, 2007 and its subsequent addition of June 29, 2012.

SE justified these modifications by stating that some domestic duties were excessive in comparison to world averages and thus it was necessary to bring them into line with applied duties from other countries that have income levels similar to that of Mexico. Moreover, SE stated that these measures could promote investment and help Mexico maintain employment levels and a vibrant production and manufacturing sector. In addition, SE reports that lower duties will strengthen the purchasing power of Mexican households and lower production costs that will, in turn, help Mexico cope with foreign market contractions and reduced Mexican exports. These duties are to be applied to all imports of goods and products from countries which Mexico has no free trade agreements (i.e., there is no change to tariff rates afforded the United States, Mexico's largest foreign trade supplier of food and agricultural goods, that were part of the North American Free Trade Agreement).

Important provisions: This announcement encompasses 15 articles. In particular, articles 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, and 13 include subheadings with agricultural-related HTS codes. The table, below, is an excerpt of such articles with a list of agricultural products, their scheduled tariff duty reductions, and imports from the world and the United States in calendar year 2011.

Comments:

The Government of Mexico (GOM), through SE, believes that lowering duties will encourage the production/manufacturing sector to become more competitive. However, the affected sectors are alleging that this modification was a unilateral decision that could result in damaging the economy and the respective industries. Industry further alleges that this will result in Mexico becoming a “maquilador” country (i.e., a processing/manufacturing hub of imported goods that are destined for re-export) even though many of the items, below, will still benefit from a high-degree of duty protection.

SE recognizes that this is a difficult measure that is not well accepted by the agricultural sector. According to Undersecretary Lorenza Martinez, the GOM took these factors into consideration, however, when making the announcement. Undersecretary Martinez stated that the benefits of tariff reductions will be most palpable in the agro-industrial sector as 315 of the HTS codes out of the 480 HTS codes in the announcement were for the agricultural sector.

In light of the announcement, representatives of the livestock and agricultural sector announced that they will form a resistance block with the Agricultural National Council (CAN) as the lead (the CNA is an organization that is similar to the U.S. Farm Bureau), against the government decision. According to CNA representatives, this measure leaves producers at risk given that the next administration will receive a devastated and under-capitalized countryside. CNA President Benjamin Grayeb declared that other organizations such as the Farmers National Confederation (CNC), the National Confederation of Livestock Organizations (CNOG), and the Mexican Association of Rural Development Secretaries will join the “block” and push to reverse the decision or halt its enforcement.

The Mexican dairy sector warned that this measure will destabilize the domestic milk market and would obligate milk producers to send even more of their milking cows for slaughter. Moreover, during the last 5 months the costs of production have skyrocketed and reportedly forced the closure of nearly 10,000 farms and a potential decrease of 10 percent in production by the end of 2012. Sugarcane industry leaders are warning the GOM, as well, of the risk of bankruptcy that this sector is facing given plummeting sugar prices that are not allowing industry members to cope with increased production costs. Similarly, the poultry sector estimates that lowering the duty on poultry items could result in a massive flow of poultry from Brazil which will threaten the domestic poultry sector. Potato producers have declared that domestic potato production will be jeopardized by other producing countries like, Chile, Peru, Germany, and Brazil due to the reduced duties on potato related products.

As seen in the table, below, there will be a gradual reduction for a large number of the HTS codes with 48 of them eventually reaching duty exemption (Ex.). The lowering of duties for many of the HTS codes will persist through to January 1, 2017. Among the most important agricultural products cited in this announcement are potatoes —from 245% to 175%—, fructose —from 210% to 175%—, bacon and fat from chickens and turkeys —from 254% to 150%— and, meat and edible offal —from 234% to 175%.

Given that this is a modification to the duties applied to imports from countries which Mexico has no FTA, besides a possible increase in competition, there is no direct effect on the import of U.S. goods and products. The United States will continue to be Mexico’s major supplier of a large number of products. Post strongly recommends that interested parties review the whole text of this agreement as it may contain other detailed important information on a specific basis. The publication can be found in

the [DOF](#) page. (NOTE: “NA” in the table, below, indicates that there was no trade of the HTS code registered by Mexico’s customs in 2011).

Table 1. Mexico: Excerpt of Agricultural Related HTS Codes as noted in the Federal Register publication

Relevant Articles	HTS	Description	Import Duty (%age duty)					CY 2011 Volume (Unit, Metric Ton, Liter)		
			Nov. 24 2012	Jan. 1 2014	Jan. 1 2015	Jan. 1 2016	Jan. 1 2017	World	U.S.	
2	0105.11.01	Live chickens, ducks, geese, turkeys, and guineas (not requiring feed during transport)	Ex.						2,288,263	2,128,325
3	0207.11.01	Meat and edible offal of poultry under heading 0105, fresh, chilled, or frozen (not cut in pieces, fresh or chilled)	175	150	125	100	75		7,325	7,325
3	0207.12.01	Meat and edible offal of poultry under heading 0105, fresh, chilled, or frozen (not cut in pieces, frozen)	175	150	125	100	75		1,243	1,243
3	0207.13.01	Chicken cuts and edible offal, fresh or chilled (mechanically deboned)	175	150	125	100	75		174,617	174,617
3	0207.13.02	Chicken cuts and edible offal, fresh or chilled (carcasses)	175	150	125	100	75		26,398	26,398
3	0207.13.03	Chicken cuts and edible offal, fresh or chilled (legs, thighs, and thighs in one piece)	175	150	125	100	75		124,337	124,337
3	0207.13.99	Chicken cuts and edible offal, fresh or chilled (other)	175	150	125	100	75		39,701	39,701
3	0207.14.01	Chicken cuts and edible offal, frozen (mechanically deboned)	175	150	125	100	75		40,247	32,400
3	0207.14.03	Chicken cuts and edible offal, frozen	175	150	125	100	75		0	0

		(carcasses)								
3	0207.14.04	Chicken cuts and edible offal, frozen (legs, thighs, and thighs in one piece)	175	150	125	100	75		125,675	125,337
3	0207.14.99	Chicken cuts and edible offal, frozen (other)	175	150	125	100	75		24,425	18,729
5	0207.24.01	Turkeys, not cut in pieces, fresh or chilled	100	75	60	45			7,307	7,307
5	0207.25.01	Turkeys, not cut in pieces, frozen	100	75	60	45			8,330	7,729
3	0207.26.01	Turkey, cuts and edible offal, fresh or chilled (mechanically deboned)	175	150	125	100	75		6,703	6,703
3	0207.26.02	Turkey, cuts and edible offal, fresh or chilled (carcasses)	175	150	125	100	75		NA	NA
3	0207.26.99	Turkey, cuts and edible offal, fresh or chilled (other)	175	150	125	100	75		97,144	97,144
3	0207.27.01	Turkey, cuts and edible offal, frozen (mechanically deboned)	175	150	125	100	75		4,280	2,483
3	0207.27.03	Turkey, cuts and edible offal, frozen (carcasses)	175	150	125	100	75		NA	NA
3	0207.27.99	Turkey, cuts and edible offal, frozen (other)	175	150	125	100	75		26,803	25,525
4	0207.41.01	Meat of ducks, fresh or chilled, not cut in pieces	150	100	60	45	Ex.		NA	NA
4	0207.42.01	Meat of ducks, frozen, not cut in pieces (mechanically deboned)	150	100	60	45	Ex.		NA	NA
4	0207.44.01	Cuts and offal of ducks, fresh or chilled, (other)	150	100	60	45	Ex.		NA	NA
4	0207.45.99	Cuts and offal of ducks, frozen, (other)	150	100	60	45	Ex.		NA	NA
4	0207.51.01	Cuts and offal of geese, fresh or chilled, (other)	150	100	60	45	Ex.		NA	NA
4	0207.52.01	Cuts and offal of	150	100	60	45	Ex.		NA	NA

		geese, frozen, (other)								
4	0207.54.01	Poultry, other cuts and offal, other, fresh or chilled	150	100	60	45	Ex.		NA	NA
4	0207.55.99	Poultry, cuts and offal, other, frozen	150	100	60	45	Ex.		NA	NA
4	0207.60.01	Poultry, other, not cut in pieces, fresh or chilled	150	100	60	45	Ex.		NA	NA
4	0207.60.02	Poultry, other, not cut in pieces, frozen	150	100	60	45	Ex.		NA	NA
4	0207.60.99	Poultry, other	150	100	60	45	Ex.		NA	NA
4	0209.10.01	Pig fat, free of lean meat, not rendered or otherwise extracted, fresh, chilled, frozen, etc.	150	100	60	45	15		NA	NA
2, 9, 11, 12, 13	0209.90.01	Poultry fat, free of lean meat, not rendered or otherwise extracted, fresh, chilled, frozen, etc.	150	100	45	20	Ex.		NA	NA
4	0209.90.99	Poultry fat, free of lean meat, not rendered or otherwise extracted, fresh, chilled, frozen, etc. (other)	150	100	60	45	15		NA	NA
10	0301	Fish, Live		19	17		15		10,523,153	9,305,865
10	0302	Fish, fresh or chilled, excluding fillets and boneless fish meat; fish livers and roes, fresh or chilled		19	17		15		1,004	621
10	0303	Fish, frozen, excluding fillets and boneless fish meat; fish livers and roes, frozen		19	17		15		58,455	10,151
10	0304	Fish fillets and other fish meat, fresh, chilled, or frozen		19	17		15		78,378	134
10	0305	Fish, dried, salted, or in brine; smoked; fish meal for human consumption		19	17		15		2,588	30
10	0306	Crustaceans, live,		19	17		15		11,183	238

		fresh, chilled, frozen; in shell, cooked; flours, meals, etc. for human consumption						
10	0307	Molluscs, live, fresh, chilled, frozen; in shell, cooked; flours, meals, etc. for human consumption	19	17	15		10,803	1,306
10	0308	Aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, etc.	19	17	15		NA	NA
9, 12, 13	0402.10.01	Milk and cream, concentrated or containing added sweeteners, fat content not exceeding 1.5% by weight (powder or table form)	60		50	45	193,996	170,065
9, 12, 13	0402.21.01	Milk and cream, concentrated or containing added sweeteners, fat content exceeding 1.5% by weight (powder or table form)	60		50	45	30,304	318
5	0406.10.01	Cheese and curd, unripened or uncured, fresh, (including whey cheese and curd)	100	75	60	45	5,034	5,030
5	0406.30.01	Cheese, processed, not grated or powdered (fat content not exceeding 36% by weight and with a fat content by dry weight exceeding 48%)	100	75	60	45	25	25
5	0406.30.99	Cheese, processed, not grated or powdered (other)	100	75	60	45	726	397
5	0406.90.03	Cheese, NESOI,	100	75	60	45	26	25

		including cheddar and colby (of soft paste, colonia type)							
5	0406.90.05	Cheese, NESOI, including cheddar and colby (petit suisse kind)	100	75	60	45		0	0
5	0406.90.99	Cheese, NESOI, including cheddar and colby (other)	100	75	60	45		17,867	17,134
2	0407.11.01	Birds' eggs, in shell, fresh, preserved or cook, fertilized, (<i>Gallus domesticus</i>)	Ex.					0	0
2	0407.19.99	Birds' eggs, in shell, fertilized, (<i>Other</i>)	Ex.					0	0
3	0701.90.99	Potatoes, fresh or chilled, except seed (<i>Other</i>)	175	150	125	100	75	86,547	86,547
5	0713.33.02	Leguminous vegetables, dried shelled, kidney beans, including (<i>Phaseolus vulgaris</i>), (white beans except for sowing)	100	75	60	45		30,005	1,751
5	0713.33.03	Leguminous vegetables, dried shelled, kidney beans, including (<i>Phaseolus vulgaris</i>), (black beans except for sowing)	100	75	60	45		78,550	74,434
5	0713.33.99	Leguminous vegetables, dried shelled, kidney beans, including (<i>Phaseolus vulgaris</i>), (other except for sowing)	100	75	60	45		20,805	18,766
2, 9, 12	0806.10.01	Grapes, fresh, (imported during July 1 to October 31)	35	20	15			69,832	50,370
9, 12, 13	0901.21.01	Coffee, roasted, not decaffeinated (not decaffeinated)		60		50	45	1,733	1,039
9, 12, 13	0901.22.01	Coffee, roasted, decaffeinated (decaffeinated)		60		50	45	168	108

9, 12, 13	0901.90.99	Coffee substitutes containing coffee; husks and skins (other)	60	50	45			1	1
2, 9, 11, 12	1001.11.01	Wheat and meslin (for sowing)	60	45	20	15		NA	NA
2, 9, 11, 12	1001.19.99	Wheat and meslin (other)	60	45	20	15		NA	NA
2, 9, 11, 12	1001.91.99	Wheat and meslin seed, not durum (other)	60	45	20	15		NA	NA
2, 9, 11, 12	1001.99.99	Wheat and meslin, not seed, not durum)	60	45	20	15		0	0
2, 9, 11	1002.10.01	Rye	7	5	Ex.			NA	NA
2, 9, 11	1002.90.99	Rye, other than seed	7	5	Ex.			NA	NA
2, 9, 11, 12	1003.10.01	Barley seed (for sowing)	7	5	3	Ex.		0	0
2, 9, 11, 12, 13	1003.90.01	Barley, other than seed	100	60	45	15	Ex.	0	0
2, 9, 11, 12, 13	1003.90.99	Barley, other (other)	100	60	45	15	Ex.	NA	NA
2, 9, 11	1004.10.01	Oats, seed (for sowing)	7	5	Ex.			0	0
2, 9, 11	1004.90.99	Oats, other than seed	7	5	Ex.			0	0
2, 9, 11, 12	1005.90.01	Corn (Popcorn)	15	10	5	Ex.		53,513	53,307
2, 9, 11	1005.90.02	Corn, sweet corn	7	5	Ex.			0	0
2, 9, 11	1006.40.01	Rice, broken	7	5	Ex.			2,592	2,592
2, 9, 11	1008.10.01	Buckwheat	7	5	Ex.			0	0
2, 9, 12	1008.21.01	Millet (for sowing)	35	20		15		0	0
2, 9, 12	1008.29.99	Millet (other than seed)	35	20		15		0	0
2, 9, 12	1008.30.01	Canary seed	15	10	5	Ex.		61,531	0
2, 9, 11	1008.40.01	Crab grass (<i>Digitaria spp.</i>)	7	5	Ex.			NA	NA
2, 9, 11	1008.50.01	Quinoa (<i>Chenopodium quinoa</i>)	7	5	Ex.			NA	NA
2, 9, 11	1008.60.01	Triticale.	7	5	Ex.			NA	NA
2, 9, 11	1008.90.99	Cereals, NESOI, (other cereals)	7	5	Ex.			33	33
7	1101.00.01	Wheat or meslin flour	13		10			93,044	92,272
7	1102.20.01	Corn flour (of which 90% passes through a wire mesh of 250 micrometers)	13		10			23,929	23,906
7	1102.90.01	Cereal flours, NESOI, (rice)	13		10			608	574

7	1102.90.02	Cereal flours, NESOI, (rye)	13		10		0	0
7	1102.90.99	Cereal flours, NESOI, (other)	13		10		2,714	1,543
6	1103.11.01	Cereal groats, meals, and pellets, wheat (wheat)	9	7		6 5	33	23
6	1103.13.01	Cereal groats, meals, and pellets, corn (corn)	9	7		6 5	38,917	38,915
6	1103.19.01	Cereal groats, meals, and pellets, NESOI (oats)	9	7		6 5	2,179	0
6	1103.19.02	Cereal groats, meals, and pellets, NESOI (rice)	9	7		6 5	0	0
6	1103.19.99	Cereal groats, meals, and pellets, NESOI (other)	9	7		6 5	0	0
6	1103.20.01	Pellets of wheat and other cereals (wheat)	9	7		6 5	0	0
6	1103.20.99	Pellets of wheat and other cereals (other)	9	7		6 5	0	0
6	1104.12.01	Grains, rolled or flaked, oats (oats)	9	7		6 5	11,956	8,180
6	1104.19.01	Grains, rolled or flaked, NESOI (barley)	9	7		6 5	55	55
6	1104.19.99	Grains, rolled or flaked, NESOI (other)	9	7		6 5	8,236	8,227
6	1104.22.01	Grains, worked (hulled, pearled, sliced), of oats (oats)	9	7		6 5	24,731	76
2, 9, 11	1104.23.01	Grains, worked (hulled, pearled, sliced), of corn (corn)	7	5	Ex.		172,509	172,509
6	1104.29.01	Grains, worked (hulled, pearled, sliced), NESOI (barley)	9	7		6 5	21	21
6	1104.29.99	Grains, worked (hulled, pearled, sliced), NESOI (other)	9	7		6 5	2,473	2,472
6	1104.30.01	Germs of cereals, whole, rolled, flaked or ground	9	7		6 5	52	52

7	1105.10.01	Flour and meals of potatoes (flour, meal, and powder)	13	10					28	2
7	1105.20.01	Flakes, granules, and pellets of potatoes	13	10					19,641	16,282
7	1106.10.01	Flour and meal of dried leguminous vegetables, of sago or roots; flour, meal, and powder of fruits and nuts (HTS heading 0713)	13	10					77	76
7	1106.20.01	Flour and meal of dried leguminous vegetables, of sago or roots; flour, meal, and powder of fruits and nuts (yuca flour, manioc, or cassava)	13	10					130	129
7	1106.20.99	Flour and meal of dried leguminous vegetables, of sago or roots; flour, meal, and powder of fruits and nuts (other)	13	10					0	0
7	1106.30.01	Flour and meal of dried leguminous vegetables, of sago or roots; flour, meal, and powder of fruits and nuts (sago flour)	13	10					NA	NA
7	1106.30.99	Flour and meal of dried leguminous vegetables, of sago or roots; flour, meal, and powder of fruits and nuts (other)	13	10					606	136
2, 9, 11, 12, 13	1107.10.01	Malt, not roasted,	100	60	45	15	Ex.		251,667	240,157
2, 9, 11, 12, 13	1107.20.01	Malt, roasted	100	60	45	15	Ex.		1,361	1,330
7	1108.11.01	Starches, wheat	13	10					142	123
7	1108.12.01	Starches, corn	13	10					10,844	10,795
7	1108.13.01	Starches, potato	13	10					23,658	1,733
7	1108.14.01	Starches, cassava	13	10					2,949	28
7	1108.19.01	Starches, NESOI (sago)	13	10					0	0

7	1108.19.99	Starches, NESOI (other)	13	10				1,592	679
7	1108.20.01	Inulin	13	10				3,338	0
7	1109.00.01	Wheat gluten	13	10				5,081	193
4	1501.10.01	Lard; other pig and poultry fat, rendered, whether or not pressed or solvent-extracted (pig)	150	100	60	45	15	0	0
4	1501.20.01	Pig fat, other than lard, not including HTS 0209 or 1503 (pig)	150	100	60	45	15	0	0
4	1501.90.99	Poultry fat, other than HTS 0209 (other)	150	100	60	45	15	0	0
4	1516.10.01	Animal fats and oil, hydrogenated, interesterified, reesterified, etc., not further prepared,	150	100	60	45	15	1,342	1,342
2	1521.10.01	Vegetable waxes (other than triglycerides), (carnauba)	Ex.					183	18
2, 11, 12, 13	1702.40.99	Sugars, NESOI, glucose and glucose syrup in the dry state at least 20% but less than 50% by weight of fructose (other)	150		100	75	50	164,601	160,482
3	1702.50.01	Sugars, NESOI, chemically pure fructose in solid form	175	150	125	100	75	10,699	10,699
3	1702.60.01	Sugars, NESOI, fructose and fructose syrup more than 50% by weight of fructose	175	150	125	100	75	1,418,514	1,394,118
3	1702.60.02	Sugars, NESOI, fructose and fructose syrup more than 60% and less than 80% by weight of fructose	175	150	125	100	75	0	0
3	1702.60.99	Sugars, NESOI, fructose and fructose syrup	175	150	125	100	75	1,563	2

other								
2, 9, 11, 12	1801.00.01	Cocoa beans, whole or broken, raw or roasted.	10	7	5	Ex.	18,922	0
2, 9, 11, 12	1802.00.01	Cocoa shells, husks, skins and other cocoa waste.	10	7	5	Ex.	1	1
9, 11, 12	1803.10.01	Cocoa paste, not defatted		10	5	Ex.	220	15
9, 11, 12	1803.20.01	Cocoa paste, wholly or partly defatted		10	5	Ex.	636	0
9, 11, 12	1804.00.01	Cocoa butter, fat and oil		10	5	Ex.	626	34
9, 11, 12	1805.00.01	Cocoa powder, not containing added sugar or other sweeteners		15	10	5	8,388	1,850
5	1901.90.05	Malt extract; food products of flour, meal, etc. with cocoa under 40% and milk or cream products with cocoa under 50% (more than 50% by weight dairy solids)	100	75	60	45	18,136	621
5	2101.11.01	Coffee extracts (instant coffee, not flavored)	100	75	60	45	1,383	873
5	2101.11.02	Coffee extracts of liquid coffee whether or not frozen	100	75	60	45	141,109	117,903
5	2101.11.99	Preparations with a basis of extracts, essences, etc. not containing added sugar	100	75	60	45	349	141
5	2101.12.01	Coffee extracts, etc. (not containing added sugar)	100	75	60	45	1,561	1,056
2, 9, 11, 12	2309.90.01	Prepared Foods for Poultry Mixed of Different Crushed Vegetable Seeds	7	5	3	Ex.	218	218
2, 9, 11, 12	2309.90.02	Pastures, whether or not added with mineral materials	7	5	3	Ex.	0	0
2, 9, 11, 12	2309.90.07	Concentrated preparations for the manufacture of balanced feed,	7	5	3	Ex.	5,165	4,855

		except those HTS 23099010 and 23099011						
2, 9, 11, 12	2309.90.08	Milk substitutes for calves based on casein, powder milk, animal fat, soy lecithin, vitamins, minerals and antibiotics, excluding HTS 2309	7	5	3	Ex.	90	90
2, 9, 11, 12	2309.90.09	Concentrates or stimulant preparations based on vitamin B12.	7	5	3	Ex.	26	0
2, 9,11, 12	2309.90.10	Containing milk solids exceeding 10%, but not exceeding 50% by weight.	7	5	3	Ex.	899	639
2, 9, 11, 12	2309.90.11	Prepared food containing milk products exceeding 50% by weight.	7	5	3	Ex.	9,547	9,504
2, 9, 11, 12	2309.90.99	Animal feed preparations (mixed feeds), other than dog or cat food for retail sale	7	5	3	Ex.	150,271	139,273

Author Defined:

Useful Mexican Web Sites: Mexico's equivalent to the U.S. Department of Agriculture (SAGARPA) can be found at www.sagarpa.gob.mx, equivalent to the U.S. Department of Commerce (SE) can be found at www.economia.gob.mx and equivalent to the U.S. Food and Drug Administration (SALUD) can be found at www.salud.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.