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GAIN Report Number: MX4055

Mexico

Post: Mexico

UPDATE U.S. Fresh Potato Exports—Border Access

Resumes

Report Categories:

Potatoes and Potato Products

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Report Highlights:

This report updates GAIN [MX4053](#), specifically that APHIS began certifying U.S. potato exports to the Mexican border zone on July 7. The remainder of this report is a copy of MX4053 with the update noted in the second paragraph of the Executive Summary.

Begin MX4053: The Secretariat of Agriculture (SAGARPA), in compliance with the mandate of the Seventh District Court in the State of Sinaloa, announced on June 9, 2014, the temporary suspension of the Agreement establishing the risk mitigation measures for the importation of fresh potatoes into Mexico. U.S. potato exports to all of Mexico are temporarily suspended.

Introduction: This report summarizes recent events regarding the suspension of U.S. fresh potatoes to Mexico.

Executive Summary:

On May 19, 2014, U.S fresh potatoes began to be imported into interior Mexico per the Agreement establishing the risk mitigation measures for the importation of fresh potatoes into Mexico published on March 19, 2014. (See GAIN reports [MX4024](#) and [4051](#)) Potato growers from Sinaloa requested a court injunction against the Agreement and SAGARPA, claiming potential harm that could be done to the environment and Mexican agriculture by pests introduced through U.S. potatoes.

On June 9th, the Mexican Potato growers got a court injunction (*Amparo*), to provisionally suspend fresh potato imports from the U.S. into interior Mexico. The Mexican government, in compliance with the mandate of the Seventh District Court in the State of Sinaloa, announced that imports would be maintained as they were before the entering into force of the May 19 Agreement, that is, to the border area only. Given the uncertain legal situation for U.S. potato exports to the border region, APHIS, in consultation with stakeholders, decided to suspend phytosanitary export certificates for U.S. potatoes to the border area. On July 7, APHIS reinitiated certification of potato shipments destined to the border zone.

In the first hearing on the *amparo*, on June 18, 2014, the judge in Los Mochis, Sinaloa, confirmed the provisional suspension of imports of fresh potatoes from the U.S., revoking the import Agreement published on March 19, 2014 by SAGARPA. The judge in Sinaloa, granted the *amparo* based on the principle “*In dubio pro natura*”, determining that if there is a lack of scientific basis, the presumption of danger or threat of injury to the environment will be reason enough to stop the administrative actions that generate the risk.

There are several more upcoming hearings during which the judge will determine if the *amparo* becomes definite or gets cancelled. Post does not have the complete set of dates when these hearings will take place.

Additional *amparos* were subsequently filed in Mexico City and Ciudad Obregon, Sonora. Rumors continue that other *amparos* have been filed, though Post cannot confirm. It is not clear how these *amparos* will be affected by the original *amparo* in Sinaloa.

According to several newspapers, the border area (where consumption is much higher than in the rest of Mexico) is seeing a shortage of potatoes. As of June 30, 2014, Mexican potatoes began to be sold in Ciudad Juarez at \$25 pesos/kg (US\$1.88/kg) in stores, about double the going price three days prior, where potatoes were about \$13 pesos/kg (US\$0.98/kg).

Other Relevant Reports Submitted by FAS/Mexico:

Report Number	Subject	Date Submitted
MX4024	Mexico Publishes Final Potato Import Rule	3/19/2014
MX4041	Mexican Potato Market Opens	5/21/2014
MX4053	U.S. Fresh Potato Exports to Mexico Suspended	7/2/2014

For More Information

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

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