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Update 2013 - Exporting to Mexico - Managing Border Entry Issues

Report Categories:

Exporter Guide

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Report Highlights:

The following report was revised to provide U.S. exporters with an updated guideline on how to prevent and/or resolve some of the most common difficulties encountered at ports of entry (POE), when shipping agricultural and food products to Mexico. Exporters should have knowledge of the dynamic export-import process that takes place along the United States-Mexico border and should be conscious that Mexican import regulations for agricultural products are subject to change without previous notification. Thus, U.S. exporters are encouraged to maintain close contact with their Mexican importers and should access U.S. and Mexican government information sources in order to keep track of regulations affecting specific agricultural products. To avoid delays at ports of entry, exporters should ensure that their product complies with applicable Mexican import regulations, has the proper documentation and certification, and is correctly labeled. In the event that a shipment is detained or rejected, the Agricultural Trade Office (ATO) in Monterrey, Mexico, can assist U.S. exporters and Mexican importers in clarifying the problem and determining how best to proceed in resolving the issue at hand. U.S. exporters of agricultural products interested in expanding their business in Mexico can also contact the ATO in Monterrey to explore market opportunities and to obtain information on specific market segments.

General Information:

Disclaimer: This report was prepared by the Agricultural Trade Office (ATO) of the USDA/Foreign Agricultural Service in Monterrey, Mexico, for U.S. exporters of food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate, either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their 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.

Introduction

Mexico is currently the third largest export market for U.S. agricultural products. Mexico's Secretariat of Agriculture, Livestock, Rural Development, Fishery and Food (SAGARPA), is responsible for inspecting imported agricultural products. Inspectors from SAGARPA's National Service of Health, Food Safety, and Food Quality, or SENASICA, perform physical and documentary inspection at ports of entry along the U.S.-Mexico border. Shipments of U.S. food and agricultural products destined for export to Mexico may encounter difficulties during the inspection process at the border. This report has the intent to provide exporters a reference guide on managing problems at ports of entry. At the time of this update, documentation and clerical errors continue to represent over 95 percent of border entry problems. Other issues that can result in the detention or rejection of shipments include non-compliance with sanitary, phytosanitary, or labeling requirements. This guide outlines key steps exporters should take in the event that a shipment is detained at a port of entry on the Mexican side of the border, and explains how ATO Monterrey can assist exporters in resolving specific border entry difficulties. U.S. exporters should take note that over 95 percent of U.S. exports of agricultural and food products cross into Mexico through nine principal inland ports of entry. The following map shows the principal inland ports of entry along the United States -Mexico border in order of importance.

- 1 – Nuevo Laredo, Tamaulipas/Laredo, TX
- 2 – Colombia, Nuevo Leon/Laredo, TX
- 3 – Ciudad Juarez, Chihuahua/El Paso, TX
- 4 – Tijuana, Baja California/San Ysidro, CA
- 5 – Nogales, Sonora/Nogales, AZ
- 6 – Reynosa, Tamaulipas/McAllen, TX
- 7 – Piedras Negras, Coahuila/Eagle Pass, TX
- 8 – Mexicali, Baja California/Calexico, CA
- 9 – Matamoros, Tamaulipas/Brownsville, TX



For specific information on the above ports of entry, please read GAIN report (MX3501 Update 2012-Principal Border Entry Points for U.S. Agricultural Exports).

Avoiding Border Entry Problems

If food and agricultural products do not comply with applicable Mexican regulations, they are subject to detention or rejection. Products may encounter delay or detention at ports of entry when: documents accompanying the shipment are not properly elaborated, present alterations, lack and/or have incorrect information. However, border issues are not limited to documentary issues but may also occur when products are in violation of health and sanitary regulations. In some instances, if the cause of detention is due to a misinterpretation of regulations by Mexican official inspectors, ATO Monterrey can provide assistance to the U.S. exporter or the Mexican importer to salvage the load.

Keys to avoiding border entry problems include:

- Verify the product’s eligibility for entrance into Mexico;
- Confirm that certificates and accompanying documents are complete and contain accurate product information;
- Confirm that USDA export certificates attest for current applicable Mexican import regulations;
- Verify compliance with Mexico’s labeling regulations;
- Verify that documents accompanying the shipment are originals, complete, and signed by the corresponding U.S. authorities; and
- Maintain close communication with the Mexican importer.

In addition, U.S. exporters are encouraged to provide freight forwarders, Mexican customs brokers and importers a copy of commercial invoices and all other required documents prior to loads reaching the United States -Mexico border. Furthermore, U.S. exporters and Mexican importers should use experienced U.S. freight forwarders and Mexican customs brokers (correspondingly) to minimize shipment delays at ports of entry. The use of freight forwarders and Mexican customs brokers, who specialize in handling food and agriculture products, is highly recommended. These trade service providers can assist the U.S. exporter and the Mexican importer in meeting the above criteria to avoid border entry problems. The freight forwarder and/or Mexican customs broker can determine the eligibility of a product and verify that it meets Mexico’s sanitary/phytosanitary requirements, as well as labeling and other applicable requirements. The freight forwarder and/or Mexican customs broker will classify the product and assign the corresponding Harmonized Tariff Schedule (HTS) and will verify that import permits are available for that particular product. The FAS Mexico Food and Agricultural Import Regulations (FAIRS) Country Guide and Export Certificate reports contain information on Mexico’s import requirements (see *Other Relevant Reports* section below).

Problem Solving Quick Reference Guide

If a shipment is detained or rejected during the border entry process, U.S. exporters and Mexican importers can contact the ATO in Monterrey for assistance in resolving the problem. Before contacting the ATO, however, the exporter/importer should establish communication with the freight forwarder and/or Mexican customs broker to gather the following information, which will help the ATO provide assistance:

1. Description of the product, location, and port of entry. A detailed description of the product and its harmonized tariff schedule (HTS) code must be provided. Is the product on the U.S. side of the border, or has it crossed the border into Mexico? If the product is still in the United States, what is the contact information for the freight forwarding company responsible for crossing the product? If the product has crossed the border, what is the contact information for the Mexican customs broker responsible for clearing the product?
2. Nature of the issue. Is the product held on the U.S. side because it lacks or has incomplete documentation? Is the product held on the Mexican side because it lacks or has incomplete documentation? Which Mexican authorities are involved? What are the Mexican authorities requesting? Are Mexican authorities requesting a replacement certificate or additional statements and /or amendments to the USDA export certificate? Is the product detained on the Mexican side because the USDA export certificate does not attest to compliance with current Mexican import requirements or is the product held due to sanitary or phytosanitary issues?
3. If the product is rejected by SENASICA inspectors, the exporter or importer should obtain a copy of the *Registro de Trámite de Inspección* also known as the RTI. This document is issued by SENASICA inspectors verifying that the product complies with Mexican import regulations. If a shipment is rejected, the SENASICA inspector will explain the reason for the rejection on the RTI. The Mexican customs broker responsible for clearing the product and /or the importer are the best sources to obtain the aforementioned document.

Once the above information is obtained report the issue to ATO Monterrey via email or phone, and provide any relevant documents such as export certificates and contact information for freight forwarders and Mexican customs brokers responsible for crossing the product. ATO staff will help the exporter/importer to clarify the nature of the problem to determine how best to proceed in resolving the issue.

Author Defined:

Other services provided by ATO Monterrey and ATO Mexico City

To help U.S. exporters who want to be ready to access a specific market segment in Mexico, other services provided by these offices include: market intelligence, logistical advice, -product specific- import regulations and market data, organization of trade missions and many other services. To learn more about our services please visit www.mexico-usda.com.

For More Information

FAS/Mexico Web Site: We are available at www.mexico-usda.com or visit the FAS headquarters' home page at www.fas.usda.gov for a complete selection of FAS worldwide agricultural reporting. Contact information for the USDA Agricultural Trade Office (ATO) in Monterrey, Mexico, from the United States: Telephone: 011-52-81-8333-5289 Fax: 011-52-81-8333-1248. Within Mexico: Telephone: 01-81-8333-5289 Fax: 01-81-8333-1248 Email: eduardo.lozano@usda.gov

Other Relevant Reports Submitted by FAS/Mexico:

Report Number	Subject	Date Submitted
MX 1511	UPDATE - Simplified Labeling Procedures in Mexico's Border Areas	3/31/11
MX 1512	Exporting to Mexico-Managing Border Entry Issues	4/15/11
MX 2042	Mexico Makes HS Code Changes	6/29/12
MX 2060	Online SENASICA Documents	8/14/12
MX 2052	Food Additives	7/23/12
MX 2092	Facilitating Red Meat Trade and Avoiding Costly Delays	12/12/12
MX 2512	FAIRS Export Certificate Report 2012	12/21/12
MX 2514	Exporter Guide Annual 2012	12/26/12

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. The Ministry of Environment and Natural Resources (SEMARNAT) which regulates imports of forestry products including seeds and wood products can be found at: www.semarnat.gob.mx. Mexico's Agency for Environmental Protection (PROFEPA), which also inspects imported wood products, can be found at www.profepa.gob.mx. Mexico's Customs Agency (ADUANAS), can be found at: www.aduanas.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.