

## Life Sciences Practice Group Newsletter



### **NOM-051 and its Compliance regarding the Import of Goods into National Territory.**

On October 1st, 2020, several amendments to NOM-051 regarding the marking and labeling of pre-packaged food and non-alcoholic beverages came into effect.

Both importers and marketers of products subject to it must comply with it during the import and marketing process.

In order to adequately comply with the provisions contained in said NOM and avoid potential violations to it, today, October 1st, 2020, the "Accord amending the Resolution by which the Ministry of Economy issues general rules and criteria on foreign trade matters (Agreement)" was published in the Federal Official Gazette (DOF).

Said Agreement points out that one of its objectives, is the elimination of various exceptions of compliance with NOM-051, and it seeks to improve the compliance modalities contemplated in Annex 2.4.1 (Annex NOMs), in order to guarantee due compliance with said NOM.

The most relevant amendments contained in this Agreement are:

- » The chart in numeral 1, which identifies the tariff fractions and tariff nomenclature in which goods, whose introduction into the national territory is subject

to compliance with certain NOMs, are classified, is amended, in the sense that now the goods that enter the country under fraction 8517.11.01, will no longer have to comply with NOM-001-SCFI-1993.

- » Addition to section VIII of numeral 3, which identifies the tariff items and tariff nomenclature, in which goods, whose introduction into national territory is subject to compliance with NOM-051, are classified, in the sense that now it also refers to its amendment of March 27, 2020, in force from October 1, 2020.
- » Numeral 6, which establishes the alternatives by which those responsible for compliance with said NOM can demonstrate their compliance with it, is amended almost entirely. The following amendments stand out:
  - ◇ The "allowed adhesive means" are established, instead of just mentioning the proper labels, since within the Modification to NOM-051, the option of using adherent decals (until March 31, 2021) which comply with the specifications provided therein, is established.
  - ◇ Previously, one of the alternatives listed on that numeral, established that it was only necessary to present to customs clearance, goods with the

commercial information labels required by the corresponding NOM, in order for the authorities to verify that said labels comply with the commercial information requirements contained therein, said alternative was eliminated.

- ◇ If the customs authority determines that either on the product label or on the certificate of conformity, there is any discrepancy or error with the provisions contained in the NOM, customs clearance will be carried out and the customs authority must inform the General Directorate of Standards, so that the corresponding correction is instructed to the Conformity Assessment Body, without prejudice to the applicable sanctions.
- ◇ Some requirements that must be complied with by importers who opt to carry out the above mentioned alternatives to verify compliance with NOM-051 are simplified, such as reducing the number of documents that must be electronically transmitted as annexes of the pedimento, as well as eliminating the untimely deadline to comply with the NOM, in some specific cases.
- ◇ A period of 40 calendar days is established for Bonded Warehouses accredited as verification units, as well as for Accredited Verification Units (UVAs), as appropriate, to notify the Ministry of Economy of the confirmation of verification of compliance with the referred NOM and the corresponding sanction for Bonded Warehouses and UVAs that do not comply with the above.
- ◇ It is established that in the event that non-compliance with the labeling in national territory of

any of the goods that, at the point of entry, were imported choosing to use any of the aforementioned verification alternatives is detected, the companies responsible for them will not be able to take advantage of said alternatives for a period of 12 months following the date in which it was detected.

- » Conformity assessment procedures consisting of; simplified procedures for the verification of information on products subject to compliance with Mexican Official Standards listed in numeral 3 of the NOMs Annex, are cancelled.

The Agreement will enter into force on October 1, 2020.

Our team of experts remains at your service, to support you with the analysis of any of the above-mentioned amendments, in case you may require it.

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