

SECTION THREE

**MINISTRY OF AGRICULTURE, CATTLE, RURAL
DEVELOPMENT, FISHING, AND FOOD**

AGREEMENT to amend similar transitory article two which provides the guidelines for the organic operation of the agriculture and livestock activities, published on October 29, 2013.

At the margin, a seal with the Mexican Emblem, reading: United Mexican States.- Ministry of Agriculture, Cattle, Rural Development, Fishing, and Food.

ENRIQUE MARTINEZ Y MARTINEZ, Minister of Agriculture, Cattle, Rural Development, Fishing, and Food, in accordance with the provisions of articles 35, item IV of the Organic Law of the Federal Public Administration; 4 of the Federal Administrative-law Proceeding Act; 1, items I, II, III, IV, VI, and VII; 2, 3, items II, and XI, 6 items VI, IX, X sections A, B, and C, 8, 9, 10, 11, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, and 36 of the Organic Products Act; and 1, 6, 14, 15, 17, 27, 29, 39, 40, 41, 44, 47, and 48 of the Regulations of the Organic Products Act; 1, 2 first paragraph, letter D, item VII, 5 item XXII, and transitory eight of the Internal Regulations of the Ministry of Agriculture, Cattle, Rural Development, Fishing, and Food, in force, in correlation with article 49, items II, III, VIII, and XX, of the Internal Regulations of the Ministry of Agriculture, Cattle, Rural Development, Fishing, and Food, published on the Federal Official Gazette on July 10, 2001, and

WHEREAS

The purpose of the National Development Plan 2013-2018 is to get the full potential from México through five national goals, one of them referred to as “Prosperous Mexico [*México Próspero*]” whose purpose is to promote the productivity growth on an economic stability weather creating equal opportunities, with an appropriate infrastructure, looking for favorable conditions for the economic development through a regulation allowing a healthy competition, with the strategic line of deregulate, redirect, and simplify the regulatory frame of the food and agriculture sector.

The responsibility of the Ministry of Agriculture, Cattle, Rural Development, Fishing, and Food (SAGARPA) through the Office of National Health, Innocuousness, and Food and Agriculture Quality Services (SENASICA), is to declare plague free zones which affect vegetables, according to the sampling results in determined geographic areas; and to promote the organic certification, as well as the promotion of organic products in national and international markets, and to issue the applicable instruments and/or provisions to regulate the activities of the organic operators.

On February 7, 2006, the Organic Products Act was published on the Federal Official Gazette to establish the minimum organic verification and certification requirements for a control system for the organic operation of food and agriculture activities, among others.

On April 1st, 2010, the Regulations of the Organic Products Act were published on the Federal Official Gazette.

On October 29, 2013, The “Agreement which provides the Guidelines for the Organic Operation of the agriculture and livestock activities” was published on the Federal Official Gazette, with the purpose of regulating an equivalent control system in matters of organic, biological, or ecologic production which facilitates the export of Mexican organic products to markets of the European Union, United States of American and Japan, among others, as well as to seek the recognition of an equivalent regulation which allows the free flow of organic products among countries.

In accordance with Transitory article TWO of the “Agreement which provides the Guidelines for the Organic Operation of the agriculture and livestock activities”, it is provided that on its effective date, those operators who have a certification under voluntary schemes shall meet the established on said Agreement and get the corresponding organic certification, for which a maximum term of twelve months is given; the specific date is April, 2015.

Item V of article 258 of the “Agreement which provides the Guidelines for the Organic Operation of the agriculture and livestock activities”, established that import products from countries in which there are equivalent control regulations and systems, or when appropriate, be Certified by Certification Organisms approved by the Ministry, in this respect, and considering that Mexico is going through the process for the management of Equivalence of the System of National Control, the commercial flow would be affected since as of April 30, 2015, the imported organic products may not be commercialized in the national market or they shall be re-certified, this would cause an increase on their costs and prices for the industry, traders and consumers.

Transitory article TWO of the aforementioned agreement must be amended, in order to keep the commercial flow into Mexico and strengthen the national productive sector development, as well as providing the ability and continuation of commerce of the organic agriculture and livestock products from the countries which are going through the process or procedures of equivalence negotiation agreements with the Mexican government, in order to strengthen those involved in the organic product chain.

In this context, the Ministry considers convenient to have continuity on the abilities to regulate an equivalent control system for the organic, biological and ecologic production in order to allow the organic operation of agriculture and livestock activities in the country, through a unique extension to get the respective organic certification; therefore, I hereby issue the following:

AGREEMENT WHICH AMENDS SIMILAR TRANSITORY ARTICLE TWO WHICH PROVIDES THE GUIDELINES FOR THE ORGANIC OPERATION OF THE AGRICULTURE AND LIVESTOCK ACTIVITIES, PUBLISHED ON THE FEDERAL OFFICIAL GAZETTE ON OCTOBER 29, 2013.

SOLE ARTICLE.- Transitory article TWO which provides the Guidelines for the Organic Operation of the agriculture and livestock activities, published on the Federal Official Gazette on October 29, 2013, is amended as follows:

“TWO.-...

In the case of the products referred to on article 258, item V, of these guidelines, provided that the country of origin formally starts, or is going through the equivalence negotiation process with the Mexican government, the maximum term to meet the established on this Agreement will be thirty six months.”

TRANSITORY

SOLE.- This Agreement will be in force the day after its publication on the Federal Official Gazette.

Mexico, Federal District, April 24, 2015.- The Minister of Agriculture, Cattle, Rural Development, Fishing, and Food, **Enrique Martinez y Martinez.-** Flourish.