

LAW FOR ORGANIC PRODUCTS

CURRENT TEXT

New Law published in the Official Gazette on February 7, 2006

On the margin, a stamp that reads: Estados Unidos Mexicanos.- Presidencia de la República.

VICENTE FOX QUESADA, President of the Estados Unidos Mexicanos, to its inhabitants states, That the Honorable Congress of the Union, has sent the following

DECREE

THE GENERAL CONGRESS OF THE ESTADOS UNIDOS MEXICANOS
ENACTS:

THE LAW FOR ORGANIC PRODUCTS IS ISSUED

SINGLE ARTICLE: The Law for Organic Products is issued

ORGANIC PRODUCTS ACT

FIRST TITLE

ABOUT OBJECTIVE AND APPLICATION OF THE LAW

ARTICLE 1. This law is of public order and social interest and aims to:

- I. Promote and regulate the criteria and / or requirements for converting, producing, processing, preparation, packaging, storage, identification, labeling, distribution, transportation, marketing, verification and certification of organically produced products;
- II. Establish the practices that will dictate the rules for raw materials, intermediate products, finished products and by-products in their natural state, semi-processed or which have been made with respect to the environment and complying with sustainability criteria;
- III. Promote methods of organic production elements that contribute to this sector is developed based on the principle of social justice are incorporated;
- IV. Establishing minimum requirements for verification and certification for organic control system, establishing the responsibilities of those involved in the certification process to facilitate the production and / or processing

- and trade of organic products, in order to obtain and maintain recognition organic certification for purposes of imports and exports;
- V. Promote production systems under organic methods, especially in regions where environmental and socioeconomic conditions are conducive to the activity or necessitate restructuring production to contribute to the recovery and / or preservation of ecosystems and achieve compliance with sustainability criteria;
 - VI. Allow the clear identification of products that meet the criteria of organic production to maintain the credibility of consumers and prevent harm or deception;
 - VII. Establish national list of allowed substances, restricted and prohibited under organic methods and criteria for evaluation and
 - VIII. Create an agency to support the Secretariat bringing together the fields of organic supply chain and government institutions with competence in the field, who will serve as the Advisory Council on the matter.

ARTICLE 2. They are subject to this Act, the persons or entities performing or certified by farming production systems, collection and management under organic methods including processing and marketing.

ARTICLE 3. For the purposes of this Act shall apply:

- I. Accreditation: Procedure by which an accreditation body recognized technical competence and reliability of certification bodies for conformity assessment;
- II. Agricultural Activities: primary and secondary production processes based on renewable natural resources such as agriculture, livestock, aquaculture, fisheries and forestry;
- III. Approval: A process in which the Secretariat recognizes and legally authorizes a Certification Body to carry out the functions of certifier or inspector;
- IV. Organic Certification: The process through which the agencies accredited and approved certification, note that systems of production, handling and processing of organic products conform to the requirements of the provisions of this Act;
- V. Organic Certificate: Document issued by the certification body which ensures that the product was produced and / or processed under this Act and its regulations;
- VI. Council: National Council for Organic Production;
- VII. Conformity Assessment: The determination of the degree of compliance with the official Mexican standards or conformity with Mexican standards, international standards or other specifications, requirements or features.

- Includes, inter alia, procedures for sampling, testing, calibration, certification and verification;
- VIII. Applicable provisions: Standards, technical guidelines, specifications or any other legal document issued by the dependencies of the Federal Government having jurisdiction in the matters covered by this order;
- IX. Management: The act of selling, processing or packing organic produce, transport or delivery of crops, livestock or capture the producer thereof to the trader, except that such term does not include the final marketing;
- X. Excluded Methods: The methods used to genetically modify organisms or influence their growth and development by means that are not possible under natural conditions or processes and are not considered compatible with organic production. Such methods include without limitation not limited to cell fusion, micro-encapsulation, and macro-encapsulation, and recombination technology deoxyribonucleic acid (DNA), including gene deletion, gene duplication, the introduction of a foreign gene, and change the positions of the genes have been achieved when using recombinant DNA technology. They are also known as genetically modified organisms or obtained. In such methods excluded the use of traditional breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture;
- XI. Organic Operator: person or group of persons performing organic operation;
- XII. Organic: labeling term that refers to a product obtained from agricultural activities under this Act and the provisions derived from it. The organic, ecological, biological expressions and names with prefixes bio and eco, which are noted on the product labels are considered as synonyms and are equivalent terms for purposes of domestic and international trade;
- XIII. Organic Certification: entities accredited and approved to conduct organic certification activities;
- XIV. Conversion Period: time between the start of production and / or organic management and certified organic crops, livestock or other agricultural activities;
- XV. Organic Plan: document the stages of organic production and handling and includes detailed descriptions of all aspects of organic production activities subject to enforcement under this Act and its regulations;
- XVI. Processing: the activities of cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, extracting, slaughtering animals, cutting, fermenting, distilling, eviscerating, decapitating, preserving, dehydrating, precooling, cooling and freezing or analogous manufacturing procedures to the above; they include packaging, repackaging, canning, marking;

- XVII. Organic Production: production system and food processing, and animal products, plant products or other satisfactions with a regulated use of external inputs, restricting and if banning the use of synthetic chemical products;
- XVIII. Record means any information in written, visual, or electronic form in stating the activities undertaken by a producer, processor, marketer or Certification Body in compliance with this Act and its regulations;
- XIX. Ministry: Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food, and
- XX. Control System: The set of procedures and actions of the Secretariat to ensure that the products known as organic are earned under this Act established

ARTICLE 4. The application and interpretation of this Act, for administrative purposes, the Federal Executive shall through the Secretariat. In the case of products, forestry products and raw materials or products and wildlife products, the application and interpretation of this Act shall be the Secretariat of Environment and Natural Resources.

The Secretariat will coordinate its actions with the Ministry of Environment and Natural Resources that their respective powers, a single window for processing the certification provisions of this Act involving products, by-products and raw materials within the scope stated competition of the two units.

ARTICLE 5. The following elements of the Act will be of supplemental application:

- I. Regarding Certification Bodies Accreditation and Conformity Assessment, the Federal Law on Metrology and Standardization;
- II. In the case of resources, raw materials, forest products and byproducts, the General Law for Sustainable Forest Development and
- III. For products and wildlife products, the General Wildlife Law.

ARTICLE 6. It is responsibility of the Secretariat to:

- I. Propose actions to promote the development of organic production;
- II. Coordinate and monitor building activities and comprehensive development in organic products;
- III. Celebrate cooperation agreements and subscription agreements to promote coordinated development of organic production with the states and municipalities;
- IV. Promote capacity building of operators, certification bodies, assessors and auditors and organic panel inputs assessors organic operations;

- V. Promote the integration of product committees system in organic matter, in accordance with the provisions of the Law on Sustainable Rural Development;
- VI. Promote organic certification and the promotion of organic products in the national and international markets;
- VII. Promote scientific research and technology transfer aimed at developing the activity of production and processing of organic products;
- VIII. Promote cooperation programs with research and teaching, national or international, to promote scientific research to support the development of organic production sector;
- IX. Issuing instruments and / or applicable provisions governing the activities of organic operators;
- X. Publish and keep updated:
 - A. The national list of substances, materials, methods, and ingredients permitted, restricted and prohibited for use on organic production methods or inputs.
 - B. The provisions applicable to the production, harvest, catch, collection, hauling, processing, preparation, processing, packaging, identification, packaging, storage, transport, distribution, fishing and aquaculture; marketing, labeling, conditions of permitted use of substances, materials or supplies; and others that are part of the control system and certification of products derived from agricultural activities with descriptive labeling referring to their production under organic methods.
 - C. The specifications for the use of the term organic in the product labeling.
- XI. If coordinated with the Ministry of Economy to manage and maintain international recognition of equivalence for the national control system in order to facilitate international trade in organic products and to evaluate the control systems used in countries applying equivalence agreements on the subject;
- XII. Promoting openness in existing tariff for products from organic systems in order to facilitate differentiated marketing and contribute to the maintenance of organic integrity in exports and imports of goods and
- XIII. Apply rights related services throughout the national control system and other administrative acts of the Secretariat arising from the implementation of this Act, which shall be subject to the provisions of Federal Law.

ARTICLE 7. The Secretariat will coordinate with units of the Federal Public Administration in the scope of their respective competencies for leading on the subject matter of this order.

SECOND TITLE

ABOUT THE CRITERIA FOR ORGANIC CONVERSION, PRODUCTION AND PROCESSING

FIRST CHAPTER

ABOUT CONVERSION

ARTICLE 8. All products must go through a conversion period for access to certified organic. The products obtained in the conversion period may not be certified or identified as organic.

ARTICLE 9. The general specifications of the products will be subject to conversion period will be established in the provisions applicable to the Secretariat issue.

SECOND CHAPTER

ABOUT PRODUCTION AND PROCESSING

ARTICLE 10. The Secretariat shall, with the advice and opinion of the Board, the provisions applicable to establish the criteria that operators must meet at each stage of the supply chain for the production of organic products, so they can be referred to as such in the domestic market and for export.

ARTICLE 11. For storage, transport and distribution of organic products, the applicable provisions published by the Secretariat will be followed, in order to maintain the organic integrity.

ARTICLE 12. For products and products Wildlife Operators observe the criteria of the General Wildlife Law and, for resources, raw materials, forest products and byproducts, the General Law for Sustainable Forest Development and provisions from them derived.

THIRD TITLE

ABOUT THE NATIONAL COUNCIL FOR ORGANIC PRODUCTION

SINGLE CHAPTER

ARTICLE 13. The National Organic Production is created as a consultative body of the Secretariat, inclusive and representative of the interests of producers and actors in society in terms of organic nature. This Council shall be composed of the Head of the Secretariat, who shall preside, two representatives of organizations of organic processors, one of marketers, four certification bodies, consumers and one of seven national producer organizations of the various branches of organic production.

ARTICLE 14. They form part of the Council representing the Secretariat itself, the Secretariat of Environment and Natural Resources and agencies and entities of the Federal Public Administration related matters, representatives of academic and research institutions.

ARTICLE 15. The Council will operate in the terms prescribed by its rules.

ARTICLE 16. It's the responsibility of the council to:

- I. Deliver an opinion to the Secretariat on national or international regulatory instruments that affect the organic activity;
- II. Expressing opinion and advise the Secretariat on this issue Provisions relating to organic methods as well as for the evaluation of substances and materials;
- III. Advise the Secretariat on issues of a technical nature;
- IV. Propose to the Secretariat holding cooperation agreements and subscription agreements to promote coordinated development of organic production with the states and municipalities;
- V. Promote, in coordination with the Secretariat, training and capacity building of operators, certification bodies, auditors and evaluators and organic group of expert evaluators of inputs for organic operations;
- VI. To assist the Secretariat in the mutual recognition internationally of the equivalence of Mexican control system;
- VII. Propose to the Secretariat actions and policies with the objective of promoting the development of organic production;
- VIII. Establish working groups in different specific activities related to organic production;
- IX. To assist the Secretariat in establishing a registry of recipients subject to the provisions of this Act and in the generation of information to form national statistics on the production and marketing of organic products;
- X. Regulate the internal operation, and
- XI. Any other duties assigned by this Law and other provisions arising from the same.

FOURTH TITLE

ABOUT THE CONTROL AND CERTIFICATION SYSTEM FOR ORGANIC PRODUCTS

FIRST CHAPTER

ABOUT CERTIFICATION BODIES AND CERTIFICATION

ARTICLE 17. The Conformity Assessment and Certification of organic products may only be carried out by the Secretariat or by Certification Bodies accredited pursuant to this Act and the provisions arising from it, as well as the Federal Law on Metrology and standardization, in his capacity as a supplementary system.

ARTICLE 18. Organizations interested in being approved to certify organic products certification must meet the following minimum requirements:

- I. Request written approval to the Secretariat, and
- II. Prove I have accredited by an accreditation body in accordance with the Federal Law on Metrology and Standardization and / or demonstrate Accreditation under ISO Guide 65 or national equivalent or other countries.

ARTICLE 19. Operators interested in certifying their products as organic must attend an accredited and approved certification, which assess the compliance thereof with respect to the applicable provisions issued by the Secretariat and shall, where appropriate, an organic certificate.

ARTICLE 20. Organizations approved for Organic certification must submit an annual report of its activities to the Secretariat, which should include a list of operations and addressed the status of your certification, the scope and coverage of the Certification relevant production units and organic reviewers list.

ARTICLE 21. The Secretariat will issue applicable provisions aimed at establishing:

- I. A system of records and data on record statistics and activities carried out by operators of organic products in the country;
- II. The actions to be taken in case of refusal to an Operator Certification and
- III. The actions to be taken by operators in cases of retirement, term of validity or revocation of approval of the certification bodies to which they were certified.

ARTICLE 22. To refer to a product as organic, it must have the appropriate certificate issued by a Certification Body accredited and approved.

ARTICLE 23. Organic certification can be granted to an individual operator or a group of producers, for which it must submit an organic plan as provided for by the provisions applicable to the Secretariat issued.

ARTICLE 24. Participatory organic certification of family and / or smallholders organized for this purpose, will be promoted production for which the opinion of the Council Secretariat with sufficient provisions to issue the regulation, so that the products maintain compliance with this Act and other rules and and be marketed as organic in the domestic market.

ARTICLE 25. Applicants Certification wild collection products and forest resources shall submit to the Agency of organic certification authorizations regarding the use and production of these products are available to the Secretariat of Environment and Natural Resources.

ARTICLE 26. Responsibilities of organic operators, registers and their characteristics, and the ways in which the Secretariat and other government agencies will coordinate to contribute to the maintenance of national control system to ensure the integrity of organic products certified as lay in Provisions organic.

SECOND CHAPTER

ABOUT THE USE OF SUBSTANCES, METHODS AND/OR MATERIALS DURING ORGANIC PRODUCTION

ARTICLE 27. The use of all materials, products and ingredients or inputs from or have been produced from excluded methods or genetically modified organisms or obtained, are prohibited in the entire production chain of organic products.

ARTICLE 28. The Secretariat shall publish and keep updated the list of materials, substances, products, materials and methods and ingredients permitted, restricted and prohibited in the entire production chain, appraisal and opinion of the expert group of the Council.

ARTICLE 29. The Secretariat issued the Provisions on the requirements and procedures for the evaluation of materials, substances, products, materials and methods and ingredients permitted, restricted and prohibited in the entire production chain of organic products.

THIRD CHAPTER

ABOUT THE REFERENCES IN TAGGING AND DECLARATION OF PROPERTIES FOR ORGANIC PRODUCTION

ARTICLE 30. Only products that comply with this Act may be identified with the term "organic" or equivalent on the label as well as the claim denominations, including advertising material and business papers and outlets.

ARTICLE 31. In order to give identity to organic products in the domestic and international market, the Secretariat, the Board's view, issue a national flag that will carry organic products that comply with this Act and its provisions.

ARTICLE 32. Noting the provisions applicable in the labeling, the Secretariat will issue specific provisions for the labeling of and claims of organic products and the use of national distinctiveness.

FIFTH TITLE

ABOUT IMPORTS OF ORGANIC PRODUCTS AND INPUTS FOR ORGANIC PRODUCTION

SINGLE CHAPTER

ARTICLE 33. When a product under organic name or labeled as organic is imported, it must come from countries where there are regulations and control systems equivalent to those existing in the United Mexican States, or failing that, such products must be certified by an agency organic certification approved by the Secretariat.

ARTICLE 34. The organic product integrity must be maintained from the import until it reaches the consumer. Imported organic products that do not meet the requirements of this Act and its additional provisions have been exposed to a prohibited treatment, cease to be organic.

ARTICLE 35. The plant and animal materials, and organic seeds for breeding purposes should be accompanied by their respective certified organic and also comply with the animal health and phytosanitary provisions apply. In any case, the Secretary shall analyze and identify the opinion of the Council on alternative practices or inputs to be applied to them to safeguard the organic quality of the materials and sanitation in the country.

ARTICLE 36. Substances, materials, seed, plant material and / or inputs for organic production may be imported provided they are allowed and included in the national list published by the Secretary, or in his absence, which are included in international regulations on organic food source countries and the Secretariat which equivalence is recognized.

SIXTH TITLE

ABOUT PROMOTION AND DEVELOPMENT

SINGLE CHAPTER

ARTICLE 37. To promote agricultural and food production under organic methods, the Secretary shall enter into agreements with the governments of the states, seeking the participation of municipalities as well as state and national institutions and public and private organizations.

ARTICLE 38. The Secretariat in coordination with the Federal States and Municipalities in its area of competence, promote policies and actions aimed at:

- I. Contribute to conservation of biodiversity and improving the quality of natural resources including water resources through the application of systems under organic methods;
- II. Contribute to food sovereignty and security by promoting organic production and
- III. Promote the consumption of organic products to promote socially responsible consumer attitudes.

ARTICLE 39. The Secretariat, with the Council's view that agricultural activities promote adoption and develop under organic production methods:

- I. Harnessing the environmental and socioeconomic conditions conducive to the activity;
- II. Retrieve agro ecological systems are in a state of degradation or are in danger of being degraded by the action of conventional farming practices;
- III. Provide a sustainable alternative to the production systems of small producers, cooperatives, living in communities, and
- IV. Get more value on the market or enter new markets constitute a sustainable alternative producers through conversion to organic production.

ARTICLE 40. Opening will be promoted in the tariff for products from organic systems, in order to correctly discriminate the marketing of such products in order to facilitate differentiated marketing and contribute to maintaining the organic integrity of the goods.

ARTICLE 41. To promote the development of organic production systems and capabilities of the organic sector, the Federal Government will promote:

- I. Programs and support to develop agri-environmental practices under organic methods;

- II. Direct support to small organic farmers to enable them to increase the efficiency of their production units to improve their incomes and strengthen their competitiveness against the agreements and treaties on the subject;
- III. The design and operation of integrated schemes to finance, insurance risk and the provision of support to certified operators or conversion, and
- IV. Support to Certification Bodies for access to international recognition of its Accreditation and certified organic.

SEVENTH TITLE

ABOUT SOCIAL CRITERIA FOR THE METHODS OF ORGANIC PRODUCTION

SINGLE CHAPTER

CHAPTER 42. Programs established by the Federal Government for the support of differentiated activities regulated in this law, shall be considered as guiding principles, criteria of social equity and sustainable development.

EIGHT TITLE

ABOUT VIOLATIONS, PENALTIES AND ADMINISTRATIVE APPEAL

FIRST CHAPTER

ABOUT VIOLATIONS AND PENALTIES

ARTICLE 43. The following are violations to the Act:

- I. An Operator knowingly marketed or labeled raw materials, intermediate products, finished products and by-products as "organic" without complying with the provisions of this Act;
- II. Operators that certificates use banned in violation of this Act substances;
- III. An approved certifying agency as organic a product that does not comply with the provisions of this Act because they had been implemented practices, substances, materials and ingredients prohibited;
- IV. The failure by the approved of obligations under this Act and its provisions body;
- V. The use by another of excluded methods, referred to the fraction X of Article 3, and because of this the conditions of organic integrity of the units of production or handling organic conversion or alteration, and
- VI. Use by another prohibited substance or material and referred to in Article 27, and because of this the conditions of organic integrity of organic operations or conversion period is altered.

ARTICLE 44. The Secretariat punishable by a fine of 5000 to 15,000 times the minimum wage in the Federal District who commit offenses under Fractions I, II, III, IV and VI of the preceding article, subject to payment of damages or harm caused to the plaintiff, human health, biodiversity, property, the environment and the penalties in other jurisdictions

ARTICLE 45. The offense under section V of Article 43 shall be punished by a fine of Secretariat 15001-45000 times the general minimum wage in the Federal District. The foregoing is without prejudice to compensation for damages caused to the affected human health, biodiversity, property, the environment and the penalties in other jurisdictions as well as compensation to the organic operator .

ARTICLE 46. If the cases provided in Sections II, III, V and VI of Article 43 shall verify the certification obtained is revoked, the products lose their classification as organic and start the certification process again. The products will be deleted from the entire batch series production affected forbidden marketed as organic, notwithstanding that the Secretariat organize labels releasing the batch affected by the irregularity concerned production.

ARTICLE 47. For the imposition of the sanction the Secretary shall take into account the gravity of the infringement, as well as the background, socioeconomic status and personal circumstances of the offender. Repeat offenders will apply fine up to twice the upper limit of the corresponding penalty. For the case of second offense, assuming the fractions III and IV of Article 43, in addition to the financial penalty the revocation of the approval to proceed disabling 2-4 years to obtain new approval will be imposed.

ARTICLE 48. In none of the cases pollution is considered third breach by the Operator or organic will be responsible for the burden of proof.

SECOND CHAPTER

ABOUT ADMINISTRATIVE APPEAL

CHAPTER 49. Individuals affected by the acts and decisions of the Secretary to end the administrative procedure to resolve an instance or a record may appeal for review in terms of the Federal Administrative Procedure Act.

CHAPTER 50. Against acts issued by Certification Bodies, interested parties may file claims they deem appropriate, which shall be heard and resolved in the manner prescribed in Article 122 of the Federal Law on Metrology and Standardization.

TRANSITORY

FIRST ARTICLE. This Law shall enter into force on the day following its publication in the Official Gazette.

SECOND ARTICLE. The establishment of the National Council for Organic Production and its working groups shall be made within six months from the date of publication of this Law in the Official Gazette.

THIRD ARTICLE. The Federal Executive shall issue the regulations and other correlative additional provisions of this Act within six months of its entry into force.

FOURTH ARTICLE. Expenses that are generated by the implementation of this Act shall be covered from the budget approved for the Secretariat of the House of Representatives to that effect.

FIFTH ARTICLE. The Secretariat and the Secretariat of Environment and Natural Resources subscribed basis for collaboration, in exercise of their respective powers, coordinate joint actions in accordance with the second paragraph of Article 4 of this Law.

MExico, D.F., December 8th 2005.- Sen. **Enrique Jackson Ramírez**, President.- Dip. **Heliodoro Díaz Escárrega**, President.- Sen. **Sara Isabel Castellanos Cortés**, Secretary.- Dip. **Patricia Garduño Morales**, Secretary.- Signatures."

Pursuant to the provisions of Section I of Article 89 of the Constitution of the United Mexican States, and for its due publication and observance, I issue the following Decree at the Residence of the Federal Executive, in Mexico City, Distrito Federal, on the 30th of the month of January two thousand six.- **Vicente Fox Quesada**.- Signature.- El Secretario de Gobernación, **Carlos María Abascal Carranza**.- Signature.