

GUIDE TO REQUEST THE EQUIVALENCE DETERMINATION REGARDING TO ORGANIC PRODUCTION

1. Background

The Article 1, part I, of the Organic Products Law (LPO, Ley de Productos Orgánicos), sets among its objectives, to promote and regulate the criteria and/or requirements for the conversion, production, processing, elaboration, preparation, conditioning, storage, identification, packaging, labeling, distribution, transportation, marketing, verification and certification of products organically produced.

In order to maintain the compliance of the objective aforementioned of the Law inside Mexico, the Article 33 indicates that when a product is imported under organic denomination or labeled as organic, it must come from countries where there are regulations and control systems equivalent to the ones in the United Mexican States, or otherwise, such products must be certified by an Organic Certification Entity authorized by the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food.

2. Legal Framework

Organic Products Law
DOF 07-II-2006

Regulation of the Organic Products Law
DOF 01-IV-2010

AGREEMENT through which the national symbol of organic products is made public and the general rules are established for their use in the labeling of products certified as organic.
DOF 25-X-2013

AGREEMENT through which the Guidelines for the Organic Operation of the agricultural and livestock activities are made public.
DOF 29-X-2013

3. Objective

Make public the requirements to manage the equivalence determination regarding to the organic production and to evaluate the Control Systems enforced by countries and/or foreign governments, in order to facilitate the international commerce of organic products.

4. Scope

This guide and the requirements described apply to any foreign government that seeks the equivalence determination of its Control System for the organic production with Mexico.

5. General Criteria

The LPO, its Regulation and the related provisions, describe the minimum requirements for organic verification and certification in a Control System, establishing the responsibilities of the parties involved in the certification process to facilitate the production and/or processing and the commerce of organic products, in order to obtain and maintain the recognition of the organic certificates for importation and exportation purposes.

The term "Control System" means the set of procedures and actions that the competent authority of each foreign government undertakes in order to ensure at all times that the technical requirements for the conversion, production, processing, elaboration, preparation, conditioning, storage, identification, packaging, labeling, distribution, transportation, marketing, verification and certification guarantee the integrity of the products stated as organic.

In this regard, the equivalence determination means that Mexico has determined that the Control System of a foreign government meets or exceeds the requirements established by the LPO, its Regulation or the provisions related for the operation of the national Control System.

The evaluation of the Control Systems will be the responsibility of the National Service of Agro Alimentary Health, Safety, and Quality (SENASICA, Servicio Nacional de Sanidad, Inocuidad y Calidad Agroalimentaria). For this purpose, the requesting countries must provide to SENASICA the information required, in order to obtain the corresponding equivalence agreement.

SENASICA will perform, together with its counterpart, the comparison of the national Control System with the requirements established by the foreign government for the operation of its Control System, in order to determine the similarities and differences among them.

In the determination of the equivalence, SENASICA might request to its counterpart the performance of one or more evaluations *in situ* in order to confirm that the Control System of the foreign government is implemented and meets the requirements described in the information presented.

The determination of the equivalence might include some or all the agriculture and livestock products organically obtained. This means, that even in a same category (e.g. agricultural products), the equivalence might be determined for certain products and not for others.

The list of countries, whose regulation and Control Systems applied are determined as equivalent, will be published in the web site of the Secretariat.

6. Requirements

- I. The foreign countries or governments seeking an equivalence agreement with Mexico must send, through its competent authority, the official request to:

SENASICA Senior Director
Av. Municipio Libre No. 377, Piso 7 ala “B”
Col. Santa Cruz Atoyac
Del. Benito Juárez
03310, México, DF
Subject: Equivalence Determination Request

- II. The equivalence determination request must include:

- a. Contact data of the competent authority representative.
- b. Regulatory documentation that supports the operation of the Control System and the technical requirements.
- c. The scope of the products and/or categories with which is intended to obtain the equivalence.
- d. In cases in which the technical requirements of the foreign country/government are different from the national ones, it must be attached detailed information of how such requirements meet or exceed the ones set by the LPO, its Regulation and related provisions.
- e. Detailed documentation in which is described the operation of the Control System:
 - i. Control System documentation.
 1. Legal authority.
 2. Processes and/or procedures.
 3. Compliance and enforcement of processes and/or procedures.
 - ii. The documentation must be enough to demonstrate that the Control System of the foreign country/government can:
 1. Identify and evaluate ~~the breaches~~ non-compliances related to the technical requirements.
 2. Investigate non-compliances to determine the corrective actions to implement.
 3. Enforce corrective actions in case of violations.
 4. Monitor and supervise the implementation of the corrective actions until their conclusion.
 5. Effectively and in timely manner communicate to all regulated subjects.

- f. All the documentation must be sent in Spanish.
- III. SENASICA will send an official response to the competent authority of the foreign government acknowledging the equivalence determination with Mexico. Also, SENASICA will designate the official personnel responsible for handling such request.
- IV. SENASICA will examine that the requested information is complete and, if so, it will request to its counterpart, in a quick and precise way, the complementary information.
- V. Once the revisions and the information exchange with its counterpart are performed, SENASICA will officially communicate the corresponding determination. The statement might or not establish the equivalence determination with the foreign government and it will include, at minimum, the following:
- a. The scope of the products and/or categories ~~with~~ under the equivalence.
 - b. The obligation to notify SENASICA about any change in the technical requirements or the Control System that might modify the original equivalence.
 - c. The obligation to notify SENASICA about any corrective measure or application imposed to the certification entities by the competent authority.
 - d. The obligation to collaborate with SENASICA, as much as possible and informing in advance, for the performance of any inspection or audit.
 - e. In the case of equivalence for specific products and/or categories (limited equivalence), the obligation to limit or restrict the use of methods, procedures, processes or substances in products to be sold, labeled or stated as organic in Mexico, and
 - f. The equivalence determination might include additional obligations in specific cases. The obligations established in the equivalence might vary depending on the determination circumstances.