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USDA Foreign Agricultural Service

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## Mexico

### Exporter Guide

### Border Troubleshooting

**2003**

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**Report Highlights:**

This report is designed to provide an overview of some of the ways to troubleshoot problems that US exporters sometimes encounter at the critical juncture between when their products arrive at the border, are received by the freight forwarder/customs broker, are inspected by Mexican authorities, and finally cross into the country. NOTE: This report does not cover every possible situation, but it does provide guidance on some steps that should be taken, regardless of the problem.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Monterrey ATO [MX3]  
[MX]

**Gains Title: US - Mexico Border Update: Troubleshooting Tips for Crossing the Border**

**Disclaimer:** This summary is based on personal meetings conducted with various private industry representatives and US and Mexican government officials and should not, under any circumstances, be viewed as a definitive source on border crossing procedures or implications for U.S. agricultural export trade interests.

**Introduction:** This report is designed to provide an overview of some of the ways to troubleshoot problems that US exporters sometimes encounter at the critical juncture between when their products arrive at the border, are received by the freight forwarder/customs broker, are inspected by Mexican authorities, and finally cross into the country. NOTE: This report does not cover every possible situation, but it does provide guidance on some steps that should be taken, regardless of the problem.

**Troubleshooting:** In the case a shipment of products arrives at the border and is rejected, there are several steps US exporters should immediately take to try and minimize the time and cost for either resubmitting the shipments or redirecting it to another destination. First and foremost, exporters should ensure that they have the complete name and contact information of the Mexican freight forwarder that their importer hired to clear the product across the border. This freight forwarder is the person who will be able to obtain information and/or provide answers to many of the questions raised in the case of a problem with a shipment. Second, if a problem occurs above and beyond an error in export documentation, US exporters are advised to contact the US Agricultural Trade Office (ATO) in Monterrey (see contacts section at the end of this report) as soon as possible to report the problem. At the time they contact the ATO, exporters should be prepared to provide the following information:

- a) What product was being shipped and how (truck or rail)
- b) Cited problem and date occurred
- c) Name and contact information of Mexican freight forwarder clearing the product
- d) SAGARPA or Mexican Customs issue
- e) Name of SAGARPA or Mexican Customs official, if available (ask!)

Upon receiving a US exporter's fax or phone call, the ATO will contact the various border officials and the freight forwarder to confirm the situation and to see what documentation or follow-up action is being requested. Often times, a new Mexican import regulation has been implemented after a US product shipment was already en route to the border, and it arrives without having the proper documentation. In a case like this, the ATO will work with the Office of Agricultural Affairs in the US Embassy in Mexico City in requesting SAGARPA to allow a grace period for the US trade to start complying with the new regulation.

In some cases, a shipment of US meat, poultry or meat/poultry products might arrive at the border and the SAGARPA inspectors might detain the shipment claiming that the exporting company is not on SAGARPA's "approved to export list." In this case, the ATO contacts the Technical Center of the US Department of Agriculture's Food Safety Inspection Service (FSIS) to ascertain whether the plant is on the list and for what products it is approved to export. Assuming that the plant is on the "approved to export list", this information is forwarded to SAGARPA by the ATO, which in turn, should allow the product to cross.

Unfortunately, not all problems that US exporters encounter at the border are as "clear cut," and it sometimes may take several days and even weeks to get a product released from SAGARPA. This period of time is even longer if Mexican Customs confiscates a shipment

claiming it to be contraband. In this case, the US Department of Agriculture has no jurisdiction in national customs matters. This being said, if the ATO is made aware of border crossing problems and where they are occurring, we can try and facilitate and/or resolve as many issues as possible.

\* If SAGARPA rejects the shipment for any reason, they must provide to the exporter, in writing, the reason for which the product was rejected. If the product is rejected by SAGARPA for non-conformity with required documents, in some cases and provided that all import requirements are met, the US inspector at that border crossing point might issue an "in lieu of" certificate that could substitute for the original. The custom broker should know where to find the authorities involved in the issuance and signing of the in-lieu of certificate, since they are responsible for submitting the required documentation in order to clear the product from the border.

\* If SAGARPA rejects the shipment for inferior quality or damaged goods, the exporter may a) have the product repackaged (in cases in which the shipping containers were damaged), b) may have it destroyed; c) may have it redirected to another end user, d) may have it re-labeled or e) may take it back to the plant or facility that initially shipped the product.

\* If SAGARPA holds a shipment for further testing, they must provide an explanation as to why the shipment is being held, and what particular Mexican regulation (NOM) they are implementing.

\* If Mexican Customs confiscates the load claiming it is contraband (product in truck or rail car does not match description/tariff classification of what is listed in export documents), the US exporter has limited options as to what can be done to release the car and/or cargo. First, the exporter, the importer and the custom broker must be advised via official notification from Mexican Customs of the reason for why the shipment was confiscated. Once this notification has been received the parties involved have basically two options to address the situation. In the case where the US exporter believes it is a misunderstanding by Mexican Customs officials, they can try to appeal to the authorities to explain the cause of the misunderstanding. In the case where the US exporter, importer and customs broker are certain that what is stated on their export documentation is indeed what was shipped, an attorney familiar with Mexican Customs procedures should be sought to provide advise as to what steps should be taken. Since the custom broker is responsible for the shipment during its' border clearance, Mexican customs will make him responsible for any situation. Custom brokers may claim that they received incorrect paperwork from the US exporter and the exporter could make the custom broker responsible alleging that the broker did not review all the documents correctly prior to receiving them. The importer is involved because he/she is the one that appears in the "pedimento" which would make him/her the legal owner of the product at the moment it touches Mexican soil. Since all parties are involved to one degree or another, we recommend that they all work together to solve the issue. ATO Monterrey can aid by providing contact information and following-up on a specific issue.

**Useful Mexican Web Sites:** Phytosanitary and Zoosanitary requirements for export to México can be found at [www.senasica.sagarpa.gob.mx](http://www.senasica.sagarpa.gob.mx) . This web site is 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 site.

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