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The end of the Declaration of Non-Commercialization

On June 3rd, a series of changes to Annex 2.4.1 of the Decree by which the Ministry of Economy (*Secretaría de Economía* - SE) issues general rules and criteria on Foreign Trade will enter into force. This is the legal order where those tariff fractions that will be subject to compliance with NOMs are disclosed, and which goods can be exempted from compliance.

Previously, companies could present a Declaration of Non-Commercialization and thus be free from compliance with the NOMs, for those products and components which:

- a. were used directly by a natural person as part of his or her business activity;
- b. were not available to the general public, but which were used for the provision of professional services;
- c. were used to carry out production processes and to transform them into separate goods, which were only offered to the public in compliance with the applicable NOM(s).

The Ministry of Economy (SE) observed an abuse by some importers in the use of this exception scheme. Therefore, numeral 10, sections VII and VIII, of said annex was modified. These sections refer to the cases where it is not necessary to demonstrate compliance with NOMs, both regarding safety and labelling, at the point of entry into the country.

The most important change is the inclusion of 64 NOM's (see annex 1) linked to safety issues which, now, importers must obligatorily comply with, without the possibility of resorting to a Declaration of Non-Commercialization, regardless of whether the product is intended for further processing or sold in the market.

According to the changes in Annex 2.4.1 the process for compliance is as follows: Importing companies must go to a Certifying Body (CB)¹ to certify their goods. The CB issues a Certificate of Conformity (CC) which must then be entered into the Customs Standards System (*Sistema de Normas-Aduanas*). Finally, the SE will authorize the importer and share the information with the Tax Administration Service (*Servicio de Administración Tributaria* - SAT).

Alternatives to compliance

- Certificates of Equivalence (CE) which apply, for the moment, only for three security NOMs: NOM-001-SCFI, NOM-016-SCFI and NOM-019-SCFI, for which certificates issued by accredited entities in the U.S. or Canada would be recognized.
- Mutual Recognition Agreements (MRAs): Mexico currently has 17 MRAs (see annex 2) in force as well as Laboratory-Laboratory agreements. However, it should be noted that between Mexico and Germany there is only one MRA in the areas of electricity, household appliances and electronics.

¹ For example, ANCE (*Asociación de Normalización y Certificación, A.C.*), TÜV Rheinland etc.

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- Certificates of conformity for parts and components: Provided that all parts or components are listed in the certificate, and that they correspond to the same safety NOM which the final product is subject to, a certificate of conformity can be presented. For example, a remote control must comply with the same NOM as the television for which it works.
- Letter of Resolution (LR) included in numeral 5 TER: It is requested for products whose physical conditions and/or characteristics are not susceptible to be certified individually. The General Bureau of Standards (*Dirección General de Normas*) issues (within no more than 20 days upon the receipt of documents) a letter indicating the reasons why it is not feasible to perform the tests described in an NOM and, therefore, it is impossible for a certification body to issue the corresponding certificate of conformity. The LR may be issued under the following assumptions:
 - The product is not considered in the field of application of a NOM.
 - Testing is not feasible. In this case, it will be necessary to resort to the Mexican Accreditation Entity (*Entidad Mexicana de Acreditación - EMA*).
 - The product is among the exceptions (see below).
 - The product needs to be integrated into the final product so that it can be tested.

Exceptions

- Temporary import, including goods imported under the IMMEX² Program.
- Strategic Fiscal Precinct.
- Tax warehouses, provided that the goods are not marketed in the national territory and are subjected to the process of assembly and manufacture of vehicles by companies in the terminal or manufacturing automotive industry.
- Definitive import, in the case of importers that participate in a Sector Promotion Program (PROSEC) of definitive imports³.

More information:

- [Changes to Annex 2.4.1](#) of the Agreement of the Ministry of Economy (SE)
- [National Foreign Trade Information Service](#)

² The [IMMEX Program](#) is an instrument by means of which it is allowed to temporarily import the goods necessary to be used in an industrial or service process for the production, transformation or repair of goods of foreign origin, which are temporarily imported for export or for the provision of export services, without covering the payment of the general import tax, the value added tax and, if applicable, the compensatory quotas.

³ [PROSEC](#) is an instrument aimed at legal persons producing certain goods, by means of which they are allowed to import, with a preferential ad-valorem tariff (General Import Tax), various goods to be used in the production of specific products, regardless of whether the produced goods are intended for export or for the domestic market.

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Annex 1: Specifications on the 64 NOMs coming into force on June 3rd
(NOMs in red have already come into force in October 2018)

Ministry of Economy (Secretaría de Economía – SE)	
NOM-001-SCFI-1993	Electronic devices - Domestic electronic devices powered by different sources of electrical energy - Safety requirements and testing methods for type approval
NOM-003-SCFI-2014	Electrical products - Safety specifications
NOM-005-SCFI-2011	Measuring instruments - System for measuring and dispensing gasoline and other liquid fuels - Specifications, testing and verification methods
NOM-007-SCFI-2003	Measuring instruments - Taximeters
NOM-009-SCFI-1993	Measuring instruments – Mercury column sphygmomanometers with elastic sensor element for pressure measurement of the human body
NOM-010-SCFI-1994	Measuring instruments - Non-automatic weighing instruments - Technical and metrological requirements
NOM-011-SCFI-2004	Measuring instruments – Glass liquid thermometers for general use – Specifications and testing methods
NOM-012-SCFI-1994	Water flow measurement in closed pipes of hydraulic systems - Cold drinking water meters – Specifications
NOM-013-SCFI-2004	Measuring instruments – Manometers with elastic element - Specifications and testing methods
NOM-014-SCFI-1997	Diaphragm type positive displacement meters for natural gas or L.P. in gaseous state – Specifications, testing and verification methods
NOM-016-SCFI-1993	Electronic devices for office use and powered by different sources of electrical energy – Safety requirements and testing methods
NOM-019-SCFI-1998	Data processing equipment security
NOM-045-SCFI-2000	Measuring instruments – Manometers for fire extinguishers
NOM-046-SCFI-1999	Measuring instruments – Steel measuring tapes and flexometers
NOM-054-SCFI-1998	Domestic utensils – Pressure cookers – Safety
NOM-058-SCFI-2017	Controllers for artificial light sources for general lighting purposes – Safety specifications and testing methods
NOM-063-SCFI-2001	Electrical products – Conductors – Safety requirements
NOM-064-SCFI-2000	Electrical products - Lighting for indoor and outdoor use - Safety specifications and test methods
NOM-086-SCFI-2010	Rubber industry – New radial construction tires that are used for any vehicle with a gross vehicle weight equal to or less than 10 000 lbs (4,536 kg) – Safety specifications and testing methods
NOM-086/1-SCFI-2011	Rubber industry – New radial construction tires that are used for any vehicles with a gross vehicle weight greater than

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	10,000 lbs (4,536 kg) and diagonal construction tires of any load capacity-Safety specifications and test methods
NOM-090-SCFI-2014	Portable, disposable and refillable lighters – Security specifications
NOM-093-SCFI-1994	Spring and pilot operated pressure relief valves (safety, safety-relief and relief); made of steel and bronze.
NOM-113-SCFI-1995	Hydraulic brake fluid used in motor vehicles – Safety specifications and testing methods
NOM-114-SCFI-2016	Bottle type hydraulic jacks – Safety specifications and testing methods
NOM-118-SCFI-2004	Matches industry - Matches and phosphorus - Safety specifications
NOM-119-SCFI-2000	Automotive industry – Automotive vehicles – Seat belts – Safety specifications and testing methods
NOM-121-SCFI-2004	Rubber industry – Cameras for pneumatic tires of motor vehicles and bicycles – Safety specifications and testing methods
NOM-133/1-SCFI-1999	Infant products – Functioning and operation of walkers for infant safety – Specifications and testing methods
NOM-133/2-SCFI-1999	Infant products - Functioning of strollers for infant safety- Specifications and testing methods
NOM-133/3-SCFI-1999	Infant products – Functioning of cribs and enclosures – Specifications and testing methods
NOM-134-SCFI-1999	Chamber valves and wheel rim valves used for tubeless rims - Safety specifications and testing methods
NOM-161-SCFI-2003	User safety – Toys – Firearm replicas – Safety specifications and testing methods
NOM-192-SCFI/SCT1-2013	Telecommunications – Television equipment and decoders - Specifications
NOM-196-SCFI-2016	Terminal equipment which is connected or interconnected through wired access to a public telecommunications network.
NOM-208-SCFI-2016	Radiocommunications systems employing the spread spectrum technique - Frequency hopping and digital modulation radiocommunications equipment to operate in the 902 MHz-928 MHz, 2400 MHz-2483.5 MHz and 5725 MHz-5850 MHz bands - Specifications and testing methods.

Ministry of Energy (Secretaría de Energía – SENER)	
NOM-001-ENER-2014	Energy efficiency of vertical turbine type pumps with external vertical electric motor - Limits and testing method
NOM-002-SEDE/ENER-2014	Safety and energy efficiency requirements for distribution transformers
NOM-004-ENER-2014	Energy efficiency for the motor-pump assembly, for pumping clean water for domestic use, in powers from 0.180 kW (¼ HP) to 0.750 kW (1 HP) - Limits, testing methods and labelling

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NOM-005-ENER-2016	Energy efficiency of household appliances – washing machines - Limits, testing method and labelling
NOM-010-SESH-2012	Household appliances for cooking food using L.P. Gas or Natural Gas - Specifications and testing methods
NOM-011-ENER-2006	Energy efficiency in central, package or split type air conditioners - Limits, testing methods and labelling
NOM-011-SESH-2012	Domestic and commercial water heaters burning L.P. or Natural Gas - Safety requirements, specifications, testing methods, marking and market information
NOM-014-ENER-2004	Energy efficiency of alternating current, single-phase, induction, squirrel cage type, air-cooled motors, rated from 0.180 to 1.500 kW - Limits, testing method and marking
NOM-014-SESH-2013	Integral connection and flexible connection used in installations of use of Gas L.P. or Natural Gas - Specifications and testing methods
NOM-015-ENER-2012	Energy efficiency of refrigerators and freezers - Limits, testing methods and labelling
NOM-016-ENER-2016	Energy efficiency of alternating current, three-phase, induction, squirrel cage type motors, in nominal power from 0.746 kW to 373 kW - Limits, testing methods and marking
NOM-017-ENER/SCFI-2012	Energy efficiency and safety requirements for self-ballasted compact fluorescent lamps - Limits and testing methods
NOM-021-ENER/SCFI-2008	Energy efficiency and user safety requirements for room-type air conditioners - Limits, testing methods and labelling
NOM-022-ENER/SCFI-2014	Energy efficiency and user safety requirements for self-contained commercial refrigeration appliances - Limits, testing methods and labelling
NOM-023-ENER-2010	Energy efficiency in split type air conditioners, free discharge and without air ducts - Limits, test method and labelling
NOM-025-ENER-2013	Thermal efficiency of household appliances for cooking food using L.P. gas or natural gas - Limits, testing methods and labelling
NOM-026-ENER-2015	Energy efficiency in split type (Inverter) air conditioners with variable refrigerant flow, free discharge and no air ducts - Limits, testing methods and labelling
NOM-028-ENER-2017	Energy efficiency of lamps for general use - Limits and testing methods
NOM-030-ENER-2016	Luminous efficiency of integrated light-emitting diode (LED) lamps for general lighting - Limits and testing methods
NOM-031-ENER-2012	Energy efficiency for luminaires with light-emitting diodes (LEDs) intended for roads and public outdoor areas - Specifications and testing methods
NOM-032-ENER-2013	Maximum electrical power limits for equipment and appliances requiring standby power - Testing and labelling methods

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Ministry of Labor and Social Welfare (Secretaría de Trabajo y Previsión Social – STPS)	
NOM-113-STPS-2009	Safety – Personal protective equipment – Protective footwear -Classification, specifications and testing methods
NOM-115-STPS-2009	Safety – Personal protective equipment – Protective helmets – Classification, specifications and testing methods

Ministry of Environment and Natural Resources (Secretaría de Medioambiente y recursos natural - SEMARNAT)	
NOM-041-SEMARNAT-2015	Establishing maximum permissible limits for the emission of pollutant gases from the exhaust of motor vehicles in circulation that use gasoline as fuel

National Commission of Water (Comisión Nacional de Agua – CONAGUA)	
NOM-005-CONAGUA-1996	Fluxometers - Specifications and testing methods
NOM-006-CONAGUA-1997	Prefabricated septic tanks – Specifications and testing methods
NOM-008-CONAGUA-1998	Body wash showers - Specifications and test methods
NOM-009-CONAGUA-2001	Toilets for sanitary use - Specifications and testing methods
NOM-010-CONAGUA-2000	Intake valve and discharge valve for odorless tanks – Specifications and testing methods

Annex 2: List of the 17 ARM´s

No.	Mexican Organization	Foreign Organization	Country	Sector/Branch
1	Normalización y Certificación (NYCE)			
1.1		TUV Rheinland	Japón	
1.2		SGS Fimko y SGS Belgium	Finlandia y Bélgica	Electrotécnico
1.3		Korea Testing and Research Institute-KTR	Korea	Electrotécnico y dispositivos médicos
1.4		CSA-NYCE	Canadá	Electrotécnico

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1.5		NEMKO Noruega y NEMKO Norteamérica	Noruega y EUA	Electrotécnico y dispositivos médicos
2	UL de México, S.A DE C.V			
2.1		UL LLC (Estados Unidos) y UL International DEMKO A/S (Dinamarca)	EUA y Dinamarca	Eléctrico.
3	Cámara Nacional de la Industria Electrónica de Telecomunicaciones y Tecnologías de la Información (CANIETI)			
3.1		UL LLC	EUA	Eficiencia energética
4	Intertek Testing Services de México, S.A. de C.V.			
4.1		Intertek Testing Services NA, Inc; Intertek Testing Services Hong Kong LTD; Intertek Testing Services Shenzhen LTD; Guangzhou branch; Intertek SEMKO AB; Intertek ETL SEMKO Korea LTD; Intertek Japan K.K. e Intertek Testing Services, Thailand Co, LTD.	EUA, Hong Kong, Korea, Japón, Tailandia	Eléctrico y electrónico
5	Laboratorios Radson, S.A. de C.V.			
5.1		Centre Testing International Group Co., Ltd., "CTI"	China	Electrotécnico
6	Asociación Nacional de Normalización y			

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6.1	Certificación, A.C. (ANCE)	Instituto Colombiano de Normas Técnicas (ICONTEC)	Colombia	Eléctrico, electrónico, instrumentos de medición, productos infantiles, cerillos y fosforos
6.2		KEMA Quality B.V. (AHORA DEKRA CERTIFICATION B.V.)	Holanda	Eficiencia energética
6.3		DEKRA Certification B.V.	Holanda	Eléctrico y electrónico
6.4		VDE Pruf-und Zertifizierungsinstitu GmbH (VDE)	Alemania	Eléctrica, electrodomestica y electrónica
6.5		Standard Technology Union Co., Ltd. (STU)	China	Eléctrico y electrónico
6.6		SGS-CSTC Standards Technical Services Co., Ltd	China	Eléctrico
6.7		SGS-CSTC Standards Technical Services Co., Ltd	China	Productos infantiles
6.8		Canadian Standards Association (CSA)	Canada	Eficiencia energética

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