

**HANDBOOK ON THE REQUIREMENTS FOR THE OPERATION OF CARGO  
SERVICES IN MEXICO UNDER NAFTA**

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## I. PREFACE

- In view of the trade opening in cross-border freight services between Mexico, the United States and Canada, we have compiled a straightforward manual that provides a brief description of the requirements that must be met by operators, vehicles and freight for these to be permitted entry to Mexican territory. Likewise, we have indicated the requirements that must be met to obtain authorization to operate cross-border freight services in northern Mexican States, as well as the operating conditions such services are subject to.
- The information contained herein is merely of a descriptive nature and we therefore recommend that North American or Canadian companies wishing to operate cross-border transport services in Mexico consult the competent authority in each individual case and complete all necessary paperwork.

## **II. BACKGROUND AND ACCORDS PROVIDED FOR UNDER NAFTA**

### **□ BACKGROUND**

In Mexico, the operation of transportation services on highways within federal jurisdiction was originally an activity reserved for persons of Mexican nationality and companies organized by these persons in accordance with the laws of the country. However, in recent years the Mexican Government has adopted a policy oriented toward the opening up of trade and modernization, which has strengthened ties of friendship with the United States of America and Canada and greatly improved cooperation with the governments of these countries.

This friendly, cooperative atmosphere has characterized relations between the three countries. In 1990, Mexico took the first step toward the opening up of cross-border trade and the internationalization of transportation services with the signing of a Memorandum of Understanding to Facilitate Freight Services and Bus Services for Tourists. This agreement was followed by other similar accords, such as the Recognition and Validation of Federal and Commercial Driving Licenses, Mexico's incorporation into the Commercial Vehicle Safety Alliance (CVSA) and the signing of a Memorandum on the Ground Transportation Planning Process on both sides of the Border.

The progress and experience gained as a result of these agreements, in addition to the work on technical standards carried out by the Mexico-United States Border Transportation Group (in which Canada participated as an observer), paved the way for the negotiation of the North American Free Trade Agreement, which provides for the progressive opening of cross-border trade and foreign investment.

Efforts undertaken to facilitate trade in transportation services in North America have led to the signing of three Memorandums of Understanding with Canada regarding the use of terminals and facilities owned by Mexican and Canadian freight companies; technical cooperation in the area of transportation; and the recognition and validation of federal and commercial driving licenses.

Additionally, the governments of all three countries signed a Memorandum on technical cooperation in the area of transportation.

During this same period, Mexico embarked on a modernization process that included transportation services, resulting in far-reaching structural changes in this sub-sector. These changes have implied the updating and modernization of the legal framework regulating federal transportation services.

As can be seen from the above, a series of significant measures have been taken to lay the foundations for what is to eventually become the transportation system of the North-American region, but more important is the political will demonstrated by our governments to establish the basis on which this system will be developed.

The time has now come to put these agreements into practice.

□ **ACCORDS**

In view of the fact that the bulk of our foreign trade is conducted via ground transportation and that our goal is to have access to timely, cost-efficient transportation services, so that freight costs are not the determining factor as to whether or not a product is exported, a calendar for the progressive liberalization of these services was established in the North American Free Trade Agreement. This calendar includes:

➤ **CROSS-BORDER TRADE**

As of January 1, 2000, corporations and individuals from the United States and Canada are authorized to render cross-border freight services to and from Mexican territory. Mexican companies may render the same services in the territories of the other two parties.

➤ **FOREIGN INVESTMENT**

As of January 1, 2001, US and Canadian investors may hold a participation of up to 51% in companies that render international transportation services from or to Mexican territory and in companies engaged in the establishment or operation of truck terminals and bases. As of January 1, 2004, US and Canadian investors may hold a participation of up to 100% in said companies.

NOTE: NAFTA was signed on December 17, 1992 and came into effect on January 1, 1994.

➤ **LINK POINTS**

Under NAFTA, the three member countries agreed to establish "Link Points," which provide access to all information published by the respective parties on ground transportation services, such as operating permits, safety and tax requirements, statistics, studies and technology. These so-called "Link Points" are designed to help interested parties make contact with the competent government entities in each country.

### **III. REQUIREMENTS FOR THE OPERATION OF CROSS-BORDER TRANSPORTATION SERVICES IN MEXICO**

#### **a) ACCESS REQUIREMENTS FOR DRIVERS**

Operators of cross-border transportation that fall under the definition of "Business Visitors" contained in Chapter XVI "Temporary Entry of Business Persons" of the North American Free Trade Agreement (NAFTA), may take advantage of the migratory facilities provided by the Mexican Government via the National Migration Institute (INM). Details of these facilities are contained in Circular R.E.-1., which gives drivers the option of forms FMN and FM3 for entry to Mexican territory.

#### **□ BUSINESS MIGRATORY FORM (FMN)**

The interested party can obtain an FMN in person at Mexican Consulate offices in Canada and the United States, via travel agents, airlines or directly from migratory personnel at ports and points of entry to Mexico.

The form should be filled in using block letters. The interested party should provide all personal information requested and should specify and describe the type of activity he will be conducting in Mexico as a "Business Person." The name and address of the business or foreign company he forms part of should also be provided, in addition to the main business, company or individual in Mexico with which he intends to conduct the activities described. The interested party is required to sign the original and a copy of the FMN, stating that he is aware of the "Warning" contained on the back of the migratory form and agrees to all the conditions stipulated therein.

#### **□ FMN**

In order to obtain authorization to enter Mexican territory with an FMN, operators of transport services are required to furnish migratory officers with the following documentation:

- An original document confirming the nationality of the foreigner and, where applicable, an official document bearing the signature and a photograph of the holder. Said documentation may consist of a passport or a certified copy of the foreigner's birth certificate, etc. and shall be returned to the owner on the spot, in accordance with the provisions of Rule 4.4 of Circular R.E.1.
- A document evidencing the international nature of the business activity that is to be carried out (a letter printed on company stationery stating that the activities to be conducted are of an international nature will be deemed sufficient to meet this requirement. Said document is merely intended to confirm the nature of said activities and no further formal requirements need be met). In the absence of said documentation, a verbal statement to the effect that the main place of business represented by the

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interested party and the destination of any profits obtained is located in the United States of America and/or Canada will suffice.

- Payment of the corresponding Non-Immigrant (DNI) fees (\*).  
(\*The amount of said fees will be determined in accordance with the rates established in the Federal Rights Law currently in effect.)

- **VALIDITY**

Authorization to enter Mexican territory is granted on an individual basis and may not be transferred to another person. Said authorization shall remain in effect for a maximum of 30 calendar days as of the first date of entry to Mexican territory.

Consequently, the interested party may enter Mexican territory using the same migratory form the number of times necessary within the aforementioned 30-day period. Alternatively, a new migratory form may be obtained each time the interested party enters national territory.

- **IN THE EVENT OF LOSS OR MISPLACEMENT**

In order to obtain a replacement migratory form, the interested party is required to contact the nearest office of the National Migration Institute and submit a police report (\*) stating that the migratory form has been either lost or misplaced. He will also be required to provide evidence of his entry into the country, i.e. a duly stamped passport or a photocopy of the migratory form.

(\*The police report should be filed at offices of the Department of Justice)

- **PENALTIES**

In the event that the migratory form has expired on leaving the country, the interested party shall be subject to an administrative penalty. If a fine is levied, this should be paid in full before leaving the country.

- **NON-IMMIGRANT BUSINESS VISITOR'S FORM (FM3)**

In the event that an operator of transport services opts for an FM3, in virtue of the fact that his stay in Mexico will exceed 30 calendar days, he should request the Non-Immigrant Business Visitors Form (FM3) for non-profit making activities and shall be required to furnish the following documentation:

- An original document confirming the nationality of the foreigner and, where applicable, an official document bearing the signature and a photograph of the holder. Said documentation may consist of a passport or a certified copy of the foreigner's birth certificate, etc. and shall be returned to the owner on the spot, in accordance with the provisions of Rule 4.4 of Circular R.E.1.

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- Original and/or single certified copy of the labor contract the foreigner has entered into with the company, specifying his post, salary and the activity to be carried out by the Business Visitor during his stay in Mexico. In the absence of said documentation, a verbal statement to the effect that the main place of business represented by the interested party and the destination of any profits obtained is located in the United States of America and/or Canada will suffice.
- Evidence of economic solvency sufficient to cover the interested party's stay in Mexico.
- Payment of the corresponding Non-Immigrant (DNI) fees (\*).  
(\*The amount of said fees will be determined in accordance with the rates established in the Federal Rights Law currently in effect.)
- Fulfillment of the requirements stipulated by the National Register of Foreigners at the time the FM3 is issued.

Assuming that the operator already holds an FMN and wishes to obtain an FM3, the following procedure shall apply:

- The FMN should be handed over to the migratory authority so that it can be canceled.
- The foreigner is required to make a sworn statement to the effect that neither the purpose nor the circumstances of his original entry to the country have changed and that he is not engaged in remunerated activities in Mexico.

▪ **VALIDITY**

The FM3 shall remain valid for a period of 365 days as of the date of issue and allows the bearer to enter and leave the country on multiple occasions. Said migratory form may be renewed a maximum of four times for the same period.

▪ **IN THE EVENT OF LOSS OR MISPLACEMENT**

In order to obtain a replacement migratory form, the interested party is required to contact the nearest office of the National Migration Institute and submit a police report (\*) stating that the migratory form has been either lost or misplaced. He will also be required to provide evidence of his entry into the country, i.e. a duly stamped passport or a photocopy of the migratory form.

(\*The police report should be filed at offices of the Department of Justice)

▪ **PENALTIES**

In the event that the migratory form has expired on leaving the country, the interested party shall be subject to an administrative penalty. If a fine is levied, this should be paid in full before leaving the country.

▪ **PAYMENT OF NON-IMMIGRANT FEES (DNI)**

Foreigners entering the country as tourists, business persons and persons in the process of completing migration procedures are required to pay a fee (DNI) for their non-immigrant migratory status, in accordance with the decree published in the Official Gazette of the Federation on December 31, 1998.

The funds raised through the charging of these fees (DNI) are used to improve migratory services and help fund the promotion of Mexico as a tourist destination abroad. Visitors of all nationalities who enter the country shall be subject to these fees, with the exception of Mexican citizens.

Visitors entering Mexico via land are also subject to DNI fees. Those who intend to remain for more than 72 hours in border zones as tourists or business persons, or those who wish to travel within the country can pay these fees at any branch of any Mexican bank, provided the foreigner makes said payment before traveling beyond 30 kilometers of the border zone.

In the case of business persons, Article 42, Subrule II of the General Population Law stipulates that DNI fees may be paid once every 30 days, allowing the foreigner to enter and leave Mexican territory on multiple occasions within this time frame.

The corresponding DNI fee is \$150.00, in accordance with Article 8 of the Federal Rights Law (\*).

(\*Since this amount may vary, the foreigner is required to cover the applicable amount at the time of payment.)

The Tourism Ministry (Sectur) has established tourism corridors in certain border cities. Tourists entering the country as local visitors are exempted from DNI fees in these zones. The tourism corridors run through the following cities:

- Tijuana-Ensenada
- Sonoita-Puerto Peñasco
- Ciudad Juárez-Paquimé
- Piedras Negras-Santa Rosa
- Reynosa-China-Presa el Cuchillo

Additionally, operators of freight services are required to declare to customs officials any amounts in cash or checks they are in possession of, when these exceed a combined or individual total of \$10,000 dollars, in accordance with Article 9 of the Customs Law. Likewise, drivers are required to declare any merchandise that may be related to contraband activities, in accordance with Article 105 of the Federal Tax Code.

REQUIREMENTS MANUAL FOR THE OPERATION OF CROSS-BORDER FREIGHT SERVICES IN MEXICO  
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**COMPETENT FEDERAL AUTHORITY**

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Tel: 53 87 24 00 Ext. 18020 & 18028  
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**BIBLIOGRAPHY**

Chapter XVI "Temporary Entry of Business Persons" of NAFTA  
General Population Law  
Regulations of the General Population Law  
Circular No. RE-1 issued by the National Migration Institute (INM)  
Federal Rights Law

**PROCESSING OFFICES**

To obtain an extension, the regularization or issue of a Non-Immigrant (FM3) migratory form, please consult the nearest Regional Office of the National Migration Institute (INM).

**REGIONAL INM OFFICES ON THE NORTHERN BORDER**

DELEGACIÓN REGIONAL DEL  
INM EN BAJA CALIFORNIA  
Puerta Puente México, Línea  
Internacional S/n  
Col. Federal, C.P. 22000  
Tijuana, B. C.  
Tels. 01-66-83-61-01  
01-66-82-49-47  
01-66-82-49-48

DELEGACIÓN REGIONAL DEL INM  
EN SONORA  
Comonfort Paseo de la Cultura Edif.  
México  
5º nivel ala sur Centro de Gobierno.  
C.P. 83000 Hermosillo, Son.  
Tels. 01-62-12-54-33  
01-62-12-54-35  
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DELEGACIÓN REGIONAL  
DEL INM EN CHIHUAHUA  
Calle Rivas Guillén No. 950,  
Zona Centro  
C.P. 32000 Cd. Juárez, Chih.  
Tels. 01-16-15-10-24  
01-16-15-11-44  
01-16-15-04-87

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INM EN COAHUILA  
Salvador González Novo No.  
935 Colonia República Oriente  
C.P. 23280, Saltillo Coah.  
Tels. 01 84 16 38 27,  
01 84 16 82 75,  
01 84 16 16 76

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EN NUEVO LEÓN  
Morones Prieto No. 2110 Poniente  
Local 9 PB  
Col. Loma Larga C.P. 64710,  
Monterrey, N. L.  
Tels. 01-83-43-15-21  
01-83-40-05-12  
01-83-43-15-23

DELEGACIÓN REGIONAL  
DEL INM EN TAMAULIPAS  
Garita Miguel Alemán Puente  
Internacional Núm. 1  
C.P. 88000 Nuevo Laredo,  
Tamaulipas.  
Tels. 01-87-12-21-71  
01-87-12-11-77  
01-87-12-56-00

The Business Migratory Form (FMN) can be obtained from Mexican Consulate offices in Canada and the United States, or from airlines and at ports and points of entry to Mexico.

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MEXICAN EMBASSIES AND CONSULATES IN THE UNITED STATES OF AMERICA

|   |   |  |
|---|---|--|
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| <p><b>TORONTO</b><br/>CONSULADO GENERAL<br/>DOMICILIO<br/>199 Bay Street, Suite 4440<br/>Commerce Court Wes<br/>Toronto, ON Canadá M5L 1E9<br/>P.O. Box 286 Station<br/>Tels.: (416) 368-28-75/8184/6490/1847/0310/2650<br/>Fax (416) 368-83-42<br/>E-mail: <a href="mailto:consulad@interlog.com">consulad@interlog.com</a></p> <p><b>MARIO CHACON CARRILLO</b><br/>Cónsul General</p> | <p><b>VANCOUVER</b><br/>CONSULADO GENERAL<br/>DOMICILIO<br/>710-1177 West Hastings Street<br/>Vancouver, B. C. Canadá V6E 2K3<br/>Tel.: (604) 684-35-42(S.R.E.)</p>  |

**b) ACCESS REQUIREMENTS FOR FREIGHT**

**□ PRIOR IMPORT OR EXPORT PERMIT**

Merchandise entering or leaving the country, the vehicles used to transport said merchandise, the customs bureau and any events related to the latter, or to the importation and exportation of merchandise, are subject to the applicable provisions of the law.

Merchandise imports that require the issuing of a permit in advance by the Department of the Economy should comply with this requirement in the case of both temporary and permanent imports. This permit should be presented at the time of customs clearance.

**□ CUSTOMS PROCEDURES FOR THE IMPORTATION AND EXPORTATION OF MERCHANDISE**

Merchandise should enter and leave the country only at authorized points. Drivers are required to show their merchandise to the customs authority, together with all the necessary documentation.

**□ IMPORT ORDER FORM**

Importers are required to furnish customs with an import order on the official form approved by the Finance Ministry (SHCP), which should contain:

- Information pertaining to the customs regime to which the merchandise is subject; and
- All information necessary to determine the payment of foreign-trade taxes and countervailing duties.

**□ ORDER FORM FOR MERCHANDISE SUBJECT TO IMPORT OR EXPORT PERMIT REQUIREMENTS**

This order form should bear an electronic signature confirming that aforementioned permit has been totally or partially released and should be accompanied by the following documentation:

- In the case of imported merchandise:
  - A commercial invoice that meets the requirements and contains all the information requested by the Finance Ministry (SHCP).
  - Documents confirming compliance with requirements related to non-tariff restraints or regulations applicable to imports.

REQUIREMENTS MANUAL FOR THE OPERATION OF CROSS-BORDER FREIGHT SERVICES IN MEXICO  
UNDER NAFTA

- Proof as to the country of origin and the country from which the merchandise was exported, where applicable.
  - A document evidencing the guarantee determined by the Finance Ministry (SHCP), when the declared value of the merchandise is lower than the estimated price determined by said Ministry.
- In the case of exported merchandise:
- An invoice stating the commercial value of the merchandise.
  - Documents confirming compliance with requirements related to non-tariff restraints or regulations applicable to exports.
- Documents required under Article 36 of the Customs Law:
- A ship's bill of lading or air carrier's clearance certificate, both duly revalidated by the carrier or its consignee agents.
  - For the clearance of bulk merchandise at maritime customs bureaus, a certificate of weight or volume must be issued by the certifying company authorized by the Ministry, in the cases stipulated in the corresponding Regulations.
  - All information necessary for the identification, analysis and control of the merchandise, as indicated by the Ministry.
  - Commercial invoices will not be requested in the case of home removals.

The importer shall furnish the customs authority with a sworn, written statement containing all the information necessary to determine the customs value of the merchandise. This statement shall be delivered to the customs agent or representative, who shall then proceed to determine the customs value of the merchandise on the order form, based on the statement provided by the importer. At the request of the customs authority, the importer shall also provide the latter with all the elements taken into account on determining the customs value of the merchandise.

The customs agent or representative shall print his bar code on the order form or shall employ other control measures that fall within the general parameters established by the Finance Ministry (SHCP). In the case of merchandise subject to the import or export permit requirement, the electronic signature should also be recorded.

Customs agents are individuals who have been authorized by the Finance Ministry (SHCP), via patents, to process the clearance of merchandise under the different customs regimes stipulated in the Customs Law, on the behalf of the Ministry. As such, it is the duty of said persons to ensure that all requirements pertaining to the importation of merchandise have been met and the necessary paperwork completed.

## □ SELECTION MECHANISMS

Once the import order form has been presented and the payments determined by the interested party made, including the payment of countervailing duties, the merchandise shall be presented and the automated selection mechanism -which determines whether or not the merchandise shall be subjected to customs clearance procedures- activated.

In accordance with Article 43 of the Customs Law, taxpayers who import merchandise are required to keep an inventory control system as part of their accounting records, which enables domestic merchandise to be distinguished from merchandise of foreign origin.

In the event of failure to comply with this requirement, it will be assumed that all merchandise disposed of by the taxpayer as of the date of importation, and that is similar or identical to the imported merchandise, was of foreign origin.

If it is determined that customs clearance is not necessary, the merchandise shall be handed over immediately.

In cases where the automated selection mechanism determines that customs clearance is necessary, all documentation pertaining to the merchandise shall be reviewed to confirm the preciseness of the information contained therein before the vehicle leaves the customs area. When the merchandise is subject to customs clearance, the automated selection mechanism must be activated once again to determine whether or not said merchandise is subject to a second customs clearance.

Provided no irregularities are detected during either of these customs clearance procedures that would give rise to the temporary seizure of the merchandise and provided the guarantee is presented (the guarantee is only required when the declared value of the merchandise is lower than the estimated price determined by the SHCP), the merchandise shall be handed over immediately.

Customs clearance consists of an inspection of the merchandise in order to determine the veracity of the information declared in relation to the following:

- The unit of measurement stipulated in the tariffs of general import and export tax laws, in addition to the number of items, volume and other data that allows the merchandise to be quantified.
- A description of the merchandise, its nature, condition, origin and other characteristics.
- Information that allows the merchandise to be identified.

Any irregularities shall be recorded on an official report, so that the necessary action can be taken, according to the prevailing circumstances.

Individuals and companies that import or export merchandise to or from Mexico are subject to the payment of foreign-trade taxes. Owners of transport vehicles are joint and severally responsible for the payment of such taxes and any other corresponding tariffs, including countervailing duties.

□ **TEMPORARY SEIZURE OF MERCHANDISE AND VEHICLES**

The customs authorities shall temporarily seize merchandise and the vehicles in which said merchandise is transported in the cases stipulated in Articles 151 and 152 of the Customs Law. These shall be subject to temporary confiscation and a preliminary administrative customs proceeding, and shall remain at the disposal of the competent authorities in the respective customs bureaus.

The merchandise shall be seized as a precautionary measure and an official report filed evidencing the initiation of the administrative customs proceeding. Said report should state that the interested party is entitled to a period of 10 days in which to submit evidence and pleadings in his defense. The report should be remitted immediately to the local tax authorities within whose jurisdiction the seizure took place, so that said authorities can process and issue a determination with regard to the customs proceeding.

The pre-judgment attachment may be substituted by the guarantees stipulated in the Federal Tax Code, except in the cases indicated in Article 183-A of the Customs Law.

Tractor-trailers, trucks, trailers, semi-trailers and containers transporting merchandise of foreign origin that is subject to temporary seizure shall not be impounded, provided these have entered the country legally, a letter of freightage is presented at the time of verification and the merchandise is deposited in the fiscal compound assigned by the customs authority.

**COMPETENT FEDERAL AUTHORITY**

Rosio Ruiz Chávez  
General Directorate of Foreign-Trade Services  
Ministry of Economy (S.E. DGNS)  
Insurgentes Sur 1940 San Angel  
Tel: 52 29 61 68 & 52 29 61 89  
Fax: 52 29 65 29 & 52 29 65 30

**BIBLIOGRAPHY**

Customs Law  
Regulations to the Customs Law  
Determination establishing Fiscal Rules of a General Nature Related to Foreign Trade

**PROCESSING OFFICES**

|   |  |
|---|--|
| <p>Tijuana B.C.N<br/>Lic. Guillermo Bracamontes Soto<br/>Ignacio Comonfort 15 piso 4o. Zona F&amp;o<br/>Tels. (66) 34 02 02 y (66) 34 01 55<br/>Fax. (66) 34 02 04</p>              | <p>Piedras Negras, Coah.<br/>Lic. Alejandro García Urteaga<br/>Zaragoza Sur 407,<br/>Tels. 878 2 26 42 y 878 2 20 79<br/>Fax. 878 2 58 20 (S.E.DGNS)</p>         |
| <p>Matamoros, Tamps.<br/>Lic. Carlos García Aguirre.<br/>Calle Honduras No. 600 Col. Modelo<br/>Tels. (88) 13 41 22 y (88) 13 49 68<br/>Fax. (88) 12 31 91</p>                      | <p>Nuevo Laredo, Tamps.<br/>Lic. Ignacio Guajardo Galindo<br/>Av. Guerrero 2902 Sector Centro<br/>Tels. (87) 14 01 96 y (87) 14 03 03<br/>Fax. (87) 14 02 51</p> |
| <p>Ciudad Juárez, Chih.<br/>Lic. Carlos Manuel Salas<br/>Av. de la Raza No. 4519<br/>Fraccionamiento del Colegio<br/>Tels. (16) 16 72 14 y (16) 16 67 52<br/>Fax. (16) 16 71 50</p> | <p>Nogales, Son.<br/>C.P. Luis Gustavo Ochoa Rivera<br/>Magdalena No. 12 Col. Granjas<br/>Tels. (631) 3 14 55 y (631) 3 14 61<br/>Fax. (631) 3 18 39</p>         |
| <p>Reynosa, Tamps.<br/>Lic. Ernesto Manuel Sánchez Maciel<br/>Blvd. Morelos 990 Piso 2, Col. San Ricardo<br/>Tels. (89) 26 48 43 y (89) 26 48 47<br/>Fax. (89) 26 31 28</p>         |  |

## □ PHYTOZOOSANITARY INSPECTIONS

The Ministry of Agriculture, Cattle-farming, Rural Development, Fishing and Food (SAGARPA) is responsible for determining standards and procedures for the importation of merchandise by business persons and tourists for use and consumption by the agricultural and industrial sectors, and points where such merchandise is permitted to enter the country, with a view to preventing the introduction and spread of plagues and agricultural diseases in Mexico.

International trade increases the possibility of plagues and contagious diseases being introduced into the country and regulatory measures are therefore necessary. The inspections conducted at points of entry to the country are assisted by diagnostic laboratories authorized by the Directorates of Vegetable and Animal Health. These inspections are Mexico's main phytozoosanitary defense.

Phytozoosanitary inspections are technical-operative procedures designed to confirm and ensure that phytosanitary and zoosanitary requirements are met, in addition to the requirements stipulated in the Official Mexican Standards. The corresponding importation phytozoosanitary certificate will be issued accordingly.

Phytosanitary or zoosanitary documentation evidencing compliance with established requirements for imported merchandise should be submitted to SAGARPA offices at the customs office through which said merchandise enters the country.

The phytozoosanitary health officer will check said documentation and, where applicable, will proceed to inspect the merchandise. The officer will then issue a Phytozoosanitary Importation Certificate in cases where this is required.

### COMPETENT FEDERAL AUTHORITY

Dr. Jorge L. Leyva Vázquez  
General Director of Phytosanitary Inspections at Ports, Airports and Borders  
Recreo 14 Piso 10, Col. Actipan, C.P. 323, México, D.F.  
Tel. 55-34-5-18  
55-34-21-43  
Fax. 55-34-24-2

### BIBLIOGRAPHY

Federal Vegetable Health Law  
Federal Animal Health Law

### PROCESSING OFFICES

Customer service modules at Agricultural Health Inspection Offices located at ports, airports and borders.

## □ ZOOSANITARY AUTHORIZATION

This is the approval given by the General Directorate for Animal Health, based on an analysis of importation risks. These risks are determined by a combination of factors applicable to the animal species, zootechnical function, product or sub-product, country of origin and/or exporting country and the different requirements that need to be met. Importers are informed of said prerequisites via the Zoosanitary Requirements Sheet.

Merchandise for which tariff fractions have been defined in the Agreement establishing the classification and codification of merchandise, whose importation is subject to regulation by SAGARPA, should meet all the conditions stipulated on the Zoosanitary Requirements Sheet issued by the General Directorate for Animal Health.

The aforementioned document informs importers of the zoosanitary requirements they must meet in each individual case for the temporary or definitive importation of animals, products, sub-products, biological, chemical, pharmaceutical and food products for animals or for animal consumption, which are subject to regulation by SAGARPA.

Prior to obtaining the Zoosanitary Requirements Sheet, the interested party should consult the Combinations Manuals approved by SAGARPA. This is available at customer service modules at authorized issuing units or can be consulted at the SAGARPA Internet page: <http://conasag.sagar.gob.mx/scripts/cwisapi.dll?service=catalog>. Customer service modules receive applications and requests for consultations, while the Zoosanitary Requirements Sheet will be printed out and delivered within five working days after the application is received.

The Zoosanitary Requirements Sheet consists of a sheet of paper bearing the official seal of the Ministry and should contain the following information:

- ◆ Animal species
- ◆ Zootechnical function (where applicable)
- ◆ Product, sub-product (where applicable)
- ◆ Country of origin
- ◆ Exporting country
- ◆ Applicable Zoosanitary requirements
- ◆ Validity of requirements
- ◆ Combination number approved by the General Directorate for Animal Health
- ◆ Official stamp of the issuing unit

Combinations that do not appear in the approved combinations manual should be requested in writing from the General Directorate for Animal Health, so that a zoosanitary risk analysis can be conducted. If approved, these combinations will be included in the animal health information system and in the approved Combinations Manual. In the event a combination is not approved, the user will be informed in writing of the reasons it was rejected.

**COMPETENT FEDERAL AUTHORITY**

MVZ Juan Garza Ramos  
General Director of Animal Health  
Ministry of Agriculture, Cattle-farming, Rural Development, Fishing and Food (SAGARPA)  
Recreo No. 14 Piso 11, Col. Actipan del Valle  
Tel. 55-34-51-11  
55-34-14-61

**BIBLIOGRAPHY**

Federal Law on Animal Health

Agreement establishing the classification and codification of merchandise whose importation is subject to regulation by the Ministry of Agriculture, Cattle-farming, Rural Development, Fishing and Food (SAGARPA) and its coordinating bodies, in addition to the diverse measures to improve regulatory standards, published in the Official Gazette of the Federation on July 23, 1999.

Agreement divulging the administrative procedures inscribed in the Federal Business Procedures Register applied by the Ministry of Agriculture, Cattle-farming, Rural Development, Fishing and Food (SAGARPA) and its coordinating bodies, in addition to the diverse measures to improve regulatory standards, published in the Official Gazette of the Federation on July 23, 1999.

Procedures Manual to obtain the Zoosanitary Requirements Sheet referred to in Articles 1 and 2 of the Agreement establishing the classification and codification of merchandise whose importation is subject to regulation by the Ministry of Agriculture, Cattle-farming, Rural Development, Fishing and Food (SAGARPA).

**PROCESSING OFFICES**

Customer service modules at SAGARPA Agricultural Health Inspection Offices located at:

|   |   |                              |   |
|---|---|------------------------------|---|
| Baja California Nte.<br>❖ Mexicali<br>❖ Tijuana | Chihuahua.<br>❖ Ojinaga<br>❖ Cd. Juárez | Coahuila<br>❖ Piedras Negras | Tamaulipas<br>❖ Reynosa<br>❖ Nuevo Laredo |
|---|---|------------------------------|---|

Regional SAGARPA offices located at:

|                |           |            |         |
|----------------|-----------|------------|---------|
| Aguascalientes | Michoacán | Nuevo León | Sonora  |
| Yucatán        | Veracruz  | Colima     | Jalisco |
| Guanajuato     |           |            |         |

## □ PHYTOSANITARY REGULATIONS

The regulation of products and sub-products of vegetable origin is based on the provisions of the "Agreement establishing the classification and codification of merchandise whose importation is subject to regulation by SAGAR," published in the Official Gazette of the Federation on December 8, 1997; the provisions of the modifying Agreement to the latter, which establishes "the classification and codification of merchandise whose importation is subject to regulation by SAGAR", published in the Official Gazette of the Federation on October 8, 1999; and Official Mexican Standards pertaining to phytosanitary regulations.

Article 3 of the aforementioned Agreement stipulates that a visual inspection must be made of the product at the point of entry to the country. This inspection will be conducted by personnel from Agricultural Health Inspection Offices at ports, airports and borders to determine whether or not the product in question poses a health risk.

Those products and sub-products of vegetable origin referred to in Article 4 are subject to compliance with the prerequisites stipulated on the Phytosanitary Requirements Sheet (HRF) or the provisions of the Official Mexican Standards, which deal with phytosanitary requirements and specifications for the importation of said products and sub-products.

The National Agricultural Health Commission, via the General Directorate for Vegetable Health, issues HRFs for the importation of vegetable products and sub-products. This sheet states the requirements that the interested party must comply with when the product to be imported is not covered by a specific, official standard.

The HRF can be obtained from the General Directorate for Vegetable Health or State Offices of the Ministry of Agriculture, Cattle-farming, Rural Development, Fishing and Food (SAGARPA) nation-wide. The interested party is required to submit an HRF application on the official form provided for such purposes and should attach a copy of Form 05 evidencing the payment of fees (\*) to the Finance Ministry (SHCP). Said fees should be paid at the current applicable rate and should be identified on the form under code 40056, which corresponds to "Certification, Technical Services, Approval and Issuance." The HRF and 05 forms should both be filled in by typewriter or in block letters.

(\* Since this amount may vary, the interested party is required to cover the applicable rate at the time of payment.)

A negative or affirmative response to the application will be provided within 10 working days, as per the "Procedures manual for the compliance of phytosanitary requirements referred to in Articles 3 and 4 of the Agreement establishing the classification and codification of merchandise whose importation is subject to regulation by SAGAR," published in the Official Gazette of the Federation on September 21, 1999.

In the case of imports of vegetable products not covered by Official Mexican Standards per species and country of origin, or that do not appear in the database of phytosanitary requirements, the imported product will be subject to the provisions of the Official Mexican Standard NOM-006-FITO-1996, published in the Official Gazette of the Federation on February 26, 1996, which stipulates the minimum general requirements applicable to vegetables, vegetable products and sub-products destined for importation, when these are not covered by a specific official standard, so that a plague-risk analysis can be performed on these products.

The Official Mexican Standards dealing with requirements for the importation of vegetable products and sub-products are:

- ◆ Official Mexican Standard NOM-007-FITO-1995, published in the Official Gazette of the Federation on November 30, 1998 and which deals with phytosanitary requirements and specifications for the importation of spreadable organic materials.
- ◆ Official Mexican Standard NOM-008-FITO-1995, published in the Official Gazette of the Federation on July 8, 1996 and which deals with phytosanitary requirements and specifications for the importation of fresh fruits and vegetables.
- ◆ Official Mexican Standard NOM-009-FITO-1995, published in the Official Gazette of the Federation on September 18, 1996 and which deals with phytosanitary requirements and specifications for the importation of cut flowers and fresh foliage.
- ◆ Official Mexican Standard NOM-028-FITO-1995, published in the Official Gazette of the Federation on October 12, 1998 and which deals with phytosanitary requirements and specifications for the importation of grains and seeds, except those used for planting purposes.
- ◆ Official Mexican Standard NOM-044-FITO-1995, published in the Official Gazette of the Federation on January 16, 1998 and which deals with phytosanitary requirements and specifications for the importation of nuts, processed and dried vegetable products and sub-products.
- ◆ Official Mexican Standard NOM-062-FITO-1995, published in the Official Gazette of the Federation on January 16, 1998 and which deals with phytosanitary requirements and specifications for the importation of vegetables, vegetable products and sub-products via mail or courier services.

In accordance with these Official Mexican Standards, the importation of the aforementioned products will depend on their compliance with said standards, based on an evaluation conducted by the competent authorities or by certification agencies, test or calibration laboratories or by verification units that have been accredited and approved as per the provisions of the Federal Law on Metrology and Standardization, and its Regulations.

**COMPETENT FEDERAL AUTHORITY**

Dr. Jorge Hernández Baeza  
General Director of Vegetable Health  
National Agricultural Health Commission  
Ministry of Agriculture, Cattle-farming, Rural Development, Fishing and Food (SAGARPA)  
Guillermo Pérez Valenzuela 127, Col. Del Carmen, Coyoacán  
C.P. 4100. México, D.F.  
Tel: 55.54.5.12  
Fax: 55.54.5.29

**BIBLIOGRAPHY**

Federal Law on Vegetable Health  
NOM-006-FITO-1996 (SAGARPA.DGSV)  
NOM-007-FITO-1995 (SAGARPA.DGSV)  
NOM-008-FITO-1995 (SAGARPA.DGSV)  
NOM-009-FITO-1995 (SAGARPA.DGSV)  
NOM-028-FITO-1995 (SAGARPA.DGSV)  
NOM-029-FITO-1995  
NOM-044-FITO-1995 (SAGARPA.DGSV)  
NOM-062-FITO-1995 (SAGARPA.DGSV)

**PROCESSING OFFICES**

The Phytosanitary Requirements Sheet (HRF) can be obtained from the General Directorate of Vegetable Health located at Guillermo Pérez Valenzuela No. 127, Col. Del Carmen, Coyoacán, C.P. 04100, México, D.F.

Further information can be obtained by calling the Phytosanitary Authorizations Department at 5554-03-41, Ext. 164 or from state offices of SAGARPA throughout the country.

**INSPECTION OFFICES**

Agricultural Health Inspection Offices located at ports, airports and borders.

## □ **IMPORTATION AND EXPORTATION OF WILD FLORA AND FAUNA**

The circulation and transportation in Mexico of wild species of flora and fauna from abroad and their exportation is regulated by environmental legislation. Authorization for the importation or exportation of such species is granted based on:

- ◆ Article 32 bis of the reform decree that adds several provisions to the Organic Public Federal Administration Law, published in the Official Gazette of the Federation on November 30, 2000.
- ◆ Article 59, Subrules VII and VIII of SEMARNAP internal regulations.
- ◆ Article 194-F of the Federal Rights Law.
- ◆ Article 9, Subrule XIII and Articles 29, 30, 31, 33, 53, 54 and 55 of the General Law on Wildlife, published in the Official Gazette of the Federation on July 3, 2000.
- ◆ Article 79, Subrules I, III and VI, Article 80, Subrules I and II and Articles 82,, 84, 85, 86 and 87 of the General Law on Ecological Equilibrium and Environmental Protection.
- ◆ Modifications to the Procedures Manual for the importation and exportation of wild and aquatic species of flora and fauna, their products and sub-products, and for the importation of forestry products subject to regulation by the Ministry of the Environment and Natural Resources, published in the Official Gazette of the Federation on March 26, 1999.
- ◆ The Agreement establishing the classification and codification of merchandise whose importation is subject to regulation by the Ministry of the Environment and Natural Resources, published in the Official Gazette on November 30, 2000.

## □ **CITES CERTIFICATE REQUIREMENTS**

In order to obtain CITES certificates for the importation, exportation and re-exportation of wildlife specimens, products and sub-products belonging to the species listed in Appendixes I, II and III of the Convention on International Trade in Endangered Species of Wild Flora and Fauna, the importer, exporter, re-exporter, customs officer or representative should fill out the corresponding application form and attach the documents specified in the modifications to the Procedures Manual for the importation and exportation of wild and aquatic species of flora and fauna, their products and sub-products, and for the importation of forestry products subject to regulation by the Ministry of the Environment and Natural Resources. Said application form should be sent by mail or courier service or submitted in person to the customer service module at the General Directorate for Wildlife (INE-SEMARNAT), and should contain the following information:

- a) Name of the individual or company
- b) Full address
- c) Product description (common name, scientific name, quantity and unit of measurement, according to the tariff fraction under which the product is to be imported).
- d) Importation or exportation regime (definitive or temporary)
- e) County of origin and exporting country
- f) UMA registration (where applicable)
- g) Purpose
- h) Final destination (name of individual or company and full address)
- i) Customs bureau through which the product enters or leaves the country (Mexican ports, airports and borders)

## □ AUTHORIZATION REQUIREMENTS

To obtain authorization for the importation, exportation or re-exportation of wildlife specimens, products and sub-products the importer, exporter, re-exporter, customs officer or representative should fill out the corresponding application form and attach the documents specified in the modifications to the Procedures Manual for the importation and exportation of wild and aquatic species of flora and fauna, their products and sub-products, and for the importation of forestry products subject to regulation by the Ministry of the Environment and Natural Resources. Said application form should be sent by mail or courier service or submitted in person to the customer service module at the General Directorate for Wildlife, and should contain the following information:

- a) Name of the individual or company
- b) Full address
- c) Product description (common name, scientific name, amount and unit of measurement).
- d) Importation or exportation regime (definitive or temporary)
- e) County of origin and exporting country
- f) UMA registration (where applicable)
- g) Purpose
- h) Final destination (name of individual or company and full address)
- i) Quantity and presentation or form of the specimens, their products and sub-products.
- j) Customs bureau through which the product enters or leaves the country (Mexican ports, airports and borders).

## ◆ INSPECTIONS

The Federal Attorney's Office for Environmental Protection is responsible for inspecting the importation, exportation and re-exportation of wildlife specimens, products and sub-products subject to regulation by SEMARNAT at Mexican ports, airports and borders.

PROFEPA will conduct the aforementioned inspections via its competent administrative units. These will be performed by duly accredited personnel, wearing official identification tags.

|                                    |
|------------------------------------|
| <b>COMPETENT FEDERAL AUTHORITY</b> |
|------------------------------------|

Dr. Ezequiel Ezcurra R.  
President of the National Ecology Institute (INE)  
Ministry of the Environment and Natural Resources  
Av. Revolución No. 1425, Col. Tlacopac  
C.P. 01040 México, D.F.  
Tel: 56 24 34 00, 56 26 34 01 & 56 24 34 03  
Fax: 56 24 35 98

**BIBLIOGRAPHY**

General Law on Ecological Equilibrium and Environmental Protection  
General Wildlife Law

Agreement establishing the classification and codification of merchandise whose importation and exportation is subject to regulation by the Ministry of the Environment and Natural Resources, published in the Official Gazette of the Federation on November 30, 2000.

Procedures Manual for the importation and exportation of wild and aquatic species of flora and fauna, their products and sub-products, and for the importation of forestry products subject to regulation by the Ministry of the Environment and Natural Resources, published in the Official Gazette of the Federation on March 26, 1999.

**PROCESSING OFFICES**

Central Offices  
General Directorate for Wildlife  
Dr. Fernando Clemente Sánchez  
National Ecology Institute (INE)  
Av. Revolución No. 1425, Col. Tlacopac  
C.P. 01040, México D.F.

□ **ACCESS REQUIREMENTS FOR THE IMPORTATION AND EXPORTATION OF HAZARDOUS MATERIALS AND WASTE PRODUCTS**

The importation and exportation of hazardous materials and waste products are subject to the restrictions stipulated by the Executive Branch of the Federal Government.

In all cases, the following legal provisions should be complied with:

◆ **CUSTOMS LAW**

The Customs Law stipulates that explosive, flammable, corrosive, polluting and radioactive material will not be allowed to enter the country, unless authorization has been granted by the competent authority. Merchandise of this nature will be stored in appropriate places that meet the safety requirements of the product in question, such as compounds controlled by customs authorities.

The documentation for such merchandise should indicate whether or not it is polluting or radioactive or if it requires special handling.

An inspection will be conducted by trained personnel. In the event that a trained member of staff is not available, the merchandise will be seized for inspection at a later date by the authorities.

◆ **ENVIRONMENTAL LAW**

The Ministry of the Environment and Natural Resources is responsible for the regulation and control of the production and handling of hazardous materials and waste products.

Regulation of the handling of hazardous materials and waste products includes their use, collection, storage, transportation, reuse, recycling, treatment and final disposal.

The Ministry of the Environment and Natural Resources is responsible for the control and environmental monitoring of hazardous materials and waste products destined for importation or exportation, via the application of the corresponding safety measures, without this affecting the applicable provisions of the Customs Law.

The importation of merchandise for the purposes of its disposal, deposit, storage or confinement in Mexico is not permitted, nor is importation permitted when the use of said merchandise is prohibited in the country in which it was produced.

Authorization will not be granted for the transportation in Mexico of hazardous materials that do not comply with specifications for the use and consumption purposes for which they were produced, or whose production, use or consumption is prohibited or restricted in the country for which they are destined. Likewise, the transportation in Mexico of hazardous waste products will not be authorized when said materials or products are of foreign origin and are destined for re-exportation to a third country.

Authorization for the exportation of products destined exclusively for final disposal or treatment abroad will be subject to the express consent of the importer.

Hazardous materials and waste products produced as a result of manufacturing or repair processes, and in which raw materials introduced to the country under the temporary importation regime are used, should be returned to the exporting country within the agreed period.

The granting of authorization for the importation or exportation of hazardous materials and waste products will depend on the ability of the interested party to guarantee full compliance with all applicable legislation and compensation for any damages or injury said imports or exports may cause.

Failure to comply with this legislation may result in the levying of a fine and authorization may be revoked in the following cases:

- ◆ When, due to supervening causes, it is proven that there is a greater environmental risk associated with the product than that taken into account when the authorization was first granted.
- ◆ When the interested party fails to comply with the requirements stipulated in the importation or exportation authorization issued by the Ministry of the Environment and Natural Resources.
- ◆ When the hazardous materials or waste products no longer possess the attributes or characteristics on whose basis authorization was initially granted.
- ◆ When the authorization is transferred to someone other than the person who applied for it, when the application form is found to contain false information and when said information is presented in such a way that conceals the truth, thereby preventing a correct evaluation of the application from being made.

□ **REQUIREMENTS FOR THE IMPORTATION OF HAZARDOUS WASTE PRODUCTS**

The interested party is required to:

- Request information and guidance regarding this procedure from the National Ecology Institute's Directorate for Hazardous Waste Products.
- If this is the first such application made, the form entitled "Importation or Exportation of Hazardous Materials or Waste Products Declaration" should be obtained from the National Ecology Institute (INE), filled in and submitted at the customer service module of said Institute. The declaration should contain the following information:
  1. Proof of address of the company for which the product is destined (importation).
  2. A diagram indicating the location of the receiver-company should be attached on a sheet of letter paper (8.5 x11 inches), showing the surrounding streets and area and the exact location inside the building where the product is to be deposited.
  3. A diagram of the route to be followed from the port of entry to the country (via land or sea) to the final destination should be attached on a sheet of letter paper (8.5 x 11 inches), indicating the major towns and villages through which the shipment will pass.
  4. A copy of the carrier's insurance policy, which should be in effect and cover civil liability for damage to third parties and to the environment caused during transportation.

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5. The technical specifications of the hazardous waste products to be imported, including the composition of the product and its physical and chemical properties.
6. A contingency program in the event of leakage during loading, transportation or unloading and accidents.
7. Payment of fees (\*) for the reception, evaluation of the application and, where applicable, authorization for the importation of hazardous waste products.  
(\*This amount will be determined based on the tariff stipulated in the Federal Rights Law currently in effect.)
8. At the petition of the INE, the interested party must put up a bond to guarantee compliance with the authorization for the amount of 2,500 Mexican pesos per ton of waste material to be imported, on the form provided by the INE.

In the case of subsequent applications, the following documentation should be provided:

1. Application form entitled " Importation or Exportation of Hazardous Materials or Waste Products Declaration", supplied by the INE.
2. A copy of the bond policy guaranteeing compliance with the authorization.
3. Payment of fees (\*) for the reception, evaluation of the application and, where applicable, authorization for the importation of hazardous waste products.  
(\*This amount will be determined based on the tariff stipulated in the Federal Rights Law currently in effect.)
4. Proof of compliance with the provisions of Article 49 of the Regulations to the General Ecological Equilibrium Law on Hazardous Waste Products.

**□ REQUIREMENTS FOR THE EXPORTATION OF HAZARDOUS WASTE PRODUCTS**

1. Exportation of Hazardous Materials or Waste Products Declaration.
2. A diagram indicating the location of the company where the waste products are stored, showing the surrounding streets and area and the exact location inside the building where the product is stored.
3. A diagram of the route to be followed from the loading bay to the point of exit (via land or sea), indicating the major towns and villages through which the shipment will pass.
4. A copy of the carrier's insurance policy, which should be in effect and should cover civil liability for damage to third parties and to the environment caused during transportation.
5. Proof of address of the exporting company.
6. A contingency program in the event of leakage during loading, transportation or unloading and accidents.
7. OECD export notification forms and/or the Basle format, supplied by the INE.
8. Letter of acceptance of the waste product by the importing company.
9. A bond to guarantee compliance with the authorization for the amount of 2,500 Mexican pesos per ton of waste material to be exported, on the form provided by the INE.
10. Payment of fees (\*) for the reception, evaluation of the application and, where applicable, authorization for the importation of hazardous waste products.  
(\*This amount will be determined based on the tariff stipulated in the Federal Rights Law currently in effect.)

In the case of subsequent applications, the following documentation should be provided:

1. Exportation of Hazardous Materials or Waste Products Declaration
2. A copy of the bond policy guaranteeing compliance with the authorization.
5. Proof of compliance with the provisions of Article 49 of the Regulations to the General Ecological Equilibrium Law on Hazardous Waste Products.
6. Payment of fees (\*) for the reception, evaluation of the application and, where applicable, authorization for the exportation of hazardous waste products.  
(\*This amount will be determined based on the tariff stipulated in the Federal Rights Law currently in effect.)

□ **SEMARNAT AUTHORIZATION REQUIREMENTS FOR THE COLLECTION AND TRANSPORTATION OF HAZARDOUS WASTE PRODUCTS**

**A. Information recorded in the Federal Business Procedures Register (RFTE)**

**1. PRESENTATION**

1.1 The application should be presented on an ordinary sheet of paper.

1.2 No additional information to that stipulated in Article 3, Subrule I of the Agreement dated February 21, 2000 may be requested.

1.2.1 Application for authorization to collect and transport:

1.2.1.1 Hazardous industrial waste

1.2.1.2 Biphenyl polychloro and/or hexachloro waste products, or

1.2.1.3 Hazardous biological-infectious waste products

1.2.2 General information regarding the company:

1.2.2.1 Start-up date of operations

1.2.2.2 General information (optional)

1.2.2.2.1 Number of direct jobs to be created

1.2.2.2.2 Number of indirect jobs to be created

1.2.2.2.3 Estimated investment (Mexican pesos), and

1.2.2.3 Name and signature of the technician responsible for providing the above information.

1.3 No additional documents to those stipulated in the provisions of Article 3, Subrule II of the Agreement and those listed below may be requested:

1.3.1 The interested party must make a sworn statement to the effect that he has been granted a permit by the Communications and Transport Ministry (SCT) for the transportation of hazardous materials and waste products.

1.3.2 Registration of the vehicles to be used to transport said materials.

1.3.3 Insurance policy covering civil liability for damages to third parties and the environment, as per the applicable legal provisions regarding transportation.

1.3.4 Contingency program:

1.3.4.1 A detailed description of the actions, measures, works, equipment, instruments or materials at the disposal of the interested party for the

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control of environment contingency situations caused by emissions, leaks, spillage, explosions and fire that may arise during the course of the operations carried out by the company in the collection and transportation of hazardous waste products.

1.3.5 Training Program:

1.3.5.1 Training program for personnel involved in the handling of hazardous waste products.

1.3.6 Information to be supplied only in the case of activities involving the collection and transportation of hazardous industrial waste:

1.3.6.1 A description of the vehicles to be used:

1.3.6.1.1. A list of the vehicles to be used in the transportation of hazardous waste products, including the following information for each individual vehicle:

1.3.6.1.1.1. License plate number

1.3.6.1.1.2. Serial number

1.3.6.1.1.3. Model

1.3.6.1.1.4. Type

1.3.6.1.1.5. Capacity, and

1.3.6.1.1.6. Type of container (tanks, barrels, drums, etc.)

1.3.6.1.1.7. Include photographs

1.3.6.2. A description of the waste products

1.3.6.3. A list of the hazardous waste products to be transported, including their characteristics and physical properties.

1.3.7. Information to be supplied only in the case of activities involving the collection and transportation of hazardous biological-infectious waste:

1.3.7.1. A description of the vehicles to be used:

1.3.7.1.1. A list of the vehicles to be used in the transportation of hazardous waste products, including the following information for each individual vehicle:

1.3.7.1.1.1. License plate number

1.3.7.1.1.2. Serial number

1.3.7.1.1.3. Model

1.3.7.1.1.4. Type

1.3.7.1.1.5. Gross vehicle weight (PBV) in kilograms, and

1.3.7.1.1.6. Vehicle weight (PV) in kilograms

1.3.7.1.1.7. Photographs showing the automated loading and unloading system, cooling system, lixiviation system and the hermetic container.

1.3.7.2. Details of the place where the containers and vehicles are washed, and available water-treatment facilities, if any.

- 1.3.8. Information to be supplied only in the case of activities involving the collection and transportation of biphenyl polychloro (BPCs) and/or hexachloro waste (HEXAs) for their subsequent exportation:
    - 1.3.8.1. Collection:
      - 1.3.8.1.1. Information pertaining to the activity that is to be carried out:
        - 1.3.8.1.1.1. Description of *in situ* preparations to accommodate the product, with details of specific activities for the identification of transformers containing BPCs, their drainage, transferal, conditioning of liquids, packaging of capacitors and transformers, solids, polluted materials, compacting of drums, packaging, collection and shipment to their final destination.
        - 1.3.8.1.1.2. Description of the preparatory work performed on the place where the above-mentioned activities are to be carried out.
        - 1.3.8.1.1.3. Description and specifications for the types of drums and containers that are to be used in the above-mentioned activities, and
        - 1.3.8.1.1.4. Details of training programs for personnel involved in the handling of biphenyl polychloro and/or hexachloro waste products.
      - 1.3.8.1.2. Contingency program:
        - 1.3.8.1.2.1. Contingency program for emergencies arising during all operations involving the collection of BPCs and HEXAs:
    - 1.3.8.2. Transportation:
      - 1.3.8.2.1. If this activity is to be carried out, the provisions of paragraph 1.3.6 must be complied with.
- 1.4 The original application should be submitted together with a copy.

## **2. Determination**

- 2.1 A determination with regard to the application should be issued and made available to the applicant within a period of 30 working days.

## **NOTICE OF THE RETURN OF WASTE PRODUCTS**

### **1. PRESENTATION**

- 1.1 The notice should be submitted using the format published in the Official Gazette of the Federation on November 4, 1998: Notice of the Return of Waste Products
- 1.2 No additional information to that stipulated in Article 3, Subrule I of the Agreement dated February 21, 2000 may be requested:
  - 1.2.1. General information
    - 1.2.1.1. Producer-company
      - 1.2.1.1.1. Industrial sector
      - 1.2.1.1.2. Environmental registration number
      - 1.2.1.1.3 Start-up date of operations

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1.2.1.2. Receiver-company

1.2.1.2.1. Company name

1.2.1.2.2. EPA number

1.2.1.2.3. Location

1.2.1.2.4. Legal representative

1.2.1.2.5. Telephone number

1.2.1.3. Service company

1.2.1.3.1. Company name

1.2.1.3.2. Environmental registration number

1.2.1.3.3. Location

1.2.1.3.4. Legal representative

1.2.1.3.5. Telephone number

1.2.2. Information pertaining to the waste product

1.2.2.1. Description of the waste product

1.2.2.2. Quantity (tons)

1.2.2.3. Type

1.2.2.4. Hazardous characteristic (CRETIB)

1.2.2.5. INE number for the waste product

1.2.2.6. EPA code for the waste product

1.2.2.7. Type of handling it requires

1.2.3 Most important components of the waste product

1.2.4 Information pertaining to the use or recovery of the waste product

1.2.5. In the event of an accident involving the waste product, please state:

1.2.5.1. Any special handling it requires

1.2.5.2 Person to be contacted in such an event \_\_\_\_\_

1.2.6. Shipment information:

1.2.6.1. Customs bureau through which the product is to leave the country

1.2.6.2. EPA number of the Hazardous Waste Products Declaration

1.2.6.3. Carrier

1.2.6.4 INE authorization number

1.2.6.5. Location

1.2.6.6 Type of transportation

1.2.6.7. Type of container

1.2.6.8. Capacity

1.2.6.9. State in which the waste product is to be transported

1.2.6.9.1. Liquid

1.2.6.9.2 Solid, or

1.2.6.9.3. Semi-solid

1.2.6.10. Route to be followed, and

1.2.7. Certification that all the information included in the notice is complete and veridical, and that all known or suspected risks associated with the product have been declared.

1.3. No additional information to that stipulated in Article 3, Subrule II of the Agreement dated February 21, 2000, or to the information listed below may be requested:

1.3.1. If this is the first such notice filed:

1.3.1.1. Proof of address of the producer-company

1.3.1.2. A diagram of the route to be followed by the shipment from the loading bay to its final destination, indicating the major towns and villages through which it will pass.

1.3.1.3. Insurance policy of the carrier covering civil liability for injury to third parties and to the environment caused during transportation. In the event that the producer-company already has such insurance coverage, this may be considered valid by SEMARNAT for the fulfillment of this obligation.

1.3.1.4. Authorization from the Ministry of Economy to take part in the PITEX program, where applicable.

1.3.1.5. Contingency program in the event of leakage during loading, transportation, unloading and accidents.

1.3.2. For subsequent notices, the following documentation is required:

1.3.2.1. Insurance policy of the carrier covering civil liability for injury to third parties and to the environment caused during transportation. In the event that the company that produced the waste product already has such insurance coverage, this may be considered valid by SEMARNAT for the fulfillment of this obligation.

## **2. DETERMINATION**

2.1. Since this procedure applies only to notices, no determination is required.

2.2. In the event that information is missing from the notice, the omission should be communicated within 3 working days following reception of the notice, as per Article 6 of this Agreement.

2.3. In the event of an omission, the interested party is required to provide the missing information within two working days following notification of said omission. The interested party is entitled to a period of up to five working days in which to return the hazardous waste products, and will not be prevented from doing so by reason of the above-mentioned omissions.

|                                    |
|------------------------------------|
| <b>COMPETENT FEDERAL AUTHORITY</b> |
|------------------------------------|

Dr. Ezequiel Ezcurra Real de Azúa  
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Ministry of the Environment and Natural Resources  
Av. Revolución No. 1425, Col. Tlacopac  
C.P. 01040 México, D.F.  
Tel: 56 24 34 , 56 24 34 02 & 56 24 34 03  
Fax: 56 24 35 98

**BIBLIOGRAPHY**

General Law on Ecological Equilibrium and Environmental Protection (Official Gazette of the Federation, December 13, 1996)

Regulations to the General Law on Ecological Equilibrium and Environmental Protection pertaining to Hazardous Waste Products (Official Gazette of the Federation, November 25, 1998)

Agreement establishing the classification and codification of merchandise whose importation and exportation is subject to regulation by the Ministry of the Environment and Natural Resources (Official Gazette of the Federation, November 30, 2000)

Agreement divulging the procedures registered in the Federal Business Procedures Register, which applies to the Ministry of the Environment and Natural Resources and its decentralized administrative agencies and which establishes diverse measures intended to improve regulatory standards (Official Gazette of the Federation, February 21, 2000)

**PROCESSING OFFICES**

General Directorate for Hazardous Activities, Materials and Waste Products  
National Ecology Institute (INE)  
Av. Revolución No. 1425, Col. Tlacopac, 01040, México D.F.  
Tels. 56 24 34 00, 56 24 34 1, 56 24 34 2 y 56 24 34 03

◆ **LAW ON FIREARMS AND EXPLOSIVES**

Weapons, objects and materials covered by the Federal Law on Firearms and Explosives are imported under permits authorized by the Ministry of Economy and under ordinary, extraordinary and general permits issued by the Ministry of Defense (SEDENA).

In order to obtain an export permit, the interested party is required to provide evidence that an import permit has been issued by the government of the country for which the merchandise is destined.

When weapons, objects and materials arrive at customs for importation or exportation, SEDENA will be notified, so that a government representative can be assigned to assist in the customs clearance procedure.

**COMPETENT FEDERAL AUTHORITY**

General Brigadier Diplomat of the Major Staff José Enrique Ortega Iniestra  
General Directorate for the Federal Firearms and Explosives Control Register of the Defense Ministry  
Campo Militar No. 1-J (Predio Reforma D.F.)  
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Fax: 56 26 59 05

**BIBLIOGRAPHY**

Federal Law on Firearms and Explosives  
Regulations to the Federal Law on Firearms and Explosives

**PROCESSING OFFICES**

Applications should be submitted to the military zone of each Border State for remittance to the Central Sector of SEDENA

**c) ACCESS REQUIREMENTS FOR VEHICLES**

**□ TEMPORARY IMPORTATION OF TRAILERS**

Trailers and semi-trailers (including platforms designed exclusively for the transportation of new or used containers used to transport merchandise), which are used to introduce merchandise into Mexico or that are driven for exportation purposes and which are introduced into the country for a period of 30 day, do not require prior authorization from the Ministry of Economy, as per the provisions of Article 106 of the Customs Law currently in effect, published in the Official Gazette of the Federation on December 31, 1998.

The entry and exit of trailers and semi-trailers is controlled via an open application, and the intervention of a customs officer is not required. Alternatively, the characteristics of the trailer or semi-trailer will be recorded on the copy of the carrier's import papers.

**◆ CUSTOMS INSPECTION**

Drivers of vehicles transporting merchandise destined for importation or exportation are required to:

- Accede to inspections by customs authorities on entering and leaving the country.
- Enforce measures that ensure compliance with the Customs Law.
- Present the necessary documentation for their vehicles and the merchandise transported therein.
- Present the merchandise, declaration and other necessary documents, using the forms approved by the Finance Ministry (SHCP).
- Declare any excess or missing cargo.
- Ensure that the security tags fitted to the vehicle and the load by customs authorities remain intact.
- Identify containers carrying explosive, flammable, polluting, radioactive or corrosive merchandise with the marks or symbols that are obligatory for international carriers. (For purposes of the Regulations for the Ground Transportation of Hazardous Materials or Waste Products, the terms "mark" or "symbol" shall be understood as a sign or label, while the term "container" shall be taken to mean the merchandise package or bottle.)

The customs inspection will be conducted via the Integral Automated Customs System (SAAI), which is used for clearance of foreign-trade merchandise, provided the vehicles:

- Are transporting merchandise subject to NAFTA.
- Have been granted permits by the Communications and Transport Ministry (SCT) and are equipped with cross-border transportation license plates, registrations and stickers.
- In the case of hazardous waste products, vehicles must have authorization from SEMARNAT.

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The schedule for customs bureaus in Mexico has been extended and these now operate longer hours, in addition to weekends and public holidays. As a result, customs offices on the Mexican-United States border now operate on a similar schedule.

**COMPETENT FEDERAL AUTHORITIES**

Rosio Ruiz Chávez  
General Directorate of Foreign-Trade Services  
Ministry of Economy (S.E. DGNS)  
Insurgentes Sur 1940 San Angel  
Tel: 52 29 61 68 & 52 29 61 89  
Fax: 52 29 65 29 & 52 29 65 30

Omar Fayad Meneses  
General Customs Administration  
Finance Ministry (SHCP)  
Av. Hidalgo No. 77 Módulo IV Col. Centro  
Tel: 52 28 33 55 & 52 28 34 36  
Fax: 52 28 33 50 & 52 28 33 53

**BIBLIOGRAPHY**

Customs Law  
Regulations to the Customs Law  
Determination establishing General Fiscal Rules Related to Foreign Trade

**PROCESSING OFFICES**

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Ignacio Comonfort 15, piso 4o. Zona Río  
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Nogales, Son.  
C.P. Luis Gustavo Ochoa Rivera  
Magdalena No. 12 Col. Granjas  
Tels. (631) 3 14 55 y (631) 3 14 61  
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Reynosa, Tamps.  
Lic. Ernesto Manuel Sánchez Miciel  
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Piedras Negras, Coah.  
Lic. Alejandro García Urteaga  
Zaragoza Sur 407,  
Tels. (878) 2 28 42 y (878) 2 20 79  
Fax (878) 2 43 80 (S.E. DGNS)

Matamoros, Tamps.  
Lic. Carlos García Aguirre (S.E. DGNS)  
Calle Honduras No. 600 Col. Modelo  
Tels. (88) 13 41 22 y (88) 13 40 68  
Fax (88) 12 31 91

Ciudad Juárez, Chih.  
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Nuevo Laredo, Tamps.  
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Fax (87) 14 02 51

**Se omiten las páginas 39 a la página 46, en tanto  
no se definan criterios**

Description of the vehicles and photographs

- Description of the waste products

□ **AUTHORIZATION REQUIREMENTS FOR THE COLLECTION AND TRANSPORTATION OF HAZARDOUS WASTE PRODUCTS**

See page 30 of this Manual

□ **NOTICE OF THE RETURN OF WASTE PRODUCTS**

See page 32 of this Manual

□ **DECLARATION OF DELIVERY, TRANSPORTATION AND RECEPTION OF HAZARDOUS WASTE PRODUCTS**

The producer-company is required to furnish the carrier with a duly signed original and two copies of the declaration for each volume of waste.

The carrier should keep one of these copies for his records and sign the original of the declaration, which should be delivered to the receiver-company, together with a copy, at the time the hazardous waste product is delivered for its final disposal or treatment.

The receiver-company should keep the copy of the declaration delivered by the carrier for his records and should sign the original, which will then be remitted immediately to the producer-company.

The original declaration and the copies should be maintained on record by these persons, as follows:

- In the case of the producer-company, for a period of ten years as of the date the original declaration is remitted by the receiver-company.
- In the case of the carrier, for a period of five years as of the date on which the hazardous waste product is delivered to the receiver-company.
- In the case of the receiver-company, for a period of ten years as of the date on which the hazardous waste product is received. Once this period has elapsed, said documentation should be remitted to the Ministry of the Environment and Natural Resources in the form stipulated by the latter.

In the event that the producer-company does not receive a duly signed copy of the declaration from the receiver-company within a period of 30 calendar days after the latter has received the hazardous waste product, the producer-company is required to notify the Ministry of the Environment and Natural Resources, which will decide on the corrective measures to be taken.

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Every six months, the carrier and the receiver-company are required to furnish the Ministry of the Environment and Natural Resources with a report on the hazardous waste products that have been received during this period for transportation or final disposal. The format of said report will be determined by the Ministry.

In the event that the producer-company hires the services of a delivery company to transport hazardous waste products, said carrier must comply with the following requirements:

- Provide evidence of authorization from the Ministry of the Environment and Natural Resources.
- Request the original declaration and two copies from the producer-company.
- Sign the original declaration furnished by the producer-company.
- Ensure that the hazardous waste is correctly identified and stored in appropriate containers.
- Comply with the applicable safety and hygiene provisions, in addition to any applicable traffic, transport and communications regulations.
- Furnish the Ministry of the Environment and Natural Resources with a report every six months on the hazardous waste received for transportation purposes during this period.

Vehicles employed in the transportation of hazardous waste products require a permit from the Transport and Communications Ministry (SCT). Once they have been registered with the SCT for such purposes, these trailer units may only be used for the transportation of hazardous waste. This regulation does not apply to tractor units that do not come into direct contact with hazardous waste products.

Carriers are required to comply with equipment maintenance programs and vehicle operators should be supplied with protective equipment, according to the type of waste that is being transported.

In the event of leaks, contamination, spillage or accidents involving hazardous waste products, the Ministry of the Environment and Natural Resources should be notified immediately. Said notification should be ratified in writing and should contain the following information:

- Identification, address and telephone numbers of the owners, holders, administrators or persons responsible for the hazardous waste product.
- Location and characteristics of the place where the accident occurred.
- Cause of the accident.
- A detailed description of the physical, chemical and toxic properties of the product, in addition to the amount of waste product that was spilled or leaked as a result of the accident.
- Measures taken to contain the impact of the accident.
- Measures taken to clean or restore the affected area to its former conditions.
- Potential damage caused to ecosystems as a result of the accident.

**COMPETENT FEDERAL AUTHORITY**

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Hazardous Waste Products

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## **♣ NATIONAL DEFENSE MINISTRY PERMIT FOR THE TRANSPORTATION OF EXPLOSIVES.**

Those who pretend to permanently dedicate themselves to the transportation of explosive material and dangerous chemical substances, must observe that which is decreed in the Federal Law of Firearms and Explosives and its regulation, and must obtain a permit from the National Defense Ministry (SEDENA) for specialized transportation of explosive material and dangerous chemical substances. The permit can be of any of the following three:

- General, which will be granted to business or persons that dedicate themselves to these activities in a permanent manner.
- Ordinary, which will be granted in each case to carry out commercial operations among them or with merchants of other countries, in negotiations with a general permit in force; and
- Extraordinary, that will be granted to those who in an incidental manner have the need to do one of the signaled operations in the third title of the referred Law.

These permits may be discretionally denied, suspended or cancelled when the protected activities through the permits if they may be hazardous for people or facilities or if they can alter the public peace or order.

The permits cannot be transferred and they will be in force for one year for the general and for the specified term in each case of the ordinary and extraordinary.

The general permits include the authorization for transportation of the protected firearms, objects and materials within the national territory but in every case they must adjust to the security measures that are set in the permits.

Those who have a general permit for the specialized transport of firearms, objects and materials included in the third title of the Law, must demand from the addressee an authorized copy of the permit that was granted.

Those who have a general permit, must render a detailed report to the National Defense Ministry of their activities within the first five days of the month where the general movement incurred in the previous month is specified, as well as giving the necessary facilities so that the Ministry can practice inspection visits.

The National Defense Ministry, applying the Federal Law of Firearms and Explosives and its regulation, will carry out supervisions to the vehicles and material when they enter the country, in its itinerary and upon arrival to their destination.

The companies responsible for the Shipping, Transporting, and Unloading, must

inform the corresponding Territorial Command of the National Defense Ministry, with 72 hour notice, so that an Official or Chief can be appointed to verify the explosive material.

The firearms, objects and materials to which this Law refers to that are imported under the protection of ordinary permits, must be destined precisely to the use pointed out in said permits. Any modification, change or transformation that pretends to be introduced to the signaled destination, requires of a new permit.

In order to grant permission to export firearms, objects or mentioned materials, those interested must credit before the National Defense Ministry that they already have the importation permit from the government of the country where they will be destined.

When the firearms, objects and materials of commercial importation and exportation are found in the respective customs, those interested will communicate it to the National Defense Ministry, so that a representative can be designated to intervene in the corresponding custom office. Without this requisite, the withdrawal to the fiscal domain or to exit of the country will not be allowed.

The private persons who acquire firearms or munitions in a foreign country, must request an extraordinary permit to withdraw them from the fiscal domain.

The temporary importations and exportations of firearms or munitions by synergetic tourists and shooting sportsmen, must be covered by the corresponding extraordinary permit, where the conditions that must be carried out according to the regulations of this law are pointed out.

The general permits for whichever regulated activities by the Federal Law of Firearms and Explosives, include the authorization for the transportation within the national territory, of the protected firearms, objects and materials, but their holders are subject to the relative laws, regulations and dispositions.

The transportation that derives from the granted permits by the National Defense Ministry to persons or negotiations, to carry out one or several activities pointed out in the fore mentioned, must adjust to the security measures that are detailed in the permit.

The persons that enter the country, in transit, will not be able to take with them nor acquire firearms, objects and materials mentioned in the Law, without the corresponding license or permit.

When the Mexican postal service accepts to dispatch firearms, objects and materials mentioned in the Law, it must demand the corresponding permit.

During the transportation of the authorized material, that established in Table Number 1 "Security by compatibility of packed or bottled material" attached to the Federal Law of Firearms and Explosives must be strictly observed and under no circumstance will the cargo capacity be surpassed for each vehicle authorized by the Communications and

Transportation Ministry, in the corresponding permit. It must also inform in no more than 15 days about the vehicles that are discharged or incorporated in the company's assets.

For the transportation of explosives, only the vehicles authorized by the Communications and Transportation Ministry will be used, prior inspection by the National Defense Ministry having to abide with the Laws, Regulations and other dispositions on the subject.

The transfer must be done following the routes normally established of the authorized deposits of the sender to the warehouses, powder magazine or places of the trustee's consumption and the corresponding military zone must be informed of the changes in itinerary 72 hours beforehand of the changes in itinerary, same that will be authorized or justified in its case.

It is an obligation to transport on board the vehicles cargo composed exclusively of compatible materials among them, according to the attached table to the Federal Law of Firearms and Explosives, being strictly prohibited to add with these other objects or artificers different from those authorized in this permit.

A rigorous control must be exercised in that which is transported, registering the daily carriage with the object of controlling the vehicles, amounts, routes and destinations.

The National Defense Ministry must be notified immediately of the loss, destruction or robbery of the transported materials.

A responsibility insurance must be exhibited that covers all of the damage that could be caused to third parties in their goods and persons, environment and any other damage that can be generated due to the operation of transporting material.

Protect the cargo of environmental conditions or another source that can generate any reaction of dangerous material.

Train your personnel in handling and transporting dangerous materials and chemical substances.

Count with the necessary security equipment in case of an emergency and the communication means to keep in touch with companies and authorities.

The vehicles must be no more than 5 years old, this is with the finality of avoiding risks in the transportation of dangerous material.

They must be used for this purpose only.

They must be in excellent working conditions besides having an adequate periodic preventive maintenance and they must have a mechanical maintenance record.

They must have adequate ventilation in order to avoid that the explosive material becomes unstable.

The proper tools for the vehicle must be kept and assured in a chest outside the containing box.

The containing box and platform must be perfectly covered with wood or insulating material verifying that there are no nails, screws or ironwork which might cause friction or produce sparks.

It must have an electric earth connection between the metallic frame of the transport and the body or floor, consisting of a static lining dragging through the floor without losing contact.

The vehicles' exhaust pipe must prolong itself until it surpasses the rear extreme of the body, sufficiently far away to avoid the heating of the same due to the combustion's exhaust of hot gases, besides a deflector must be fitted to divert the exit of gases to the ground.

The placement of the battery and the conducting electric wires must be such that there is no possibility of contacting with the packed explosives. All the wires must be completely insulated and firmly fastened to prevent fire due to short circuit.

It must have a communication equipment in order to be in contact continuously and to ask for help in case of emergency.

It must be provided with fire equipment, with 2 extinguishers (of chemical dust type A.B.C), which must be placed in the conductor's cabin with the adequate capacity for the size of the vehicle's box.

They must count with warning signs and lights in case of parking due to a breakdown or rest.

The security belts must be in good condition.

It must count with a portable flashlight in good condition, spare tire, an hydraulic jack, spade tools and mechanic tools that can allow the conductor to perform small repairs if necessary.

It is prohibited to introduce a vehicle that has a cargo of dangerous chemical substances into public parking lots or repair shops, it is strictly forbidden for the conductor to leave the vehicle parked near populated places, thermoelectric, electric substations, high voltage towers, gas and oil ducts with the object of avoiding a danger for the population and its goods as well as for the facilities of public interest mentioned before.

Banners, logotypes or labels must be placed on the extremes of the body and in the rear, the characteristics of the containers and of the packing labels destined for transportation of explosive substances and dangerous residues that are included in the security norms in force.

In the vehicles that transport explosive materials, chemical substances, pyrotechnic artifices sport cartages and their components only two people can travel (conductors) one conductor and his helper and with a license in force, as long as their route is more than 600 kilometers,

In the transportation of explosives, because of their special characteristics, it is required to observe in its operation a series of preventive measures that minimize the risks of incidents provoked by irregularities which were not attended in their time. The transcendence of not complying with the requirements could have great consequences, so we exhort all to extreme the security measures and to carry out your activity within the legal frame that promotes a healthy competition and that becomes the basis of the advent of a productive international commerce and of benefit to the country.

## **REQUIREMENTS FOR SPECIALIZED TRANSPORTATION OF EXPLOSIVE MATERIAL AND DANGEROUS SUBSTANCES**

- Authorized photo static copies for the concession or permit granted by the Communication and Transportation Ministry.
- Certificate that all the security requisites have been fulfilled granted by the first administrative authority (State Governor, Head of the government of the Federal District and if the case, of the Corresponding Delegate), from the place where the projected main offices will be established, and if its the case, the branches of the transport negotiation, in which it is evident that the same has deposits and powder magazines to store, and if necessary, the effects for transportation, that said facilities do not represent a danger for public security and that they are assured from robbery.
- For mercantile societies, a certified copy of the constitutive deed.
- When an empowered person makes the permit request, they must credit their personality with a power from a notary and declare at the foot of the petition document that the signature will be used to subscribe the documents that they will leave with the National Defense Ministry.
- The establishments, manufacturers or merchants that have a general permit for the specialized transportation of explosives to which the Law refers to, that have their own vehicles for said transport, must place in them, in a visible spot, an authorized photo static of the general, ordinary or extraordinary permits that the Ministry granted to the addressees of the products that are being transported.

Besides that stated above:

- Permit of the respective country for transporting dangerous substances.
- Request of the general permit in the established format.
- Certified copy of the birth certificate or of the solicitor or the document that substitutes it.
- Detailed projects of the way of assuring that the warehouses and powder magazines are appropriate, including the preventive measures to avoid accidents and robbery.
- Description of each one of the warehouses and powder magazines , manifesting them in the regulation forms.
- Copy of the invoice which credits the property of the vehicle or vehicles.
- Copy of the circulation card of the vehicle or vehicles.
- Document proving the address of the company.
- The drivers must prove their legal stay in the country, obtained from the National Migration Institute.

### **COMPETENT FEDERAL AUTHORITY**

Dirección General del Registro Federal de Armas de Fuego y  
Control de Explosivos de la Secretaría de la Defensa Nacional  
Campo Militar No. 1-J ( Predio Reforma D.F.)  
Tels. 56 26 59 03 y 56 26 59 04 Ext. 5719  
Fax. 56 26 59 05

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Federal Law of Firearms and Explosives (SEDENA)  
Regulation of the Federal Law of Firearms and Explosives (SEDENA)

### **WHERE TO FORMALIZE YOUR PROCEDURE**

In the military zones and garrisons located in the frontier  
states and ports of the Mexican Republic

### **AUTHORIZATION FROM THE INTERSECRETARIAT COMMISSION FOR THE CONTROL, USE AND PROCESS OF PESTISIDES, FERTILIZERS AND TOXIC SUBSTANCES (CICOPLAFEST)**

The CICOPLAFEST coordinates regulation and control activities, as well as the granting of importation registers and authorizations, exportation notices, making sure that the products

abide with the international quality requirements. It also controls the use in Mexico of high risk substances through the different administrative units of the SSA, but most of all through the General Direction of Environmental Health which is the competent authority that carries out verification, sampling, security measures and sanctions (d) in regard to vegetable nutrients (fertilizers), pesticides and toxic or dangerous substances that could harm the environment or the health of the population. Said Commission has the participation of the Agriculture, Cattle and Rural Development Ministry, Fishing and Food, Economy, Environment and Natural Resources and the Health Ministry.

The importation authorizations are granted based on the requests presented by the user in the CICOPAFEST single window. The Registration, Authorization, Catalog and Inventory Sub-committee determinates and approves the requests, when they comply with the requirements stated in the established procedures.

### **COMPETENT FEDERAL AUTHORITY**

Director General de Salud Ambiental  
Secretaría de Salud  
Mariano Escobedo No. 366, planta baja  
Col. Nueva Anzures, C. P. 11590, México, D. F.  
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### **BIBLIOGRAPHY**

- General Law of Ecological Equilibrium and Environment Protection  
Regulation of the General Law of Ecological Equilibrium and Environment Protection  
In the subject of Dangerous Residues.  
General Health Law  
Regulations of the General Health Law in the subject of Sanitary Control of Activities, Establishments, Products and Services published in the D.O.F. on January 18<sup>th</sup>, 1988.  
Decree that establishes the Coordination Basis that the Commerce and Industrial Foment, of Agriculture and Hydraulic Resources, of Urban Development and Ecology and of Health must observe in relation with pesticides, fertilizers, and toxic substances, published in the D.O.F. on October 15<sup>th</sup>, 1987.  
Procedure Rules for obtaining importation authorization of merchandize subject to regulation from the dependencies that integrate the Inter-secretariat Commission for the control of the process and use of pesticides, fertilizers, and toxic substances, published in the D.O.F. on January 22<sup>nd</sup> 1996.

### **WHERE TO FORMALIZE YOUR PROCEDURE**

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52 55 05 03

## **AUTHORIZATION FOR THE TRANSPORTATION OF RADIOACTIVE SUBSTANCES**

For the transportation of radioactive substances, as it was pointed out in number 22 of the clause d, the National Commission of Nuclear Security and Safeguard of the Energy Ministry, in articles 189, 190, 198, 199 and 200 of the General Regulation of Radiological Security, grants an authorization for the transportation of radioactive material.

## COMPETENT FEDERAL AUTHORITY

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Director General de la Comisión Nacional de Seguridad Nuclear  
y Salvaguardias  
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[www.cnsns.gob.mx](http://www.cnsns.gob.mx)

## BIBLIOGRAPHY

Regulation Law of the 27<sup>th</sup> Constitutional Article on Nuclear Subjects  
General Regulation of Radiological Security.

## WHERE TO FORMALIZE YOUR PROCEDURE

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Tel. (52) + 5095-3225  
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[www.cnsns.gob.mx](http://www.cnsns.gob.mx)

### IV.- REQUIREMENTS FOR MAKING A FOREIGN INVESTMENT IN MEXICAN COMPANIES THAT OPERATE INTERURBAN TRANSPORTATION SERVICES OF PASSENGERS , TOURIST TRANSPORTATION OR OF INTERNATIONAL CARGO BETWEEN POINTS IN THE MEXICAN TERRITORY.

FOR COMPANIES OF NEW CREATION, THE INTERESTED PARTIES MUST REQUEST AND OBTAIN:

#### A) AUTHORIZATION FROM THE FOREIGN RELATIONS MINISTRY

- Those interested can go to the Foreign Relations Ministry through a manager or legally empowered person, and request the format type for the authorization of the denomination or firm of the projected company, having the option of listing 5 alternatives in order of importance and preference.
- The Ministry, within 72 hours, will agree to the accepted denomination and will give out the corresponding authorization, which will contain the agreement provided in fraction I of the 27<sup>th</sup> Constitutional Article.

#### B) CARRY OUT THE FORMAL REGISTRY OF THE SOCIAL STATUTES AND THEIR INSCRIPTION IN THE PUBLIC REGISTRY OF PROPERTY AND COMMERCE.

- The interested party must present before Public Notary, the project of the Social Statutes in whose social object must specify the kind of auto transportation that will be operated, but being cargo transportation of international character, it will also deliver the permit granted by the Foreign Relations Ministry, so that it can proceed its inscription in the Public Registry of Property and Commerce. Both procedures generate payment of rights.

**C) OBTAIN THE INSCRIPTION OF YOUR COMPANY IN THE NATIONAL REGISTRY OF FOREIGN INVESTMENT.**

The interested party must go to the National Commission of Foreign Investment of the Economy Ministry and obtain an inscription format in the National Registry of Foreign Investment, which must contain:

- Name, denomination, firm, address, date of constitution and main economic activity to be developed, if it is the case.
- Name and address of the legal representative.
- Name and address of the authorized persons to hear and receive notifications.
- Name, denomination or firm, nationality and migratory status, name, address of foreign investors if it is the case, in the exterior or in the country and their participation percentage.
- Amount of the subscribed and paid social capital or subscribed and to be paid.
- Estimated start up date and approximate amount of total investment with its timetable.

The National Commission of Foreign Investment will give out the respective "Inscription Evidence" in approximately 15 days, and it must be renewed every year. The procedure is free of charge.

**d) COMPANY REGISTRATION IN THE GENERAL DIRECTION OF FEDERAL TRANSPORTATION, IN THE SCT CENTERS AND TRANSPORTATION DEEGATIONS.**

So that a Mexican Company with foreign investment with up to 51% can obtain registration, the interested party must present the original and a copy of the following documents:

- Written request that contains the name or firm, address to hear and receive notifications, name and position of the promoter, description of the documents that is delivering, date and signature.
- A power from the Public Federal Authorities authorizing the promoter to go through the necessary procedures as a representative of the company.
- Identification of the promoter.
- Proof of the company's address.

- Certified Copy of the Constitutive Deed of the Society registered before Federal Public Authorities and inscribed in the Commerce Registry.
- Authorization from the Exterior Relations Ministry.
- Inscription proof of the National Registry of Foreign Investment.

NOTE: When in the appendix of the Constitutive Deed of the Society the power of Attorney of the promoter has been inserted to carry out procedures, the Authorization from the Exterior Relations Ministry and the Inscription proof of the National Registry of Foreign Investment, a separate presentation will not be necessary.

In order to obtain the permits to operate international auto transportation services, the interested party must present the documents that credit the fulfillment of the established requirements for the type of service rendered.

**IN THE CASE OF LAND TRANSPORTATION COMPANIES ALREADY CONSTITUTED WHO WISH TO ADMIT FOREIGN PARTNERS, THEY MUST:**

- Celebrate a Shareholder's Extraordinary General Assembly where the entry of foreign partners and the way that the social capital will be distributed are voted on.
- Obtain an authorization from the Foreign Relation Ministry to change the denomination or firm, or to modify its clause of foreign exclusion to the admission of foreigners.
- Carry out the formalization and inscription in the Property and Commerce Public Registry of Property and Commerce the Deed of the Shareholder's Extraordinary General Assembly.

So that a Mexican Auto Transportation Company with foreign investment of up to 51% can obtain registration, the interested party must present the original and a copy of the following documents:

- Written request that contains the name or firm, address to hear and receive notifications, name and position of the promoter, description of the documents that is delivering, date and signature.
- A power from the Public Federal Authorities authorizing the promoter to go through the necessary procedures as a representative of the company.
- Identification of the promoter.
- Proof of the company's address.
- Certified Copy of the Deed of the Shareholder's Extraordinary General Assembly.
- Authorization from the Exterior Relations Ministry.
- Inscription proof of the National Registry of Foreign Investment.

NOTE: When in the appendix of the Constitutive Deed of the Society the power of Attorney of the promoter has been inserted to carry out procedures, the Authorization

from the Exterior Relations Ministry and the Inscription proof of the National Registry of Foreign Investment, a separate presentation will not be necessary.

### COMPETENT FEDERAL AUTHORITY

Dirección General de Autotransporte Federal  
 Secretaría de Comunicaciones y Transportes  
 Calz de las Bombas No. 411 11vo. Piso  
 Col. Los Girasoles Coapa.  
 C.P. 04920  
 Tel. 5684 06 38 y 5684 07 57

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Road, Bridges and Transportation Federal Law (DOF December 22<sup>nd</sup>, 1993)  
 Regulations for Federal Land Transportation and Auxiliary Services (DOF November 22<sup>nd</sup>, 1964 and modified on august 14<sup>th</sup>, 1998, August 8<sup>th</sup> and November 28<sup>th</sup>, 2000  
 Foreign Investment Law and its Regulations

### WHERE TO FORMALIZE YOUR PROCEDURE

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|---|---|---|
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### V.- THE OPERATION OF THE SERVICE WILL ABIDE TO THE FOLLOWING CONDITIONS.

Some of the general aspects that must be observed in the operation of the service are:

Trans-frontier and cargo international auto-transportation services will only be able to operate when the permit, the circulation card, metallic plates and identification decalcomanias whose characteristics distinguish them from those that are granted to national service operators have been obtained the Communication and Transportation Ministry beforehand, in accordance to the technical characteristics and specifications that the Official Mexican norm NOM-001-STC-2-200 establishes (DOF January 26<sup>th</sup>, 200). Under no circumstance will they pick up cargo in a point of the national territory to transport it to another point within the national territory.

With the protection of this permit, they may render trans-frontier services from or towards the Mexican territory. Using roads of federal jurisdiction, they may transport international cargo and deliver the same in one or several points of the national territory, besides carrying out cargo maneuvers, without the need of obtaining any authorization, thus, the users will be in complete freedom to contract these services with third parties or to use their own personnel.

The auto-transporters must emit for each shipment, a port letter correctly documented that must contain beside the fiscal requisites, the following:

- social denomination or name of the auto-transporter and of the shipper and their addresses;
- Name and address of the recipient;
- Designation of the merchandise with its expression of its generic quality, weight and brands or external signs of bulks or packing that contain, and in its case, the declared value of the same.
- Price of the transportation and any other fee derived from the same;
- Date of issue;
- Reception place of the merchandize by the auto-transporter; and
- Place and date or term in which the delivery must be made to the recipient.

In international transportation, the carried letter must adjust to that referred to in the Road, Bridges and Federal Auto-transportation Law, the auto-transportation and Auxiliary Services regulations and in the international agreements and treaties.

When the merchandize requires the presentation of other documents, the auto-transporter will demand these documents from the shipper. In case that these are not delivered, it is forced to refuse the transport.

The shipper will provide the characteristics of the cargo and if the case, the declared value to the auto-transporter. The auto-transporter will accept, without reserve the merchandize. If he suspects falsehood in the declaration, he will be able to proceed in its recognition before at least two witnesses and with the help of the shipper or the recipient. If none of the last two are present, he will ask for the presence of an inspector from the Communications and Transportation Ministry, and must file an act.

Before beginning his route the transporter must adjust the unit or vehicle combination to the maximum allowed weights, dimensions and capacities of the auto-transportation vehicles that transit the roads and bridges of federal jurisdiction and the Official Mexican Norm NOM-012-SCT-2-1995 with the finality of not exceeding the allowed weights and dimensions for transiting in the roads of federal jurisdiction type ET, A, B, C or D, for which he must define the route that best suits him (DOF of January 26th, 1994 and modified in May 7<sup>th</sup>, 1996, the 8<sup>th</sup> of August and the 19<sup>th</sup> of October 2000 and of January 7<sup>th</sup>, 1997, respectively) in order not to exceed the allowed weights and dimensions for transiting in the roads of federal jurisdiction type ET, A, B, C or D, depending on the route.

The cost of the freight will be determined by common agreement by the auto-transporter and the user.

The service will generate payment of an added value tax (IVA).

In case of loss or damage of the cargo, the indemnity that must be paid will be equivalent to the declared value. If said declaration was not done, the responsibility will be limited to an equivalent amount of fifteen days of the general minimum salary in force in the Federal District, per ton or the corresponding proportional part.

When the loss or damage is partial, the obligation of the auto-transporter will consist in covering the corresponding partial amount according to the declared value.

## **THE OPERATOR**

- Must have a federal or commercial driving license in force.
  - Does not permit the conduction of the vehicles to those who do not have a federal or commercial driving license in force.
  - Respects the speed limits established in the Emerged Mexican Official Norm NOM-EM-033-SCT-2-2000 (DOF of September 14<sup>th</sup>, 2000)
  - Carries the binnacle of the conductor's working hours, according to what is established in the Decree published in the DOF on March 29<sup>th</sup>, 2000.
  - Must obey the security and operation dispositions that the corresponding regulations and norms establish.
  - The vehicle must have its circulation card.
- ⊕ In the case of transporting dangerous materials or residues the operator of the unit must make sure that the same counts with the following documents:
- ❖ Shipment documents of the dangerous material or residue.
  - ❖ "Emergency information in transportation", that indicates the actions to be followed in case of having an accident, depending on the dangerous material or residue that is being handled, and which must adhere to the norm issued by the Ministry and placed in a visible place in the cabin of the unit, preferably in a portfolio file containing the rest of the documents.
  - ❖ Document that vouches for the technical inspection of the unit;
  - ❖ Delivery, transport and reception manifest in the case of transporting dangerous residues, issued by the Environment and Natural Resources Ministry;
  - ❖ Respective Authorization, in the case of importation and exportation of dangerous material; and
  - ❖ Manifest for cases of Dangerous Residue Spills by accident:
  - ❖ When for any event spills, infiltrations, discharges or leaks of dangerous substances happen, immediate notice must be given of the facts to the Environment and Natural

Resources Ministry and present the manifest in 78 hours at the most. The generator of the product must be also advised.

- ❖ All other established by the norms.

Besides all stated above, it will be obligatory for the transportation unit to have the following documents and for the operator to observe the lineaments mentioned here after:

- A specific federal or commercial driving license for the transportation of dangerous materials.
- Binnacle of the conductor's working hours;
- Binnacle of the operator about the ocular daily inspection of the unit;
- Individual or collective insurance policy of auto-transporters and from the issuer of the dangerous materials or residues;
- Document that credits the cleaning and remains of the unit, when it is done. The cleaning will only be obligatory for reasons of incompatibility of the products to be transported.
- The operator will abstain himself from making unjustified stops, as well as circulating by central areas of cities and towns, using the peripheral outskirts road. In the case of a traffic jam, he must request from the person responsible of wayfaring vigilance, priority to continue his trip.
- Pass training courses and knowledge updates.
- In case of accidents, remain to take care of the vehicle and its cargo, if it does not represent personal danger, until the corresponding help arrives.
- Have the cost of carriage letter where the final destination is clearly stated.
- The transporter will verify before loading that the unit is in perfect physical and mechanical operating conditions.
- No unit that moves dangerous materials and residues can transport non related people with the operation of the unit.
- The authorized units for the transportation dangerous materials and residues that transport other different types of goods will be unable to transport human or animal consumption food, nor the raw materials for them.
- No container or package should be opened, except in cases beyond control.
- It is prohibited to purge to the floor, or to unload in the road, streets or facilities not designed for that end, as well as unnecessarily blowing the material.
- In sanitary matters, it is an obligation of the auto-transporter to have with him the documents proving the fulfillment of the norm fit zoo-sanitarian in the importation of farming products, being the "Importation Fit Zoo Sanitary Certificate" this document.

## **THE VEHICLE**

- It will be endowed with identification metal plates, decalcomanias and circulation card, which will be revalidated according to the procedure determined by the Communications and Transportation Ministry and will have characteristics that differ them from the plates of national services, according with that established in the Mexican Official Norm NOM-001-SCT-2-200 (DOF of January 26<sup>th</sup>, 2000).

- Each vehicle will have two plates, placing one on the front part and the other one in the rear of the motor unit, the towing type units will only use the rear plate. The decalcomanias must be placed on both sides of the front part of the vehicle, the towing type units will carry a decalcomania that will be placed in the in the inlaid part presented on the plate, in accordance to that established in the corresponding Ministry Agreement (DOF of September 25<sup>th</sup>, 2000).
- Verify with the periodicity the physical-mechanical conditions of the vehicles, pointed out by the Communications and Transportation Ministry, according with that established in the Mexican Official Norm NOM-068-SCT-2-2000 (DOF of July 24<sup>th</sup>, 2000).
- It must count with the security devices that as a minimum are pointed out by the Regulations and Official Mexican Norms.
- Count with graphic or electronic control devices of maximum speed, , according with that established in the Mexican Official Norm NOM-033-SCT-2-2000 (DOF of September 14<sup>th</sup>. 2002).
- All the motor units that transit in federal jurisdiction roads (type ET, A, B, C, D), must have the decalcomania of low contaminant emission authorized by the Communications and Transportation Ministry.
- Fulfill the weight, dimensions and capacity conditions in accordance with that established in the Regulations on weight, dimensions and capacity of auto-transportation vehicles that transit in the roads and bridges of federal jurisdiction and in the Mexican Official Norms NOM-012-SCT-2-1995 and NOM-071-SCT-2-2000 (DOF of January 26<sup>th</sup>, 1994 and modified on May 7<sup>th</sup>, 1996, August 8<sup>th</sup> and October 19<sup>th</sup>, 2000, January 7<sup>th</sup>, 1997, February 15<sup>th</sup>, 2000 and extended its enforcement on September 5<sup>th</sup>, respectively).
- They must show the name and address of the permit holder with clear and readable characters.
- In the case of authorized units for the transport of Dangerous Materials and Residues, these cannot transport persons, animals, food products for animal consumption or items of personal use and Municipal solid residues.
- When thus required, the auto-transporter will adjust to the Norm that is issued to that respect.
- The auto-tanks, dragging units, intermediate in bulk containers, and cistern containers will have to be constituted or reconstituted in accordance to the respective norms and they must count with emergency equipment and protection devices, in order to offer maximum security in accordance to the respective norm, being subject to the certifying and verification process stipulated in the norm.
- Cleaning and decontamination certificate when the unit does not have placards, or it is used to transport a different dangerous material.
- Show in a visible place; Name of the firm, address, company's telephone, as well as those corresponding to the emergency national system of transportation.
- Constancy that the vehicles have the physical characteristics and the technical-mechanical specifications.
- Every vehicle unit for this transport, will be subjected to periodic technical and operational inspections to make sure that the specifications and security dispositions established in the official Mexican norms and/or the corresponding regulation are carried out.

- The units that transport dangerous materials and residues, must have a plate of inoxidizable metal, permanently fixed containing the technical information and that vouches its certifying and verification process in its construction or reconstruction, this will have to be in a place with easy access for inspection and in the format that the norm determines, plus four placards that identify the dangerous material or residue that is being transported.
- All traction and dragging vehicles must carry identification placards pointing out the risk of the material that is being transported, , according with that established in the Mexican Official Norm NOM-004-SCT-2-2000 (DOF of September 27<sup>th</sup>. 2000).
- The units that transport remains of substances or dangerous residues, will abide by the same requirements, when they transport remains of two or more dangerous substances and materials. Two of the most dangerous of the greatest degree of danger must be cited in the placards and the symbol must be of higher danger, followed by the secondary risk.
- The auto-transporters will keep a preventive and corrective maintenance control of their units, as well as a registry of the transported dangerous materials and residues.
- The units loaded with dangerous materials and residues of diverse kinds, must carry emergency information in the transportation of each one of the materials indicating the action to be taken for each one of them, as well as the registry of the location for each one of them in the unit, which must be pointed out in the same packing sheet.

## **THE CARGO**

The cargo of a vehicle must be arranged, fixed and covered in such a way that:

- Does not put the physical integrity of persons in danger, nor cause material harm to third parties.
- It does not drag on the way, nor fall on it.
- Does not obstruct the conductor's visibility, nor compromise the stability and conduction of the vehicle.
- Does not hide lights, including the breaks, directional, position and model, the reflecting devices nor the circulating plates.
- The transit of vehicles that exceed the maximum weight and dimensions permitted by NOM-012-SCT-2-1994 is prohibited, except in the case of the special authorization that are issued for the transit of industrial cranes and the transfer of undividable objects of great weight or volume. In these cases, that disposed in the Mexican Official Norm NOM-040-SCT-2-1995 (DOF of January 7<sup>th</sup>. 1997 and March 31<sup>st</sup>, 1998, respectively).

In the case of dangerous material or residue transportation:

- ✓ So that it is safe, it must be loaded, distributed and fixed to the auto-transportation units in accordance to the norms issued by the Communications and Transportation Ministry, in such a way that it will not cause any damage due to vibration effects originated during its transit, having to protect the cargo of environmental conditions or of any source that generates a reaction of the same as well.

- ✓ With the object of identifying the material and its risk, each container and package must have the respective labeling. (primary and secondary risk). Each container and package destined to the transportation of dangerous materials and residues must have inerasable, visible and readable marks that certify that they are manufactured in conformity with that established in the Mexican Official Norm NOM-007-SCT-2-1995 (DOF of August 18<sup>th</sup>, 1995).
- ✓ It must count with the delivery, transport and reception manifest for the case of transporting dangerous residues, issued by Environment and Natural Resources Ministry.
- ✓ The containers and the packing must be inspected to make sure that they are not deteriorated, as well as verifying that they fulfill with the inherent classification, types and dispositions.
- ✓ The containers and the packing must be perfectly well closed so that they do not suffer in normal transportation conditions, escapes due to changes in temperature, humidity or pressure.
- ✓ Non compatible material that could react in a wreck, must not be loaded in the same unit.
- ✓ Check out if there are any cutting or piercing elements, or other, that can deteriorate the load, placing at risk the health and life of persons, as well as their goods and environment.
- ✓ In the transportation of dangerous materials and residues pf different risk groups, the compatibility must be considered in conformity with that established in the Mexican Official Norm NOM-010-SCT-2-1994 (DOF of September 25<sup>th</sup>, 1995).
- ✓ The conditions for the transportation of limited amounts of dangerous materials and residues, will be established in the norm depending on the class and division to which it pertains and the quantity to be transported.

## **VI. ROAD SUPERVISION**

The transporter from the United States or Canada that operates trans-frontier services in the territories of the frontier States with Mexico, will be subject to supervisions and they will be carried out in the terms that are described hereafter:

### **MEDICAL EXAMINATIONS IN OPERATION**

The operator of Federal Auto-transport is obliged to submit himself to the practice of a Medical Exam in Operation that is pointed out in the Medical Exam in Operation, Chapter IV, articles 15, 16, 17, 18, 19 and 20.

- It is the obligation of the personnel of road transportation and the auxiliary to submit themselves to the practice of an Medical Exam in Operation that is pointed out in this Regulation, in order to determine if they are in the condition to start or continue with the inherent functions to their activities with effectiveness, efficiency and safety in the general communication roads.
- The conductors of road transportation and the auxiliary personnel that present psycho-physical alterations of whichever origin, that affect or that could affect their aptitude, will be incapacitated to start or continue the inherent functions to their activities in the general communication roads.
- The Medical Exam in Operation will be practiced by the medical personnel assigned to the General Direction or authorized third parties. The conductors of road transportation and the auxiliary personnel must present their Federal License or similar document in force, at the moment when it must submit himself to said exams.
- The Medical Exams in Operation will consist of the following:
  - A) General Inspection
  - B) Intentional Interrogation
  - C) Blood Pressure Evaluation
  - D) Equilibrium Evaluation
  - E) Ocular and osteo-tendency evaluation
  - F) Cardiac Area Exploration
  - G) Detection of Alcoholic Drink Ingestion
  - H) And other studies that the General Direction deems necessary in each case.
- The conductors of road transportation and the auxiliary personnel will submit themselves to the practice of an Medical Exam in Operation, in the following cases:
  - I.- At the beginning of their activities in the Medical Exams in Operation modules of the General Direction.
  - II.- During the performance or at the end of labor, in the place and time that the General Direction determines.
- The practice of The Medical Exams in Operation will give way to the payment of fees charged to the concessionaries or permit holders, of the approved tariffs by the competent authority.
- The drivers of road transportation and the auxiliary personnel are obliged to always carry with them, during their labor in the general communication roads, the proof of Medical Exam in Operation in force, as well as giving the pertaining information to the competent authorities of this Ministry, duly credited, when required.

- The concessionaries and permit holders are obliged to demand from the personnel under their service to strictly observe the dispositions pointed out in the Medical Exam in Operation and will be equally responsible for violations or for not complying.

The fight against drug consumption has special relevance, as well as the detection of medication dependency, being creditor to article 74, fraction IV, of the Federal Roads and Bridges and Auto-transportation Law, as well as article 37, fraction VII and article 39 fraction X and XI of the Transportation Medicine Regulation in force.

It corresponds to the Communication and Transportation Ministry, through the competent authority of Transportation Medicine, the application of the practice of the Toxicological Exams, to make sure of the capacity of those who intervene in the operation or conduction, in the diverse transportation ways, in the general communication roads of the Mexican Republic, and granting with it, the security and efficiency to the users of the Federal Public Transport.

The programs for the detection of drugs applied by the General Direction of Protection and Preventive Medicine in the Transport and the Dependencies that sign with the General direction, will follow the following lineaments:

a) The minimum detection profile is made of five families of drugs and their metabolites.

- Cannabinoides
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine

b) The profile marked by the last point can be modified depending on the Agreement that is established with other Institutions and Dependencies.

c) The Toxicological Exam is applied in the General Direction of Protection and Preventive Medicine in the Transport, through two mechanisms:

- 1) General.- To all new individuals or on the expedition of a new license, at post-accidents under suspicion and in operatives or programs that establish it.
- 2) Aleatory.- to the individuals that revalidate their license and to operatives or programs that establish it.

The permit holders will remit annually to the General Direction of Protection and Preventive Medicine in the Transport, a relation of the operator and conductor personnel of road transportation and of the auxiliary personnel based or eventual that they have at their service, which must contain the following information:

- Full name
- Place and Date of Birth

- Federal Registry or equivalent
- Address
- Age
- Number of Federal License and its expiration date.

They are also obliged to inform to this General Direction of the personnel mentioned before mentioning if they have been hired or fired, pointing out the motive of the last, in a term that does not exceed 15 working days since the respective movement (article 26 of the Regulations of Transport Medicine).

The Exams will be practiced when the operator begins his activities, in the modules of Medical Exams in Operation, during the performance or at the end of labor, in the place and time that according to its faculties the General Direction of Protection and Preventive Medicine in the Transport determines.

The practice of these types of exams, will give way to the payment of fees charged to the concessionaries or permit holders according to the tariffs in force.

The tariffs referred to in the paragraph above, will be updated every six months and can be covered at the moment that the exam is made or through gremial societies to which they are affiliated, same that must have been celebrated in a previous agreement with this General Direction for that end.

The authority will issue the proof of the Medical Exam in Operation every time that it is practiced.

#### **REVISION BY THE FOR FISCAL INSPECTION AND COSTUMS SUPPORT UNIT.**

These units have the object of preventing and detecting contraband irregularities. In order to carry out the functions committed, the commissioned personnel will identify themselves through an official letter and official identification issued by the Customs General administration.

#### **REVISIONS MADE BY THE GENERAL ATTORNEY'S OFFICE OF THE REPUBLIC (PGR) TO THE TRANS-FRONTIER AUTO TRANSPORTATION OF CARGO AND TO THE FOREIGN INVESTOR.**

(Information pending of actualization due to the function reassignment between the PGR and PFP)

#### **FEDERAL PREVENTIVE POLICE**

It corresponds to the Federal Preventive Police (PFP) to maintain order, guarantee public security, render the service of police, keep guard, organize and supervise the transit of vehicles in the roads of federal jurisdiction, it will also be able to:

Stop immediately whoever is driving under the effects of alcoholic beverages or under the influence of some narcotic, so that the nearest doctor to the place of detention clinically examines the infracted and determinates the psycho-pathological state. This has the purpose of finding out if it merits an infraction consisting of a fine or in its case, consigning him before the Public Ministry of the Federation.

The Agent of the PFP will let the federal authorities of transit know the infractions committed to the dispositions contemplated in the Transit Regulation, through the corresponding tickets approved by the JCommunications and Transportation Ministry. It must also give the infracted the original and a copy of the fine, who will have the right to point out the Office where it must be sent for its grading and payment. The infraction whose amount is not covered within 30 days will be sent for its collection to the corresponding authority.

The sanctions to the infracted of the normative dispositions that regulate the operation of the service, will be in agreement to that established in the applicable legislation.

When a violation contemplated in the Roads, Bridges and Federal Auto Transportation Law or its regulations is committed, as well as the Federal Fiscal Code, its conductor will be set free and the vehicle will remain at the disposal of the competent authority.

In case of some land transit accident (with injured or dead persons), the vehicle and the conductor will remain at the disposal of the competent authority. Once complemented the above, if it is considered that the retention or bail of said goods is not a determinant for the exercise or abstention of the penal action, it will be immediately released by the Federal Public Ministry to those who legally credit the right over them, having to exhibit an invoice, forestall guide, fit-sanitary or of cargo, purchase-sale contract or any other document similar or ideal for it.

If it is an empowered person and legal representatives of physical or moral persons, they must present the corresponding notary document and a certified copy of the original which will be added to the inquest. Of the devolution of the goods, merchandize or products, the Federal Public Ministry Agent must file an act which must contain the hour and day, the condition in which the goods are returned, the name of the person that receives them, who previously identified will manifest what corresponds to him by right, to the interested party that ask for the presentation of the goods, merchandize or products, if materially possible, as many times as it is required.

### **INSPECTIONS BY THE GENERAL DIRECTION OF FEDERAL AUTO TRANSPORTATION**

The Communications and Transportation Ministry is in charge of the inspection and vigilance of the fulfillment of the Roads, Bridges and Auto-transportation Law, as well as its regulations and the Mexican Official Norms that it issues.

The inspection will be made through a written complaint, by superior order or depending of the established lineaments established by the National Inspection Program, it will be done by inspectors of the General Communication Roads who must exhibit at the moment of

practicing the inspection: identification in force and the official commission document in which the dispositions are specified and whose fulfillment must be inspected and they will be carried out in working hours and days. However, they can be made in non working days and hours, in the cases in which the type and nature of the services thus require.

The inspections made by the SCT will have as an objective to verify that the transporters, their operators, their equipment, facilities and the operation of the service, fulfill all the requirements imposed by Law, Regulations and Norms. Depending of the type of service rendered.

In case of detecting irregularities in the service granted, it will be recorded in the corresponding acts, and if it is the case, infraction slips will be formulated, granting 15 working days to present proof and defenses which the inspected permit holder deems pertinent.

The operatives will be carried out by Inspectors of the General Communication Roads in coordination with the elements of the Preventive Federal Police and they will be carried out in working hours and days. However, they can be made in non working days and hours, in the cases in which the type and nature of the services thus require.

The revision of the units will be carried out in two phases. The first one consists of an interview with the conductor requiring the documents of the unit in general, to detect abnormalities in the vehicles, and the second one is done based on the observations of the first, consisting of a careful inspection of the physical-mechanic conditions of the vehicle, in which it must be evident that these fulfill with the security dispositions established in the agreements in the Ministry Agreements and the Official Mexican Norm NOM-68-SCT-2-2000 (DOF of July 24<sup>th</sup>, 2000)

In case of detecting irregularities, the corresponding infraction slips will be formulated, and in case of proceeding, the detention of the vehicle will be carried out, which will be taken to the corresponding official deposit, making and inventory of the unit, which will be signed by the conductor, the inspector and the responsible person of the deposit, giving a copy to the conductor.

In the case of the units that transport dangerous materials and residues, the Inspectors of the General Direction of Federal Auto-Transportation or Officials of the Preventive Federal Police will avoid detaining in the official deposits the loaded units or with remains that could cause some type of hazard due to the reaction of the materials, in which case the vehicle will remain as a guarantee and the owner of the unit will be named depositary, being able to retain the metallic plate, the circulation card or the driving license, to guarantee payment of the infraction slip.

The dispositions contained in the part of "Inspections of the General Attorney's Office of the Republic in Frontier and Ports" must be carried out.

## VII. CONNECTING POINTS

The Information Centers, through which the Communications and Transportation Ministry will give out information that is published in Mexico, about land transport, are located in the places listed below. You may call the related public server in order to obtain information:

|  |  |   |
|--|--|---|
| <p><b>BAJA CALIFORNIA</b><br/>           LIC. JAIME RAFAEL<br/>           JIMENEZ SILVA<br/>           AV. AVIACION SIN COL<br/>           AEROPUERTO<br/>           TIJUANA, BAJA CALIFORNIA<br/>           TEL: 01 (6) 6 82-52-89 Y 6-82-52-58.</p>  | <p><b>SONORA</b><br/>           LIC. MARIA TRINIDAD GARCIA<br/>           YEPIZ<br/>           CALLE 27 DE AGOSTO No. 108<br/>           ESQ. MACLOVIO HERRERA<br/>           COL. SIMON<br/>           BOLIVAR C.P.<br/>           84000, NOGALES,<br/>           SONORA.<br/>           TEL: (01)-831-375-39</p> | <p><b>CHIHUAHUA</b><br/>           ING. AUGUSTO CARBAJAL<br/>           LECHUGA<br/>           AV. VICENTE GUERRERO Y<br/>           HONDURAS No. 1815 OTE.<br/>           COL. PARTIDO ROMERO<br/>           C.P. 32030 CD. JUAREZ<br/>           CHIHUAHUA<br/>           TEL: (01)-16-15-67-56 Y (01)-16-15-62-55 (TEL Y FAX)</p>  |
| <p><b>COAHUILA</b><br/>           LIC. JESUS EDUARDO GALAN<br/>           PALACIOS<br/>           PUERTO FRONTERIZO<br/>           PIEDRAS NEGRAS II, EDIF.<br/>           FEDERAL,<br/>           ZONA 1 CPO. A PLANTA ALTA,<br/>           C.P. 28000,<br/>           PIEDRAS NEGRAS, COAH.<br/>           TELS: (01)-87-82-78-24 (01)-87-82-78-25</p> | <p><b>NUEVO LEON</b><br/>           ING. JUAN MAGAÑA CAZARES<br/>           PALACIO FEDERAL 1er. PISO<br/>           GUADALUPE C.P. 67100<br/>           MONTERREY, NUEVO LEON<br/>           TELS: (01)-8 3-54-22-29<br/>           (01)-8 3-54-47-28</p>   | <p><b>TAMAULIPAS</b><br/>           PALACIO FEDERAL C.P. 88000<br/>           NUEVO LAREDO,<br/>           TAMAULIPAS<br/>           TEL: (01)-87-12-92-92<br/>           LIC. JOSE ANTONIO<br/>           LAMARQUE NASSAR<br/>           CALLE TEHUANTEPEC 427,<br/>           LOCAL 23 COL. AMPLIACION<br/>           RODRIGUEZ<br/>           C.P. 88500 REYNOSA,<br/>           TAMAULIPAS<br/>           TEL: (01)-88-24-35-56<br/>           FAX: (01)-88-24-43-44<br/>           DR. PABLO RMI PEREZ<br/>           12 BRAVO Y BUSTAMANTE<br/>           ZONA CENTRO MATAMOROS,<br/>           TAMAULIPAS<br/>           TEL Y FAX: (01)-88-12-47-65</p> |

## DIRECTORY OF FEDERAL AUTHORITIES THAT ARE VINCULATED WITH AUTO-TRANSPORTATION

INSTITUTO NACIONAL DE  
 MIGRACIÓN HOMERO 1832  
 COLONIA DE LOS MORALES  
 DELEGACION MIGUEL HIDALGO  
 C.P. 11510, TEL: 53 87 24 00  
 EXTS. 18020 y 18028

ADMINISTRACION GENERAL  
 DE ADUANAS, AVENIDA  
 HIDALGO NO. 77 MODULO 4  
 1er. PISO, COL. GUERRERO  
 C.P. 06300, TEL. 55 18-30-69

DIRECCION GENERAL DE  
 SANIDAD VEGETAL,  
 GUILLERMO PEREZ  
 VALENZUELA NO. 121, COL.  
 DEL CARMEN, COYOACAN.  
 C.P. 04100 TEL. 55 54-05-12

INSTITUTO NACIONAL DE  
MIGRACIÓN HOMERO 1832  
COLONIA DE LOS MORALES  
DELEGACION MIGUEL HIDALGO  
C.P. 11510, TEL: 53 87 24 00  
EXTS. 18020 y 18028

ADMINISTRACION GENERAL  
DE ADUANAS, AVENIDA  
HIDALGO NO. 77 MODULO 4  
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C.P. 06300, TEL 55 18-30-69

DIRECCION GENERAL DE  
SANIDAD VEGETAL,  
GUILLERMO PEREZ  
VALENZUELA NO. 121, COL  
DEL CARMEN, COYOACAN.  
C.P. 04100 TEL. 55 54-05-12

**DELEGATIONS OF THE AGRICULTURE, CATTLE AND RURAL  
DEVELOPMENT MINISTRY**

**DELEGATIONS OF THE LOCAL COSTUMS ADMINISTRATIONS**

**DIRECTORY OF THE STATE DELEGATES OF THE GENERAL ATTORNEY'S  
OFFICE OF THE REPUBLIC (PGR)**

**NAYARIT**  
ING. ROBERTO TIRADO  
ALMADA  
INSURGENTES NUM. 1050  
ORIENTE  
COL. MECHACA  
C.P. 63150 TEPIC, NAY.  
TEL. 01(32)3 23 83, 3 23 84  
FAX. 01(321) 3 32 63

**PUEBLA**  
MVZ. GERMAN SIERRA  
SANCHEZ  
28 NORTE NUM. 1202 EDIF.  
"A"  
COL. HUMBOLD  
C.P. 73379 PUEBLA, PUE.  
TEL. 01 (22)35 49 42, 35 48 31  
FAX. 01(22)36 08 89

**SINALOA**  
DR. EVERARDO ACEVES  
NAVARRO  
CARRET. NAVOLATO KM. 7.5  
UNIDAD BACHIHUALATO  
C.P. 80140 CULIACAN, SIN.  
TEL. 01(67) 60 14 32, 60 15 36  
FAX. 01(67) 60 15 46  
CELULAR 11 57 73

**TAMAULIPAS CENTRO**  
ING. JORGE AMAYA ACEDO  
CALZ. GRAL. LUIS CABALLEO  
NUM. 925  
COL. TAMATAN  
C.P. 87080 CIUDAD VICTORIA,  
TAMPS.  
TEL. 01(131) 2 70 46, 2 00 61  
FAX. 01(131) 2 81 97

**YUCATAN**  
TEC. NOE PENICHE PATRON  
CALLE 59 NUM. 442 X 52 Y 54  
COL. CENTRO  
C.P. 97000 MERIDA, YUC.  
TEL. 01(99)26 12 58, 26 12 15  
FAX. 01(99) 26 81 66,  
CELULAR 47 68 11

**NUEVO LEON**  
ING. TOMAS GARZA GUILLEN  
AV. CONSTITUCION NUM. 4101  
ORIENTE  
COL. FIERRO  
C.P. 64590 MONTERREY, N. L.  
TEL. 01(8) 3 54 50 46, 3 54 50 47  
3 54 50 49, FAX. 01(8) 3 54 51 35  
CELULAR 01(8) 3 66 41 88

**QUINTANA ROO**  
MVZ. PABLO MANUEL LOZA  
FLORES  
KM. 3.5 CARRET. CHETUMAL-  
ESCARCEGA  
VIVEROS "LOS MANGOS"  
C.P. 77040 CHETUMAL, Q. ROO  
TEL. 01(983)2 00 21, FAX,  
01(983) 2 24 34

**SONORA**  
C. LUIS COLOSIO FERNANDEZ  
CENTRO DE GOBIERNO RIO  
SONORA  
EDIFICIO MEXICO NIVEL 2  
C.P. 83270 HERMOSILLO, SON.  
TEL. 01(62) 12 15 38, 12 01 24  
FAX. 01(62) 13 39 46  
CELULAR 831 80 107

**TLAXCALA**  
MVZ. JUAN VAZQUEZ  
MARQUEZ  
EX RANCHO LA AGUANAJA  
S/N.  
SAN PABLO APETATITLAN  
C.P. 90800 TLAXCALA, TLAX.  
TEL. 01(246) 8 09 33, 8 09 37  
FAX. 01(246) 8 09 19

**ZACATECAS**  
ING. SALVADOR PRECIADO  
RAMIREZ  
AV. SECRETARIA DE LA  
DEFENSA NACIONAL NUM. 88  
C.P. 98600 GUADALUPE, ZAC.  
TEL. 01(492) 3 54 59, 3 52 66  
FAX. 01(492) 3 53 58

**OAXACA**  
DR. CARLOS TORRES  
AVILES  
AV. INDEPENDENCIA NUM.  
1401  
COL. CENTRO  
C.P. 68000 OAXACA, OAX.  
TEL. 01(915) 4 68 76, 4 68 89  
FAX. 01(951) 4 69 23

**SAN LUIS POTOSI**  
ING. HECTOR RODRIGUEZ  
CASTRO  
JESUS GOYTORTURA NUM.  
138  
FRACCIONAMIENTO  
TANGAMANGA  
C.P. 78280 SAN LUIS  
POTOSI, S.L.P.  
TEL. 01(48)13 06 10, 13 74 52  
FAX. 01(48) 13 63 80

**TABASCO**  
ING. SERGIO CONSTANSE  
MANRIQUE  
AV. PAJES LLERGO NUM.  
332  
ESQ. ALFONSO TARACENA  
COL. NUEVA  
VILLAHERMOSA  
C.P. 86070 VILLAHERMOSA,  
TAB.  
TEL. 01(93) 12 20 35, 14 52  
97  
14 52 86, FAX. 01(93)12 01  
20

**VERACRUZ**  
LIC. SANTIAGO BARRERA  
NADER  
CARRET. XALAPA-  
VERACRUZ KM. 3.5  
C.P. 91190 XALAPA, VER.  
TEL. 01(28)12 57 88, 12 82 53  
12 82 48, FAX. 01(28)12 85  
29