



## Regulatory changes Mexico NOM - Q&A list

*Here below a list of questions& answers related to NOM regulatory changes grouped by topic.*

### **GENERAL**

#### **What is the difference between NOM before and after May13?**

NOM-001-SCFI-1993 is withdrawn and new NOM-001-SCFI-2018 will be enforced.

#### **When the new version of NOM-001-SCFI-2018 enter into force on May 14, 2020, will we still be able to use the Equivalent Agreement?**

No. It must be updated.

#### **Testing to the new standard is allowed but no Certification Body has been accredited until after May 2020. What is used for Customs import post 14 May and Certification received?**

In case no CO is accredited until May 14, 2020, the regulation does not become in force and products will be allowed to entry without certification. UL just grant accreditation in Apr 23, 2020. It means that product must be in compliance or project should be opened using COVID-19 exemption.

#### **How solid is the date (June 2020) for the MRA to be in place for NOM-001-SCFI-2018?**

It's is expected on time.

#### **Where can we find information about the progress on the MRA for NOM-001-SCFI-2018?**

It's not public. UL team is updated on regular basis and could keep client informed on progress.

#### **Is NOM compulsory?**

Yes, for any product.

#### **NOM certification by NYCE is one and approval by DGN is another?**

NYCE is a certification body like UL. Both are accredited by EMA and authorized to DGN to operate the mandatory certification schemes in Mexico.

#### **What is the difference between certification and homologation?**

The certification is granted by a certification body like UL-MX and homologation (or authorization) is granted by authority like IFT in Mexico.



## **PRODUCT TYPES, EMBEDDED PARTS**

### **Are fiber optic telecommunication products for use in datacenters, not residential use, out-of-scope or exempt from NOM certification?**

These products are exempted from telecommunication NOM & IFT homologation for cases where they are not connected to public telecommunication network and do not have RF communication features.

### **What about Lithium Ion batteries spare parts and accessories?**

Foreign federal Law was modified to clarify that if a product is certified with pieces, parts or components as part of the original end-product certification, those pieces, parts or components can be covered by the certificate even if they arrive at point of entry separate from the end product.

A further clarification letter was issued May 24, 2019, stating that pieces, parts or components:

1. Can be added to an end-product certificate only if:

- They are within the scope of the same NOM standard applicable to the end product; and
- They were tested with the end product.

2. Covered by a separate NOM standard shall comply with the applicable NOM for that piece, part or component.

3. Covered by a separate NOM standard not included in Annex 2.4.1 cannot be added to an end product certificate.

4. Intended to be included in an end-product certificate:

- Shall be listed and provided to the certification body by the importer, including the applicable 8 digit HS Code; and
- Must be listed in the test laboratory report to be considered as part of the certification

### **What about products that are embedded in another product, do they have to comply with all NOMs?**

In general words, NOM scheme is designed for end-products. So parts, components are out of scope. These parts can be covered as below. Foreign federal Law was modified to clarify that if a product is certified with pieces, parts or components as part of the original end-product certification, those pieces, parts or components can be covered by the certificate even if they arrive at point of entry separate from the end product.

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### **Do you have a gap chart of NOM-001 1993 vs 2018?**

We have the gap analysis between NOM-001-SCFI-2018 vs 60065 and 60950-1 as per presentation only.

### **Is there any changes to cell and Sat devices in country testing?**

No changes besides NOM-208 tests which can be performed in USA per US-MEXICO MRA. All other tests must be performed in-country.

### **Does new NOM-001 cover other external power supplies other than power adapters?**

It applies to:

- electronic appliances and its accessories that use for its power supply the electrical energy of the public service, with single-phase supply voltages up to 277 V
- separate power supplies for appliances and battery replacement, uninterruptible power electronics, Electronic uninterrupted power systems (UPS) and battery chargers.
- external power supplies that are used in conjunction with electronic equipment, which are marketed, distributed or supplied, either individually or as part of an end use product in the same packaging, and to external power supplies marketed individually for information technology equipment per NOM-019-SCFI-1998 or the one that replaces it, for use in DC power supplies up to 250 V and AC power supplies up to 480 V at 60 Hz

It does not apply to:

- appliances that do not require power supply;
- equipment designed to operate in special environment (e.g. extreme temperatures, excessive dust, moisture or vibration, flammable gases and corrosive or explosive atmospheres);
- equipment intended to be used or installed on board ships or aircraft;
- equipment within the scope of NOM-019-SCFI-1998 and NOM-016-SCFI-1993, or those that replace them;
- external power supplies for outdoors, power supplies for luminaries and those which exceed the limits established in the objective and application field;
- internal power supplies;



- external power supplies over 250 W

**If an external PS has UL Energy Efficiency certificate, does the product have to be retested again in Mexico for Energy Efficiency?**

Yes, the NOM-029 requirements applies and tests are performed in-country today.

**Could you comment further on spare parts for computers and smartphones?**

Foreign federal Law was modified to clarify that if a product is certified with pieces, parts or components as part of the original end-product certification, those pieces, parts or components can be covered by the certificate even if they arrive at point of entry separate from the end product.

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**NOM-208. My product contains NOM certified radio modules. Is Mexico modular or do I need to certify the module with the host device as well?**

In theory modular approval is accepted in Mexico. But we have learned from end-product manufacturers sometimes they face issues at boarder because agent is asking for end-product be approved per NOM-208. It's important your customs broker be able to explain and demonstrate the end-product contains the proper module approved.

**Except Mobile phones and tablets , IT equipment, like Notebooks, laptops, desktops, servers, projectors with wireless modules inside of it , will be impacted by SAR regulation in Mexico?**

In general PORTABLE devices such as cellphone, tablet etc. are impacted since fit to above.

**Let's say a cellular module has IFT certificate. Then cellular module is then embedded into a PCIE card made by my company. The PCIE card is then sold to many organizations whom embed it into perhaps dozens of unique host systems which only interface to cellular network . What is requirement of PCIE device, what is requirement of host system?**



The host system needs to indicate it hosts a module XXX IFT approved per IFT ID XXXXXX-XXXXX.

**Are these requirements applicable to Commercial Use Only products as well?**

Yes. It could be applicable depending on NOM standard scope.

**Which HS codes are applied to the medical devices? E.g. Medical light devices etc.**

UL does not have expertise on foreign trade. We highly recommend to contact a Mexican broker.

**We sell professional equipment, strictly business-to-business (no consumer goods). Does NOM-029 apply to imports? to sales?**

It depends on product categories and which Mexican HS code are assigned to.

I would say in general words, exempt can apply:

1. For ITE it is possible to apply High Specialized Equipment Dictum per clause 1.2 of NOM-019; or
2. For cases where standard assigned cannot be applied, the technical opinion letter could be an option.

**What about WWAn modules for products other than tablets? Do they need NOM 221?**

In general words, it applies for tablets and cellphone.

**what are the requirements for a product that does not have an HS code that is included in NOM?** There is no requirements from point of entry perspective but these products still need to comply with NOM standards from market and customer right law perspectives.

**Are there any testing and certification requirements for NFC radios 13.56 MHz?**

It does not require tests and requires "Memoria Tecnica" by Perito.

**Does IFT Radio certification requirements apply to commercial/industrial lighting controls, in addition to consumer?**

Yes. It applies. It is needed to confirm if tests are required or Memoria Tecnica by Perito only. It depends on technology used.

**How does a Company distinguish the difference between shipments and spare parts?**

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**Which is correct standard supply to security cameras?**

NOM-019-SCFI-1998

## **DOCUMENTATION & MARKING**

**What does a company need to undergo homologation for their product(s)?**

In general words, the requirements include documentation, literature of product, testing on samples. So please contact UL sales representative for request for a quote and opening a project.

**Can we already open projects with UL for the the NOM-001-SCFI-2018 and register the folio with the DGN?**

Not yet. UL-MX must be accredited before. It is expected for early May 2020.

**What is the difference between US HS code and Mexico HS code?**

UL does not experts on this topic, but in summary the World Customs Organization (WCO) has been administering 6 digits HS codes schedule. However, each country can modify by adding two digits or four digits as per their requirements without changing first six digits. In other words, first six digits of HS code (HTS code) are same in all countries.

**The exemption for <24 volts is canceled in this new NOM-001 version?** Yes, it is expected the exemption is withdraw.

**Are all certificates only approved for one year? Does this require a resubmittal ever year to maintain the certificate?** Mexican schemes include other certification models. UL presented the Model I because it is the most usual. Others models can allow certificate expire date for up to 3 years. BUT all certification schemes require annual market surveillance.



**Is there a published list of UL standards which are covered as part of the equivalence agreements? Yes, pls look at**

<https://www.snice.gob.mx/cs/avi/snice/noms.acuerdosmutuos.html>

**Are there changes to the marking required on products?**

In general, it is required approval logo: UL-NOM and IFT ID for telecom products and/or products hosting a wireless module approved.

**Do UL Contracts need to be signed and delivered to your office? or can be sent scanned copies?**

Hard copies are required per Mexican laws.

**For NOM-032-ENER, do we need to perform local testing in Mexico?**

Is it possible to use UL labs beside tests in-country.

**Will it be required to provide a contract of use UL mark to UL duly signed, to obtain the NOM certificate?**

A service contract agreement between Applicant and any Mexican Certification Body is required by regulation to cover the use of CO Mark and other regulatory responsibilities from both sides.

**If I have an electronic product complied with UL mark, will Equivalence Agreement also be able to apply for new NOM-001-SCFI-2018?**

No. It requires tests in country at this point. But a new version of Mexican Equivalence Agreement is under discussion

**What about CoC's...can they no longer be used (meaning not applicable after May)?**

Considering UL CoC, it is valid for NOM-001-SCFI-1993 until May 13, 2020 and for NOM-019-SCFI-1993 until a new version of the standard is published. As mentioned during the webinar, there are discussions to publish a new Equivalence Agreement including NOM-001-SCFI-2018. UL expects a decision soon from local authorities.

**Can you talk about NOM-208 Certificates importation changes**

I would highlight two points:

1. NOM-208 was added as required for several HS codes in Jun 3, 2019. It means several product categories should evidence they comply with std before entry to Mexico.
2. The modular approval is accepted in Mexico even for those cases where end-product is required to comply with NOM-208 per HS code. In this case, the end-product should be marked properly and agent broker should be able to demonstrate the proper evidences at boarder such as certificate of end-product for applicable standards, homologation of module used into end-product and how each other (end-product and module) are traced. The applicable requirements and tests are listed per slides presented.

**Does UL have a relationship with the 3 approved in-country labs? If so which ones?**



Yes, we work with all three: LABOTEC, ANCE and ATC.

**Currently, can a product without any NOM Certifications cross the Mexican border? If so, when does one's ability to do so expire?**

Those products which the correspondent Mexican HS code does not require compliance with a NOM std. Could be exempt from foreign trade law or point of entry perspective. However, the product still need to comply with applicable NOM std., from market point of view, if any.

**Does the NOM-001 certificate need to be in the Importers name? For example, a small private company (ABC Co) imports a telecom product manufactured by a large manufacturer (i.e. Cisco) who obtains the certification. Can ABC Co use Cisco's certificate?**

For NOM-001 is possible to have the certificate on foreign companies, but it should authorize extensions for importers in the country.

**Will existing non-expired registrations be OK for import until expiration, or is the cutover to include NOM-001 a hard line on imports, even for non-expired certificates?**

For UL CoC no expiring certificate the due date remains May 13, 2020 since the actual Equivalence Agreement refers to NOM-001-SCFI-1993 that becomes withdraw at this date. It can change in case a new/updated EA is in place.

**I tried to recertify my product for NOM-001-SCFI-1993, but it took some time to initiate the process and by the time a quote was provided our 1 year recertification date had passed. And now due to COVID-19 our company is currently closed. Can I request a COVID-19 exemption?**

Yes. It is possible to apply for recert and get advantage of COVID-19 exemptions. Please consider the possible implications.

**Is UL-NOM equivalency going away once new NOM-019 is published?**

Yes. The equivalence agreements refer to the version of standards involved. It means a new or upgrade of equivalence agreement is required when std version involved changes. Otherwise it will be withdrawn.

**In general, for HS codes not requiring NOM, is certification still required for commercialization in Mexico?**

It is not required from point of entry. From market perspective, the product must comply with applicable standard if exists.

**Mexico Import Brokers have been asking for NOM 019 certificate in the importing customers name instead of the manufacturer. How can UL handle this additional step?**

In case the certificate per NOM-019 has been issued to a foreign company, please requesting to the certification body to issue an extension to their importers. IMPORTANT: it is possible only for NOM-001 and NOM-019 only.

**Can UL act as our Legal Entity in Mexico for a fee?**





No. We can list options as possible providers, including EMERGO that is NA UL family company.

**Is the MRA applicable to products tested to UL standards regardless of who does the testing (i.e. testing done by ITS) or is the MRA only applicable to testing done by UL?**

The MRAs in place today include tests performed at UL labs and client's lab facilities listed per UL DAP. It does not include tests performed by others. Can you please summarize the COVID-19 exemption again thanks "Products subject to NOM certification requirements can be released from Mexican customs as long as there is evidence that the importer has initiated the NOM process with a Certification Organization (CO) or Inspection Unit (IU).

CO or IU will register the assigned reference number in the DGN database.

The importer should include the reference number in the importer requests submitted to Customs.

This alternate path will be valid until the Mexican government notifies the suspension of this measure, or the NOM certificate is issued by the corresponding Certification Organization, whichever comes first.

**UL is expecting to receive MRA agreement to allow use of US lab testing as soon as June 2020, is that correct?**

That's correct for new NOM-001. It's estimative and depends on Mexican authorities.

**Does current Mex NOM-001 1993 certificates really expire on May 14<sup>th</sup>?**

No. The certificates per NOM-001-SCFI-1993 issued until May 13 would remain valid for 1 more year.

**If the HS code does not specify a NOM, is it possible the product still needs to comply with such NOM?**

It is not required from point of entry per HS codes. But it is required the product comply with applicable standard if exists from market perspective.

## **62368-1 SAFETY STANDARD**

**I heard Mexico is in the process of accepting 62368 soon. Is there any update as to when they will have this accepted by Mexico?** Not at this point. NOM-001 and NOM-019 are the reference Mexican standards.

But there are 3 discussions in progress where this topic is on the agenda:

1. NEW NOM-019 and;
2. NEW Mexican Equivalence Agreement



3. DOF MEX published the public consultation for “Proyecto de Norma Mexicana PROY-NMX-I-62368-1-NYCE-2020” through [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5592302&fecha=27/04/2020](https://www.dof.gob.mx/nota_detalle.php?codigo=5592302&fecha=27/04/2020). It is opened for next 60 days starting Apr 27, 2020.

### **IEC 60950-1 is ending in December 2020. What happens then?**

Local regulators can determine maintain the current version of a standard by law. On the other side, there are discussion in progress to accept 62368-1.

### **Will UL 62368-1 be accepted under MRA for ITE and A/V products?**

No at this point. NOM-001 and NOM-019 are the reference Mexican standards.

But there are 3 discussions in progress where this topic is on the agenda:

1. NEW NOM-019 and;
2. NEW Mexican Equivalence Agreement
3. DOF MEX published the public consultation for “Proyecto de Norma Mexicana PROY-NMX-I-62368-1-NYCE-2020” through [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5592302&fecha=27/04/2020](https://www.dof.gob.mx/nota_detalle.php?codigo=5592302&fecha=27/04/2020). It is opened for next 60 days starting Apr 27, 2020.

### **Suppose we propose a technical option letter to justify why NOM-003 does not apply and grant certification per NOM-001. Is there a NOM standard that corresponds to UL 62368, as this seems to be making UL 60950 obsolete?**

No at this point. NOM-001 and NOM-019 are the reference Mexican standards.

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### **Is NOM-019 accepting UL 62368-1 in Equivalency agreement?**

No at this point. NOM-001 and NOM-019 are the reference Mexican standards.

But there are 3 discussions in progress where this topic is on the agenda:

1. NEW NOM-019 and;
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**If we have CB report and CB certificate IEC 62368-1, are we still need to get NOM?**

Yes. NOM-001 and NOM-019 are the reference Mexican standards. Can you enlighten about NMX-I-62368-1-NYCE-2015.

NOM-001 and NOM-019 are the reference Mexican standards at this point. But there are 3 discussions in progress where this topic is on the agenda:

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2. NEW Mexican Equivalence Agreement
3. DOF MEX published the public consultation for “Proyecto de Norma Mexicana PROY-NMX-I-62368-1-NYCE-2020” through [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5592302&fecha=27/04/2020](https://www.dof.gob.mx/nota_detalle.php?codigo=5592302&fecha=27/04/2020). It is opened for next 60 days starting Apr 27, 2020.

**SAR**

**What are the devices impacted by these two SARs regulations?**

According to the scope described on the Mexico standards are very generic: "Products, equipment, devices or apparatus that make use of the radio spectrum or are connected to a telecommunications network in the frequency range of 30 MHz to 6 GHz when:

- a) used near the head, particularly near the ear and
- b) used at a distance less than or equal to 200 mm from the human body”.

**Scope of the SAR standard is mainly for cell phones and smartphone, what about Notebooks and tablets for instance**

Portable products, including tablets and notebook could be covered by SAR requirements if fit to the criteria which include making use of the radio spectrum or are connected to a telecommunications network in the frequency range of 30 MHz to 6 GHz when:

- a) used near the head, particularly near the ear and
- b) used at a distance less than or equal to 200 mm from the human body.

