



THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Voluntary Public

Date: 8/26/2015

GAIN Report Number:MX5033

Mexico

Post: Mexico

Injunction Lifted for Planting GE Corn in Mexico but Still on Hold

Report Categories:

Biotechnology - GE Plants and Animals
Agricultural Situation

Approved By:

David Wolf

Prepared By:

Adriana Otero

Report Highlights:

On August 19, 2015 a Mexican federal judge from the XII District Court overturned a 2013 ruling that had prevented biotechnology companies, universities, or public research institutes from planting genetically engineered (GE) corn in Mexico. Later that same day after the judge's announcement lifting the injunction, groups supporting the original injunction appealed the judge's decision. As a result, a Federal Magistrate will need to pronounce if he agrees to uphold the groups appeal or throw it out. Private sources state that the Magistrate should make his decision within days.

Executive Summary:

On August 19, 2015 a federal judge from the XII District Court overturned a 2013 measure that prevented biotechnology companies, universities, or public research institutes from planting genetically engineered (GE) corn in Mexico. Later that same day, supporters of the injunction appealed the decision. Now a Federal Magistrate will need to pronounce within the next several days if he is agrees or not with the judge to uphold the decision to overturn the 2013 ruling or agrees with the groups supporting the continuation of the injunction.

The order on August 19th to overturn the injunction followed a 2013 collective lawsuit against the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA) and the Secretariat of Environment and Natural Resources (SEMARNAT) and some agricultural biotech companies directing them to suspend the granting of permits for experimental, pilot and commercial release of GE corn in Mexico. If the magistrate agrees with the judge, SAGARPA and SEMARNAT could regain the authority to approve or disapprove permits for the release of GE corn planting.

General Information:

Background:

While Mexico has a sophisticated structure in place for the regulation of agricultural biotechnology, its implementation has been a very different story. As the “center of origin”, corn is an important aspect of Mexican identity. In this charged environment, the Government of Mexico (GOM) has continued to move forward with extreme caution in making any decisions related to biotechnology. Any biotech approval for GE seed has three stages: experimental, pilot, and commercial. The GOM (SAGARPA) had issued approvals before the 2013 injunction for the first two stages for GE corn. The GOM has issued no approvals for commercial GE corn plantings.

On December, 2013, a federal district judge from Mexico City accepted an injunction placed on all planting activities involving genetically engineered (GE) corn in Mexico (See 2013 GAIN reports [MX3075. Mexican Judge Blocks GE Corn Permits](#) and [MX3087. Mexican Judge Lifts Injunction on GE Corn Permits](#)). The order followed a collective lawsuit against the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA) and the Secretariat of Environment and Natural Resources (SEMARNAT) and some agricultural biotech companies directing them to suspend the granting of permits for experimental, pilot and commercial release of GE corn in Mexico. The injunction blocking GE corn permits was initially passed in October, 2013 as a result of a collective lawsuit filed by a group of social activists.

After almost two years, a Mexican federal judge from the XII District Court has now overturned the 2013 measure that prevented biotechnology companies, universities, or public research institutes from planting genetically engineered (GE) corn in Mexico. Reportedly, the court decided to lift the injunction because it was not provided sufficient proof that GE crops caused any damage to the health of

consumers or the environment. The federal court decision could be the first step toward the commercial use in Mexico of GE corn. Mexico is the third largest importer of corn in the world.