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Guatemala

Food and Agricultural Import Regulations and Standards

Country Report

2004

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Report Highlights:

This report contains information on food laws, labeling requirements, pesticides, copyrights and trademark laws, import procedures, tariffs and customs clearance for the importation of food and agricultural products into Guatemala.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
Guatemala [GT1]
[GT]

GUATEMALA:**FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS
(FAIRS)**

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DISCLAIMER: the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Guatemala City, Guatemala has prepared this report for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may be no longer complete or precise as some import requirements are subject to frequent change. It is highly recommended that U.S. exporters ensure that all necessary customs clearance requirements have been verified with local authorities through your foreign importer before the sale conditions are finalized. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS ALWAYS SUBJECT TO THE RULES AND REGULATIONS AS INTERPRETED BY THE COUNTRY OF IMPORT AT THE TIME OF PRODUCT ENTRY.**

A. FOOD LAWS

The Division of Registration and Control of Medicines and Foods of the Ministry of Health, here after referred to as Food Control, is the main authority for food products legally imported or manufactured in Guatemala. Government Decree # 45-79 established the Health Code, which regulates Food Control, in 1979. Title II Chapter Two of the Health Code refers to food products. Food Control, under authority of Ministerial Decree 969-99 (replaces Decree 132-85), is responsible for upholding food product norms set by the Guatemalan Ministry of Economy's Commission of Standards (COGUANOR). The Commission of Standards is governed by the Executive Advisory Committee, which is made up of representatives from the Ministry of Health, Ministry of Economy, Ministry of Labor, School of Engineers and Chambers of Agriculture, Industry and Commerce.

There are many specifications, rules, legislation and other requirements regulating food products. These requirements are quite complicated and often subject to different interpretations. However, there is a considerable lack of resources in Food Control to effectively enforce the Health Code. As a result, for example, some imported food products are marketed in Guatemala without a Spanish-language label, as the food-law requires. This is changing and more importing companies are complying with the law in anticipation of stricter enforcement by the Ministry of Health. A retailer who violates the food laws as interpreted by Food Control can be fined up to half the value of the previous day's total sales. Furthermore, there have been cases where imports have had difficulty clearing customs when the labels have not been in Spanish.

In order to receive an import license, all imported foods of animal or vegetable origin must comply with the following requirements: phytosanitary and/or sanitary certificate; certificate of origin; commercial invoice; free sale certificate; bill of lading; and a microbiological certificate for products of animal origin. The Unit of Norms and Regulations of the Ministry of Agriculture Livestock and Food (MAGA) controls all of these requirements. This office is in charge of regulating the import of agricultural products. This office oversees imports of non-processed food items and regularly consults with Food Control to establish norms and import procedures for agricultural products.

When importing food products into Guatemala, firms will find themselves working very closely with both Food Control and Norms and Regulations. The import license is actually issued by MAGA, Norms and Regulations.

Product Registration is required for all packaged food products in Guatemala. Food Control is responsible for all registrations. Food Control issues a sanitary registration number after a laboratory test has been performed on the product. This registration number is valid for five years and takes six weeks to obtain. In addition to the laboratory analysis done to the product at the time of registration, the law requires inspections at the point of entry, wholesale and retail level for the wholesomeness of the product. Natural foods, non-processed foods, raw materials and food additives do not require registration. Also, there is no environmental legislation that affects the importation of food products. The cost of registration and analysis of a product is about \$150 U.S. Dollars.

The Sample Law outlined in article 37 of Ministerial Decree 969-99 strictly prohibits the importation of samples except for the sole purpose of registering the product. However, an agreement has been reached with USDA in which samples will be allowed to enter the country without requiring previous registration for the purpose of exhibition, special events and promotion. In order to enter these samples, the importer must provide Food Control a written request accompanied by a certificate of free sale. To avoid problems with samples, it is best not to send more than 2 kilos per product.

Microbiological - The Government of Guatemala (GOG) has been demanding that a microbiological certificate accompany all animal and unprocessed products. A private lab can issue this or the production plant's own quality control lab. FSIS can also issue this document from records of its regular surveillance. This certificate must be stamped by a local chamber of commerce to be considered official. The GOG uses Codex Alimentarius to establish the maximum levels of parasites or residues. Most plants in the US already have systems in place to measure this as part of their HACCP programs. It is just a matter of sending the most recent results. Exporters should make sure that the information is presented as parts/million, which is standard. US tolerance levels for Salmonella, E-coli and others are acceptable in Guatemala. FAS believes the added procedure of requiring the local chamber of commerce stamp should be eliminated.

B. LABELING REQUIREMENTS

Labeling requirements are set by COGUANOR'S labeling standard #34039. It sets 40 requirements with respect to the appearance of the label, what information should be on the label and that it be written in Spanish. However, importers negotiated with COGUANOR and reached an agreement for a stick-on label to be used with the following information written in Spanish:

1. Product definition/description
2. Name of the product (This should be the official name as noted on the U.S. Certificate of free sale)
3. Physical characteristics, including ingredients (This has to be a qualitative composition, which was indicated in the back of the registration form). If this information is in English, please translate literally.
4. Net weight/volume
5. List of ingredients and additives and the percentage of total for each
6. Name, address and telephone number of Guatemalan distributor
7. Food Control registration number (D.G.S.S.-D.R.C.A. _____)-Sanitary license obtained at a Center of Sanitation; the original license has to be presented. Cost approximately Q.630.00 for each product.
8. Expiration date
9. If applicable "Keep Frozen"
10. If applicable "Form of Preparation"

Sample of label

Nombre del Producto:	Puré para bebés; postre, sabor chocolate
Ingredientes:	Harina de trigo, leche entera reconstruida, azúcar, vitaminas, colorantes naturales, cocoa. 12 oz. Netas
Distribuidor:	Importaciones Guatemala, S.A.
Dirección:	Avenida Las Estrellas, 0-01, Zona 24, Guatemala, Ciudad
Teléfono:	(502) 555-1212 y (502) 555-2121
Fecha de vencimiento:	D.G.S.S.-D.R.C.A. 123-456-789 31-02-02

It is recommended that importers comply with food product registrations and labeling requirements. Imported sample-size products, under current law, must comply with existing labeling laws. Bulk-packed food products do not require labeling, unless they are to be sold at the retail level as an individual unit. Nutritional labeling in Guatemala is not required, but

the special shelf-life requirements specify that this use-by date be printed on the package. However, there have been problems with distributors importing goods with the use-by date removed or already expired. The law on use-by date is ambiguous and leaves room for interpretation. U.S. exporters are strongly encouraged to not ship product with a nearby expiration date. This problem has led to poor relationships for more than one U.S. company. In addition, there have been cases where product came stamped with the manufactured date, and entry was rejected. The customs agent assumed the product had expired. If stamping a manufactured date is already part of a company's procedure, it is best to also add an expiration date to avoid problems.

C. FOOD ADDITIVES REGULATIONS

COGUANOR maintains a list of additives that are permitted for use in food products. The Codex Alimentarius food additives list was used in creating the Guatemalan norm. However, all new additives accepted by the Codex are not automatically accepted by COGUANOR. COGUANOR requires a vote by the Executive Advisory Committee to add a new additive to the list. This process takes approximately six months, but it is extremely rare to have an ingredient that is permitted in Codex Alimentarius not be accepted by COGUANOR.

D. PESTICIDES AND OTHER CONTAMINANTS

The Technical Directorate of Vegetable Health of the Ministry of Agriculture, hereafter referred to as Vegetable Health, regulates pesticides. Vegetable Health was established by Government Decree # 43-74 and regulates all agriculturally related chemical use by authority of Ministerial decree 377-90. There are no Guatemalan standards for tolerance levels of pesticides in food products. The Government of Guatemala uses the tolerance-level standards developed by Codex Alimentarius. Vegetable Health maintains a list of pesticides that are not permitted in Guatemala. This list is based on standards set by the EPA, Codex Alimentarius and FAO, among others. All pesticides must be registered with Vegetable Health.

E. SANITARY REGISTRATION PROCESS

All packaged food products that are sold at the retail level need to be registered at Food Control. The requirements to register food products are as follows:

1. Application for registration of food products
2. Certificate of free sale
3. Receipt of payment for laboratory analysis (\$110.00)
4. Provide the applicable amount of samples
5. Example of label design as it will appear on the product
6. All documents must be translated by an authorized translator.

It takes approximately six to eight weeks for Food Control to provide applicants with a sanitary registration number. The importer or a Guatemalan legal representative of the exporter must do the registration.

There are a number of regulations for special food groups. Decree 66-83 regulates the commercialization of substitutes for maternal milk. Beer, wine and other liquors do not need a registration number. Products labeled as "diet" must be registered as medicinal products.

All products that apply for registration must be tested by LUCAM, the Ministry of Health's only laboratory. Product samples must be provided at time of registration.

F. OTHER SPECIFIC REGULATIONS

The Ministry of Agriculture requires that all food products of either plant or animal origin obtain a sanitary import certificate as provided in Government Decrees # 34-84 and 479-84. Decree 34-84 mandates that manufacturing facilities of products of animal origin must be inspected by Ministry officials at the expense of the importer prior to issuance of a sanitary import certificate. However, they have not been enforcing this regulation. According to the Ministry they will require visits if ever a situation arises that represents an increased health risk, such as outbreaks, etc.

The requirements to obtain a sanitary import certificate from the Technical Director of Sanitary Inspection and Control of Food Products are as follow:

1. Complete an application for Sanitary Import Certificate, one application per product
2. Copy of the Articles of Incorporation
3. Certification of Registration of Incorporation
4. Appointment of legal representative
5. Copy of Commercial License
6. Sales Tax collection permit
7. Import & Export License from the Bank of Guatemala
8. Appointment of veterinarian as "Regente" and a note from this veterinarian accepting the position. This is a veterinarian who is on private contract to oversee food safety fro this firm. The Closes thing in the U.S. would be Resident Veterinarian Inspector. He will be required to sign all import requests and is legally liable for any illnesses that are caused by these products
9. Establish if place of origin of product meets sanitary conditions by making an official visit. This does not apply to U.S. product

Prior to the first importation, Ministry of Agriculture officials will inspect the warehouse where the imported product is to be stored at importer's expense. If product is to be used in a processing plant, an environmental impact study must be carried out.

G. COPYRIGHTS AND TRADE MARKS

Guatemalan Law has improved tremendously in the past couple of years, thanks to the passing of the Intellectual Property Bill, which became a condition the U.S. placed on Guatemala if it wanted to continue with most-favored-nation status. However, in order to benefit from the protection available, the brand or trademark must be registered in Guatemala. Trademarks and brand names should be registered at "Registro de la Propiedad Industrial" at the Ministry of Economy. In the past individuals registered trademarks and brand names with no desire to actually import the product and then sold the registration to whoever wanted to import the products into Guatemala. The new law automatically protects known brands, and if they are already registered elsewhere, the parent company is given priority to register it here. However the law was not retroactive, so the person that registered it owns any brand registered prior to October 2000. All product registrations can be contested in the Guatemalan court system. However, this process can be time consuming and costly. Guatemala, as a signatory to the Uruguay Round agreement of the WTO, has accepted the new Trade-Related Aspects of Intellectual Property Rights (TRIPS).

H. IMPORT PROCEDURE

The Guatemalan Government introduced an automated electronic customs clearance system in 2001. This system has created some transparency in the procedure, but it has also created problems. When the computer reads that the import product is of animal or plant origin, it will automatically require that the following documents accompany the entry application: bill of lading; phytosanitary or sanitary certificate; certificate of origin; free sale certificate; packing list; commercial invoice; microbiological certificate; and import permit. All documents must be originals. Below is the procedure to acquire the import certificate and the order in which to proceed.

1. The procedure will start at the Ministry of Agriculture. All imported products of animal or vegetable origin are inspected by the "ventanilla unica" from the Unit of Norms and Regulations of the Ministry of Agriculture. The documents required are: phytosanitary or sanitary certificate; commercial invoice; bill of lading; certificate of free sale; packing list; and certificate of origin. In most cases a microbiological certificate is also required. These may be copies, but in order to clear customs, the originals will be needed. An application form with the above mentioned forms must be submitted along with a fee of Q100 (about \$12.50) in order to receive an import permit. It is best to drop off applications before 10:00 am; if the shipment is perishable, the license will be ready for pick-up after 2:00 pm. For all regular shipments the license will be issued within 24 hours. This time frame usually holds if there are no problems with the documentation.
2. For processed foods, Norms and Regulations will require that the application be signed and stamped by Control de Alimentos (Food Control). This is done to verify that the product has a Sanitary Registration number. In addition, Food Control will also require a Free Sale Certificate in order to process the request. These certificates are generally issued by state health or agricultural departments, and state that the products are free for human consumption. For non-processed foods, Food Control will require a Sanitary Certificate.
3. The application should be dropped off at Food Control by 11:00 am, and picked up the same day between 2:00-4:00 pm. In the past this step was only required for packaged products, but now it is required for all products of animal origin.
4. Once the import permit has been obtained with both approvals from the above-mentioned agencies, the product will be inspected by "Organismo Internacional Regional de Sanidad Agropecuaria (OIRSA). This is a regional inspection entity in Central America that has been delegated the responsibility of Food Safety by all the Central American countries. Whether the imported product comes by air, land or sea, inspectors from OIRSA will be on site to assure that the paper work is in order. Then, inspectors perform an ocular inspection of the imported products in order to authorize release from customs. In order to process the import permit, copies of the documents are allowed, however, to clear OIRSA, the originals must be presented.

After the import certificate has been issued, this document is provided with all the above-mentioned documents to the customs official. The importer then pays the duties to SAT (Superintendent of Tax Administration). This payment is done in the form of a deposit at either of the two banks that are approved, and the deposit slip becomes the proof of payment. After all this has been done, the shipment will be released. This final procedure is done at port of entry. There is still a possibility of a red or green light at the exit gate of the

container. If a red light is received, there will be an additional review of both documentation and contents of container. If a green light is received, the container is allowed to leave the yard.

The clearing process is done electronically, however, at the final stage all the documentation will need to be handed over to the customs agent (in originals), in order for the shipment to be released.

It is important that all quantities, in every one of the documents, match. If not, clearing customs will be a major problem. Do not add boxes to a container once the documentation has been totaled, and always make sure that the phytosanitary or sanitary certificate's total equals the exact amount on the invoice. If there is any discrepancy, the container will be held and clearance will be extremely difficult.

I. TARIFFS/QUOTAS

PRODUCT	QUOTA (MT)	TARIFF (IN-QUOTA)	TARIFF (OUT-OF-QUOTA)
Beef, fresh, refrigerated and frozen.	1560	0%	15%
Apples	11,500	12%	25%
Poultry fresh and frozen	30,000	5%	15%
Yellow Corn	463,700	5%	35%
Rice (Total)	58,340		
Milled	390	11.8%	23.7%
Paddy	55,000	0%	23.7%
Puffed	2,400	0%	23.7%
Planting	550	0%	23.7%

Presently both the Tariff Rate Quotas for Beef and Poultry are suspended. Both products can enter without limit, but are applied a duty of 15%.

J. POST CONTACTS

If you have any questions regarding this report or need assistance exporting to Guatemala, please contact the U.S. Agricultural Affairs Office at the following address.

Office of Agricultural Affairs, U.S. Embassy
 Avenida Refroma 7-01 Zona 10
 Guatemala, Ciudad 01010
 Tel: (502) 332-4030
 Fax: (502) 331-8293
 Email: AgGuatemala@fas.usda.gov

For further information on exporting U.S. agricultural products to Guatemala and other countries, please visit the Foreign Agriculture Service home page: www.fas.usda.gov.

APPENDIX A. LIST OF MAJOR REGULATORY AGENCIES

Name: Lic. Guillermo Solorzano
Title: Jefe
Institution: Departamento de Regulaciones y Control de Alimentos
Address: 11 Avenida "A" 11-57, Zona 7. Finca La Verbena, Guatemala
Telefax: (502) 471-9958, 440-9500

Name: Lic. Jose Felix Mendizabal Pinto
Title: Director
Institution: Dirección General de Regulación, Vigilancia y Control de la Salud
(Health Services General Office, Ministry of Public Health)
Address: 6 Avenida 3-45, Zona 11, 3 Nivel, Escuela de Enfermería, Guatemala
Tel/Fax: (502) 475-2121

Name: Licda. Ebenora de Bonatte
Title: Directora
Institution: Laboratorio Unificado de Control de Alimentos y Medicament (LUCAM)
Address: Km. 22 Carretera al Pacífico, Bárcenas, Villa Nueva
Tel/Fax: (502) 631-2017/18

Name: Dr. Anibal Menendez
Title: Director
Institution: Unidad de Normas y Regulaciones/Ministerio de Agricultura
Address: 7 Avenida 3-67 Zona 13, Guatemala City, Guatemala
Telephone: (502) 475-3058
Fax: (502) 475-3058

Name: Ing. Leonel Carillo
Title: Director OIRSA-SEPA-SITC
Institution: Organismo Internacional Regional de Sanidad Agropecuaria
Address: 21 Avenida 3-12, Zona 15, Guatemala
Telephone: (502) 369-5900
Fax: (502) 334-0646

APPENDIX B. OTHER CONTACTS

Name: Alvaro Aguilar
Title: Minister
Institution: Ministry of Agriculture, Livestock and Food
Address: 7 Avenida 3-67 Zona 13, Guatemala
Telephone: (502) 332-4756 / 362-4758
Fax: (502) 332-8302

Name: Lic. Carlos Illescas
Title: Director
Institution: Registro de la Propiedad Industrial
Address: 5 Calle 4-33, Zona 1
Edificio Plaza Rabi, 7o. Niv. Oficina 701, Guatemala
Telephone: (502) 232-3618

Name: Ing. Hector Herrera
Title: Jefe de Normas
Institution: Comision Guatemalteca de Normas (COGUANOR)
Address: 8 Avenida 10-43, Zona 1, Guatemala
Telephone: (502) 253-3547 /238-3331-7 Ext. 2201
Fax: (502) 253-3547

Name: Licda. Lucrecia Bermejo
Title: Registradora
Institution: Valuables and Merchandise Registry (From the Ministry of Economy)
Address: 6 Avenida 10-43 Zona 1, Guatemala
Telephone: (502) 361-2793, 361-2794

Name: Licda. Karina Posadas
Institution: Ventanilla Unica para Inversiones
Address: 7 Ave 7-61 Zona 4, Guatemala
Telephone: (502) 361-0776