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Food and Agricultural Import Regulations and Standards

Country Report

2005

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Report Highlights:

Updated on: July 2005. Section (s) Updated: Sections I, IV, VII, IX and Appendix I.

Foreign exchange and price control policies are still in place. Certain changes to the original list are expected by August 2005. In addition, the import tax exoneration expired on April 2005. The import tax exonerations for staple products may be launched again, but with significant changes to the original list of products.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
Caracas [VE1]
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FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)

“This report was prepared by the Office of the Agricultural Affairs of the USDA/Foreign Agricultural Service in Caracas, Venezuela for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY’S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.”

SECTION I. FOOD LAWS (Updated)

The "Official Gazette" (Gaceta Oficial) is the official legal publication of Venezuela. It was established in 1941 with the name of "Gaceta Oficial" and its purpose is to inform the public about any law, decree, agreement or other dispositions that affects them. It is sold in Caracas, but can be accessed through the following web page: <http://www.tsj.gov.ve>. Daily highlights are published on the web: <http://www.sail.gov.ve/Sumario%20Gaceta%20Oficial.asp>

Ministry of Food

The Ministry of Food was created through a Presidential Decree according to the issues No. 38,024 (September 15, 2004) and No. 38,027 (September 21, 2004) of the Venezuelan Official Gazette.

This new Ministry will take some functions away from the existing Ministry of Agriculture and Lands (Ministerio de Agricultura y Tierras, MAT). However, both Ministries are expected to work together to ensure a secure food supply to the population. The main function of this new Ministry will be to accomplish all strategic food security and distribution plans, whereas MAT will focus more on agricultural production and rural development. Even though the new Ministry's charter was published in September 2004, it is not fully operational since both offices, MAT and Food, are sorting out their areas of action. For additional information please refer to GAIN report number VE5009.

Main Functions of the new Ministry of Food:

- 1- The regulation and formulation of policy and the planning of all activities related to food and feeding;
- 2- Regulation, policymaking, follow up and evaluation of all activities related to feedstock; regulation, policymaking, follow up and evaluation of all matters related to the food industry, taking into account the guidelines of the Ministry of Industry;
- 3- Regulation, policymaking, follow up and evaluation of all activities related to ensuring the "secure food supply";
- 4- The same role regarding storage, transportation, distribution and food consumption;
- 5- Planning and coordination of all State-owned commercial ventures in this area;
- 6- Definition of foreign policy regarding food and food supplies, as well as carrying out all international negotiations in this area, in coordination with the Ministry of Foreign Relations;
- 7- Planning, formulation, follow up and evaluation of policies regarding food quality, in coordination with the Ministry of Health and Social Development;
- 8- Planning, formulation, follow up and evaluation of strategies directed at maintaining equilibrium between supply and demand in agricultural circuits;
- 9- Regulation and issuance of import permits, authorizations, licenses, certificates and other documentation needed for importing and exporting in the food and feed sectors.

In addition to the former, the Ministry of Food has broad powers to supervise almost everything related to the production, distribution and storage of food for final consumption. Furthermore, the Ministry is empowered to supervise advertisements dealing with food, food quality and health related issues. Some of the functions of the Ministry of Food and the Ministry of Agriculture and Lands appear to be overlapping and it is unclear at this time on how it will sort out.

Ministry of Agriculture and Land

The Ministry of Agriculture and Land (Ministerio de Agricultura y Tierras or MAT) has the responsibility of promoting harmonic and sustained development of the agricultural and livestock sectors of Venezuela, through the orientation, direction and evaluation of agricultural activities. The laws by which this ministry is ruled are the following:

Sanitary Defense Law

This law was published in the Official Gazette N°20,566 on August 15, 1941 and is aimed at preventing and controlling plagues, illnesses and pests that may affect both animal and plant products, and relates to the study and prevention of diseases, plagues and all other agents that are harmful to animals and vegetables and their products. This norm establishes regulations, conditions and prohibitions for imports and exports of animal and plant products. It can be accessed through the following web site:

<http://www.gobiernoenlinea.gob.ve/docMgr/sharedfiles/Leysobredefensassanitariasvegetalyanimal.pdf>

Agricultural Marketing Law

The broad objectives of the law can be summarized as follows: plans, regulates and oversees all marketing stages of agricultural products and its inputs. It has the authority to fix prices for agricultural products with the intention of preserving national food security. It was published on the Official Gazette N° 37,389 on February 21, 2002.

It can be accessed through the following web site:

<http://www.gobiernoenlinea.gob.ve/docMgr/sharedfiles/313.pdf>

Law of Seeds

This law regulates the marketing and trade of seeds and seed products as well as any new development for new seeds. It was published in the Official Gazette on October 18, 2002. It can be accessed through the following web site:

<http://www.gobiernoenlinea.gob.ve/docMgr/sharedfiles/064.pdf>

Andean Sanitary Standards

Alongside its national sanitary regulations and as part of the coordination in sanitary matters between member countries, Venezuela also applies Andean sanitary standards. There is an Andean subregional register with approximately 600 national standards. For additional information about the Andean sanitary standards check

<http://www.comunidadandina.org>.

Institutions and Agencies of the Ministry of Agriculture and Lands (MAT)

Through the Autonomous Agricultural Health Service (SASA), the Ministry of Agriculture and Land (MAT) is responsible for quality control and inspection in respect to everything relating to the manufacture, processing, importation, exportation, storage, distribution and marketing of food, biological products, medications and animal feed, as well as for the laboratories that control the quality of these products.

This agency is in charge of issuing phytosanitary or sanitary health import permit for imported products and subproducts of plant or animal origin, and animals and plant breeding material.

Ministry of Health and Social Development

The Ministry of Health and Social Development (MSDS) through the Food Hygiene Division, regulates domestically produced or imported processed food products, beverages, colors and pesticides.

General Food Regulation (refer as General Food Law)

This norm was published in the Official Gazette N° 25,864 on January 16, 1959 and establishes that MSDS along with MAT must control the quality of food products destined for human consumption. (Again, the new Ministry of Food may take over some of the functions of MAT in regard to food for human consumption.) These two ministries must prohibit trade or retire from the market those products that are harmful to human health. This norm describes all requirements that food products need to fulfill in order to be offered to consumers, as well as labeling requirements to be fulfilled. This norm states the obligation of obtaining a registration certificate from the MSDS for imported foods. Complementary norms were established on March 3, 1996 (Official gazette N° 35,921.) An online version of the Food Law can be accessed through the following website:

<http://www.gobiernoenlinea.gob.ve/docMgr/sharedfiles/reglamentogeneralalimentos.pdf>

Institutions of the Ministry of Health and Social Development (MSDS)

The National Hygiene Institute (Instituto Nacional de Higiene) is the government's reference lab for all food testing. This is the only authorized institute to carry out food analysis for registration purposes.

Other Institutions Related to Foreign Trade

Ministry of Light Industries and Trade (Former Ministry of Production and Commerce)

Technical standard policy is the responsibility of the Ministry of Light Industries and Trade (MILCO), which implements it through the National Autonomous Standardization, Quality, Metrology and Technical Regulations Service (SENCAMER) formerly known as Autonomous Office for Standardization and Quality Certification (SENORCA.) Under delegation from MILCO. SENCAMER is responsible for technical standardization, quality control and certification programs and maintains the register of mandatory technical regulations. It also has national responsibility for metrology. SENCAMER accredits certification and inspection agencies and testing laboratories. In Venezuela, BUREAU VERITAS, AQSR and FUNSEIN are the organizations accredited by SENCAMER for certifying products and quality systems. The Fund for Standardization and Quality Certification (FONDONORMA) is no longer authorized to certify products and quality systems.

Institutions of the Ministry of Light Industries and Trade

SAPI, the Intellectual Property Registration Service (Servicio Autónomo de de la Propiedad Intelectual--SAPI), under MILCO, is the body responsible for the administration of intellectual property rights in Venezuela. SAPI has two main operational branches: the Industrial Property Registration Directorate (DRPI), responsible for administering the granting of patents, utility models, industrial designs, breeder certificates (for plant varieties) and integrated circuit certificates and the registration of trademarks, trade names, commercial slogans and appellations of origin; and the National Copyright Directorate (DNDA), has administrative responsibilities for registration, monitoring and inspection in connection with copyright and related rights.

Ministry of Foreign Affairs

The Ministry of Foreign Affairs works with the President of Venezuela and coordinates with MILCO, MAT and MSDS in the formulation of international policies, direction of international affairs and signing of agreements and other international conventions. It carries the responsibility of supporting commercial negotiations and offering assistance in dispute settlements.

National Tax Authority

The National Integrated Tax Administration Service (Servicio Nacional Integrado de Administración Tributaria--SENIAT) administers custom services and is responsible for the surveillance and control of imported and exported products through the borders and ports of Venezuela, as well as the assessment and collection of import duties and taxes. The Organic Law of Customs and its respective regulations direct all activities carried out by SENIAT.

SECTION II. LABELING REQUIREMENTS

a. General Requirements

The General Regulation for Foods, the Sanitary Defense Law and the COVENIN standards provide labeling requirements for processed food products. This law applies equally to domestic and foreign suppliers. The label must include the following information:

- Descriptive name of the product.
- Brand name or trademark.
- Net weight (grams) or net content (liters).
- List of ingredients in decreasing order.
- Manufactured by (name of company) in (name of city, state, country).
- Imported by (name of importer/importing company).
- Special handling requirements, if any.
- Any other requirement stated by COVENIN norms, General Food Law or special requirements ordered by MSDS.
- The MSDS Registration Number.

Specific Instructions

Detailed instructions for preparation or use should be given in Spanish. Net content and drained mass (net weight) has to be declared in metric measurements. Specific storage requirements to keep the product safe, must be included.

Temperatures

Oven temperatures must be indicated in both Celsius and Fahrenheit.

Baby Foods

Venezuelan health authorities are sensitive about modified food starches used in food products intended to be consumed by infants and children. Therefore, to save time in the registration of such products, it would be helpful to note what process is used in the modification of the starch.

Seasonings and Flavorings

For registration purposes, it is convenient to specify the names of spices used as seasoning. Also, specify ingredients used in flavorings.

Language

Spanish is the official language of the country. All labels should be presented in Spanish. Imported products may have labels in a foreign language with the respective translation in Spanish, in the same form and characters, and containing all previously listed requirements. The foreign label must be applied prior to export, because the product has to enter the country in its final presentation. Previous to authorization by health authorities, a label with all information in Spanish may be affixed to the English version label. Stickers are acceptable.

Additional Comments to the Labels

Health authorities may require the elimination or modification of any paragraph or phrase concerning a particular product, as well as recommending the addition of any paragraph or phrase they deem necessary. Health claims are subject to MSDS consideration and final approval is given on a case-by-case basis.

b. Requirements Specific to Nutritional Labeling

Nutrient labeling is voluntary in Venezuela; therefore it is up to the individual company to indicate nutrients on the label in terms of recommended dietary allowances. The following information must appear on labels for processed foods:

- Cooking or preparation methods (optional for products in institutional-size containers).
- The SNML registration number (metrology registration).
- The MSDS registration number (health registration).

Percent composition of protein, fat, carbohydrates, moisture and any other substance established by health authorities is required only on the labels of FOOD FOR SPECIAL DIETARY USE (See "Gaceta Oficial" No. 31.106 dated November 9, 1976. Also, see "Reglamento General de Alimentos".)

The following additional information must appear on labels for processed foods that are marketed for specific dietary use:

- Energy value, protein content, digestible carbohydrate content, and fat content.
- Amounts of any nutrients claimed to have special nutritional value.
- Proteins, carbohydrates, and fats nutrient content must be expressed in grams.
- For vitamins A and D, nutrient content must be expressed in international units.
- For all other vitamins and minerals nutrient content must be expressed in milligrams or micrograms.
- Energy values must appear in calories.

It is preferable that nutritional information be expressed as a percentage of the recommended daily requirement set by the National Nutrition Institute (Instituto Nacional de Nutrición-INN). Recommended Daily Intake (RDI's) may be different from those in the United States. U.S. exporters should contact INN for a complete listing of recommended daily requirement.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

In general, packaging and container regulations are based on COVENIN standards and follow Codex Alimentarius guidelines. Sound manufacturing, storage and transportation practices for foods for human consumption were established by the MSDS, according to the official gazette N° 36,081, of July 11, 1996.

Containers, vessels, canning, bottling and packing materials used to handle inputs or finished products should meet the following general requirements:

- Manufactured with materials suitable for that kind of food such as glass, tin, plastic, paper or cardboard, or another material approved by the sanitary authorities.
- Must not transmit substances to the food beyond the allowed limits under the standards in-force.
- Shall not have been previously used for any different purpose that might contaminate the food to be packed.

Most recently, the Agricultural Marketing Law (Ley de Mercadeo Agrícola) called for establishing norms related to quality, reception, packaging systems, packing, labeling and classification of agricultural products and others, based on the Codex Alimentarius (article No. 32 of the Agricultural Marketing Law.) As these norms are not yet established, it is generally understood that previous norms are still valid.

SECTION IV. FOOD ADDITIVE REGULATIONS

General definitions concerning food additives and contaminants are contained in COVENIN norm #910. Additive and contaminant tolerance levels are specified in individual COVENIN food standards. In the case of imported products that do not have a mandatory COVENIN norm, additives are approved on a case-by-case basis by MSDS through the health registration process using COVENIN standards for similar products. In the absence of a relevant COVENIN standard, the Codex Alimentarius is used (there are some food additives authorized by the Food and Drug Administration in the United States that are not authorized in Venezuela and vice versa).

Maximum radiation tolerances are contained in the Official Gazette dated July 30, 1987, in MSDS Resolution No. G-869, as follows:

Radioactive Element	Milk	Other Foods
Iodine 131	170 Bq./liter	300 Bq./Kg
Cesium 134 + 137	250 Bq./liter	300 Bq./Kg
Strontium 90	11 Bq./liter	52 Bq./Kg

Additive and other contaminant tolerances are subject to modification, usually in order to reflect changes in the Codex Alimentarius.

When monosodium glutamate (MSG) is used, it would be useful for registration purposes, to specify the level used.

When nitrite and nitrate are used (sausages, ham, meat products in combination with other foods), the total level of these additives must be indicated.

For registration purposes only, artificial colors and flavors must be specified and identified. All artificial colors and flavors used in the formulation of the products must be registered with

the Ministry of Health. Also, for registration purposes, the source of origin of the natural flavor must be indicated.

US exporters can research the updated mandatory COVENIN food standards through SENCAMER web page: <http://www.sencamer.gov.ve>. The following is the list of mandatory standards (English copies of the norms are not available.)

LIST OF MANDATORY COVENIN FOOD STANDARDS

Product	Norm Number	Gazette Number	Date Published
Cocoa beans	050	4963	09/07/95
Chocolate	052	36780	09/06/99
Coffee, toasted or ground	046	4917	06/01/95
Coffee, instant or soluble	1643	4917	06/01/95
Butter	120	4917	06/01/95
Dairy cream, industrialized	677	33058	09/07/84
Milk, pasteurized	798	4917	06/01/95
Infant formulas	909	36221	06/05/97
Milk, extended shelf life	1205	4735	06/15/94
Milk, dried	1481	5126	12/30/96
Cheese, yellow	1538	35352	12/02/93
Cheese, general	1813	35352	12/02/93
Milk, sweetened, condensed	2179	4917	06/01/95
Ice cream and mixes	2392	4963	09/07/95
Yogurt	2393	35468	12/02/93
Cheese, Muster	2847	35352	12/02/93
Cheese, Parmesan	2848	35352	12/02/93
Cheese, Provolone	2849	35352	12/02/93
Cheese, Brie	2850	35352	12/02/93
Cheese, Gouda	2851	35352	12/02/93
Cheese, Edam	2852	35352	12/02/93
Cheese, Fymbo	2853	35352	12/02/93
Cheese, Danbo	2854	35352	12/02/93
Dairy Cream, retail	3046	35372	03/01/94
Lactovisoy (soy milk)	3359	36635	02/03/99
Whey (sweet and in powder)	3495	5486	08/31/00
Edible oil, general norm	030	35352	12/02/93
Sesame Oil	031	35352	12/02/93
Peanut Oil	032	35352	12/02/93
Cottonseed Oil	033	35352	12/02/93
Edible vegetable fats	069	35352	12/02/93
Margarine	070	4735	06/15/94

Mayonnaise	090	4735	06/15/94
Olive Oil	742	4917	06/01/95
Corn Oil	742	35352	12/02/93
Soy Oil	744	35352	12/02/93
Palm Oil	2184	35352	12/02/93
Coconut oil	2185	35352	12/02/93
Palm Kernel oil	2192	35352	12/02/93
Canola Oil	3125	4917	06/01/95
Sunflower Oil	1272	36780	09/06/99
Palm Oil	2593	5524	03/28/01
Orange juice	1699	4917	06/01/95
Orangeade	1701	35372	01/03/94
Orange, drink w/pasteurized juice	1702	32470	05/10/82
Orange, juice, frozen concentrate	2264	4917	06/01/95
Grapefruit juice	3005	35352	12/02/93
Fruit Canned	3031	35352	12/02/93
Wheat Flour	217	35453	05/04/94
Bread	226	34230	05/30/89
Pasta products	283	35453	05/04/94
Cereals, baby	1452	35372	01/03/94
Rice, white	1641	34582	10/29/90
Wheat, semolina	1946	34207	04/27/89
Corn Flour, pre cooked	2135	36044	09/16/96
Rice Flour	2300	35352	12/02/93
Oats, flakes	2383	34353	11/23/89
Frozen dough	3191	35894	02/05/96
Corn Flakes	2498	25547	02/23/99
Sausages, cooked	412	35894	02/05/96
Salami, cured	1410	35420	03/14/94
Ham, cooked	1602	5126	12/30/96
Ham, deviled	1784	34603	11/27/90
Mortadela	1944	35352	02/12/93
Creole sausages, dried	2070	35420	03/14/94
Creole sausages, cooked	2126	5126	12/30/96
Ham, compressed, cooked	2355	35352	12/02/93
Luncheon meat	3124	4917	06/01/95
Salami, cooked	3279	2511	06/05/97
Corned beef	2069	37020	08/23/00
Hamburgers	2127	36635	02/03/99
Luncheon meat	2180	37020	08/23/02
Ham, cured	2279	5486	08/31/00
Liver, paste	2751	36455	05/18/98
Eggs, fresh	1507	34230	05/30/89
Chicken, dressed	2343	34230	05/30/89
Poultry sausages	2593	35894	02/05/96
Poultry breast,	3305	36298	09/24/97

cooked			
Shrimp, frozen	453	34230	03/14/94
Sardines, canned	1087	5036	01/11/96
Tuna, canned	1766	5036	01/11/96
Baby clams, canned	1947	4765	08/10/94
Fish, dried and salted	2394	4765	08/10/94
Fish, pulp	3086	4765	08/10/94
Sugar, refined	234	35894	02/05/96
Sugar, raw	235	4772	08/26/94
Candies	3341	36455	05/18/98
Table salt	179	4963	09/07/95
Tomato juice	072	5036	01/11/96
Tomato puree	073	5036	01/11/96
Tomato sauce (ketchup)	075	5036	01/11/96
Mustard, prepared	161	34353	11/23/89
Baby Foods	2005	4917	06/01/95
Peas, canned	3015	35352	12/02/93
Sauce, based on tomato	3610	5524	03/24/01

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

The General Pesticide Regulations (Reglamento General de Pesticidas) was established by Decree N° 1150 of July 9, 1968. Codex Alimentarius pesticide residue tolerances are generally accepted as the standard by domestic food companies and distributors of imported processed foods. No governmental agency has been given the responsibility or authority to monitor pesticide residues in foodstuffs.

The Ministry of Agriculture and Lands (MAT) will temporary retain agricultural products suspected of being contaminated with pesticides or similar products. If analysis carried out by MAT proves this to be the case, the Ministry will order their destruction and no indemnification will be granted.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS (Updated)

Phytosanitary Permit and Sanitary Health Import Permit (for vegetable and animal products)

Prior to importing, importers must obtain a phytosanitary permit or sanitary health (SPS) permit (depending on the product) from SASA. Import permits have a non-renewable period of validity of between 60 and 90 days, depending on the product. Sanitary health import permits are issued for animal products and livestock-farming inputs (validity of 60 days). Phytosanitary import permits are issued for plant products (validity of 90 days).

Importers must present to SASA the following documentation in order to obtain the phytosanitary or sanitary import permit:

- Pro forma invoice
- Payment receipt of the import request fee at different local banks
- Country of origin certificate
- Phytosanitary or sanitary certificate, issued in the country of origin by the competent authority

SASA will review the documentation provided and will grant the phytosanitary or sanitary import permit. If the documents are not correct, SASA will not issue the import permit. In the case of phytosanitary and sanitary import permits, SASA will indicate treatment and conditions to be met by the product before entering the country, depending on pre-established regulations and norms.

Import Licenses

Venezuela routinely uses discretionary import licensing procedures to curtail agricultural imports of products such as corn, sorghum, dairy and oilseeds. For those products where the licensing system has not yet been implemented (45 products) such as beef, pork and poultry, the GOV restricts the issuance of SPS permits to block imports.

Import licenses are valid for four months, and can only be renewed if, on expiry, they have not been used for reasons outside the importer's control. When applying for a license, established importers are supposed to submit a monthly list of imports actually realized, indicating volume and value, together with the invoice on the most recent import, also indicating the volume and value of the merchandise in question. The importer must indicate the amount of the allocated quota that remains unused, which in some cases is reincorporated into the quota to be reassigned. (See Appendix E for the list of products requiring import licenses.)

Product Registration

Another requirement for the importation of animals and animal products or by-products is that the producer, exporter or importer also registers with SASA. The validity of the registration is indefinite, but it can be cancelled due to non-compliance with dispositions stated by pre-established laws and regulations.

Notes to the Phytosanitary and Sanitary Health Import Permit

SASA is authorized to restrict or prohibit the importation, marketing or use of a product. SASA's Standing Technical Advisory Body will recommend and indicate the appropriate course of action on the basis of a risk analysis.

Product Health Registration (for processed food products and additives)

Foods not registered in the country of origin cannot be registered in Venezuela. With the exception of special cases, such as Government or military sales as determined by the MSDS, all new-to-market foreign food products must be submitted for registration before being imported.

All consumer-ready food product (HS codes: 03, 04, 05, 16, 19, 20 and 21) imports must be registered with the MSDS through its Food Hygiene Division (División de Higiene de Alimentos) before they can be sold to the public in Venezuela in accordance with the provisions of Decree No. 989 of November 28, 1995 and subsequent amendments.

Product health registration is valid for five years. After five years, an application may be made to MSDS without cost for renewal of the registration.

Step-by-Step Registration process

It is necessary to do the following to complete the health registration process (all costs must be confirmed with the proper authorities):

1. Fill out an application for Health Registration for Food (SIE-5-197).
2. Affix 1,525 Bolivars (approximately \$0.95) in Venezuelan postage stamps to the form.

The following items must accompany the application for the health permit:

- a. A certificate of free sale and consumption issued by competent authorities in the country of origin. The certificate must state that the food is for human consumption, or for processing, or for use as an input in food for human consumption in the country of origin.
- b. A statement identifying the analysis methodology or set of standards which were used to obtain official approval in the country of origin by the manufacturer or by the company to offer the product for sale to the public.
- c. A letter from the foreign manufacturer, or a power of attorney, authorizing the Venezuelan representative to apply for health registration of the product in Venezuela.
- d. A letter of authorization from the Venezuelan representative, if a third party is requesting the health registration on his/her behalf.
- f. One sample of the food product.
- g. Three copies of the original labels and packages used to market the product in the country of origin.
- h. Three copies of the label in Spanish that will be used in Venezuela.

SAMPLE FORM FOR HEALTH REGISTRATION

* This is an unofficial translation of form SIE 5-197. It may not be used to make an application for health registration. Its purpose is solely to present exporters with the information that must be provided to complete the form. To obtain an actual form you must ask for it at MSDS's offices.

Ministry of Health and Social Development (MSDS)
DIRECTOR OF PUBLIC HEALTH
DIVISION OF FOOD HYGIENE

See the annexed instructions.
Type or print.

REQUEST FOR HEALTH REGISTRATION FOR FOOD

No. _____

NAME OF REQUESTOR _____
ADDRESS _____

In conformity with the General Food Regulations and other legal standards in force, I request by this form the registration of a FOOD PRODUCT, described below, in the appropriate Registry, as well as the authorization to offer it for human consumption.

COMPLETE NAME OF THE PRODUCT: (1) _____

TRADEMARK: (2) _____

SIZE AND TYPES OF CONTAINERS USED: (3) _____

MANUFACTURED BY: (4) _____

IN: (5) _____

CLASS AND TYPE OF PRODUCT: (6) _____

IDENTIFICATION OF LOT: (7) _____

COMPLETE LIST OF INGREDIENTS USED IN THE MANUFACTURE: (8) _____

PHYSICAL CHEMICAL ANALYSIS: (9) _____

CONDITIONS OF PRESERVATION: (10) _____

SHELF LIFE FOR HUMAN CONSUMPTION: (11) _____

I, _____

of nationality _____, identification document No. _____

address _____

in my character of: (12) _____

declare under oath that the above information is true, that the food product listed will be packaged in containers or packages, and with labels, authorized by the Ministry of Health and Social Development (MSDS), and similar to those of the sample of the product that accompanies this form. Likewise, I declare that the provisional assignment of a Registration number by the Ministry to facilitate the registration process neither constitutes valid authorization to perform any of the acts anticipated in the General Food Regulations, nor signifies exoneration from fulfillment of any other required rules relative to food. Likewise, I declare that I have been properly informed of the contents of the instructions that, along with this request, have been supplied to me by this Ministry.

SIE. 5-197

Notes to the Health Registration

1. The Government of Venezuela now accepts sanitary and phytosanitary certificates of imported agricultural goods without having them presented for legalization at Venezuelan Consulates. According to a December 1, 1998 resolution, all imports of vegetable and animal products including parts thereof, sub-products and others do not need to be shown at any Venezuelan Consular Authority.
2. Import documents, except for certificates of origin, do not need to be translated into Spanish for customs clearance.
3. All documents, other than sanitary and phytosanitary certificates, issued outside of Venezuela must be presented at a Venezuelan Consulate in the country of origin to be authenticated. These documents are valid for one year after the date of authentication.
4. Products not manufactured in Venezuela must also be accompanied by a certificate of free sale and use issued in the country of origin, with a period of validity of 12 months from the date of the application.

Control of products at retail/wholesale distribution levels

If an imported product does not meet the minimum quality standards or does not have a health registration number, it could be confiscated and/or destroyed by MSDS authorities. Inspection at the point of sale is done by MSDS officials on a regular basis to determine if imported products are fit for human consumption, have sufficient shelf life, or alternatively are thought to have been adulterated.

Samples for Registration Process

As part of the health registration process, the U.S. exporter or Venezuelan importer must submit samples (generally no more than three) of each product/model for which a registration is being sought to an accredited Venezuelan laboratory. It is advisable to mark the package "Muestras sin valor para su registro en el Ministerio de Salud y Desarrollo Social" (Samples without commercial value for registration with the Ministry of Health). Samples without commercial value should meet the following requirements in order to obtain exemption from the payment of import duties and value-added tax:

- Sender needs to be the producer of the product, its representative or the authorized exporter.
- The addressee shall be a company or an importer with tradition in this activity.
- All documentation (commercial invoices, transportation invoices or others) shall contain annotations demonstrating the products are samples without commercial value.
- Samples should be identified as having no commercial value.

Laboratory Testing for Registration Process

Chemical analysis and a complete listing of ingredients, including additives, colors and preservatives, are required. The quality control laboratories must be duly accredited by SENCAMER (see *Other Specific Standards section*) or the correspondingly authorized government entity (ministry, autonomous service or autonomous institute). After the laboratory has completed the tests, it submits the results directly to MSDS through its Food Hygiene Division (División de Higiene de Alimentos.) The cost of each analysis should be previously consulted for each product.

Pre Inspection (Updated)

The pre-inspection process done by international companies for all products shipped to Venezuela has been eliminated. Since September 1, 2003, the GOV required the pre inspection (Presidential Decree No. 2,444). This measure was aimed at preventing customs fraud, easing tax collection and expediting the nationalization of the product once at the port of entry. Several pre-inspection or verification companies were authorized by the GOV to perform this duty. The Venezuelan Custom authority (SENIAT) has rescinded the pre-inspection contracts signed with international companies. The effective date of this decision is unclear (August 1 or September 1, 2005).

Refund coupons or free offers

Refund coupons or free offers from foreign countries are not valid in Venezuela. Therefore, this should be specified on the Spanish version label, or if the label is printed especially for exportation, it is necessary to include information stating that refund coupons or free offers are not allowed in Venezuela. Domestic free offers and coupons are permitted if previously notified and approved by INDECU. Special remarks mentioning that the promotion has been notified and approved by INDECU should appear on every product.

SECTION VII. OTHER REGULATIONS AND SPECIFIC STANDARDS (Updated)

a. Exchange Rate Policy (Updated)

Currency trading was suspended on January 22, 2003 and an exchange control regime has been in place since February 5, 2003. At that time, the exchange rate was set at Bs 1,600/US\$. The rate can be adjusted as necessary by an agreement between the Central Bank and the Ministry of Finance. Adjustments occurred in February 2004 and again in 2005. Currently, the exchange rate is set Bs 2,150/US\$.

Importers must register with the Exchange Control Administration Commission (CADIVI) for formal applications for foreign currency transactions. When approved, the transactions are then liquidated through the Central Bank and finally through commercial banks. A complete list of imported agricultural products that can be imported at the official foreign exchange rate can be found at <http://www.cadivi.gov.ve>. The list should be checked periodically as products are added or removed by CADIVI without previous notice.

b. Price Controls (updated)

The Government of Venezuela announced price controls on February 11, 2003 as a complement to exchange controls. The measure affected a broad list of basic food products. Changes to the price control list, including adding to or removing products from the list, and increasing prices of certain products, are expected by the end of July 2005. However, this is considered a long-term policy and changes can occur unexpectedly. For the current list of products subject to price controls see appendix.

c. Tax exoneration for Basic Products (Updated)

The import tax exoneration expired on April 2005. Since January 28, 2003, the import tax exoneration has been renewed every six months. Currently, the MILCO is reviewing the list of staple products that had been granted import tax exoneration. It is unclear which products will be kept on the list or whether new products will be added.

For the list of products subject to import tariff exoneration that was valid until April 2005, see appendix. It can be accessed through the following web site:
<http://www.gobiernoenlinea.gob.ve/docMgr/sharedfiles/resolucion1261.pdf>

For products without sufficient domestic production the MILCO issues a certificate that allows importers to bring in food without paying import duties. Certificates of non-domestically produced food products are issued after on-site visits to processing plants by MILCO's officials.

d. Cereal Guides

The Government recently issued a new rule for the transport of cereals in the country, with the objective of controlling, verifying and registering all plant origin products. The different state units of the Ministry of Agriculture will issue the new permit or "Cereals Mobilization Guides." This means that all cereals must have the official documents in order to cross state boundaries. Government and military officials will be in charge of checking on product movement. This is similar to the system that is in place for animal movement. The Government stated that the new measures have been put in place in order to prevent smuggling, robbery and unlawful actions taken against producers.

e. Local agent

Although Venezuelan law does not prohibit a foreigner or foreign exporter to register food products, it is a fact of business life that the local agent or importer normally registers the product in order to facilitate the process. A product registry can be time consuming, taking up to 6 months. The mere fact that an importer lives in the country greatly facilitates the registry process. The importer can check on the status of registration more easily than the exporter.

It is wise to remember that although an agent may introduce the application for registration, he does not own the registration. Product registration remains the property of the U.S. seller.

Another viable option is to employ the services of a local consultant to register your product. There are experienced consultants that can facilitate the registration of each product, generally at a reasonable fee. Contact FAS/Caracas for assistance at AgCaracas@usda.gov.

f. Customs Agent

Since Venezuelan import procedures are cumbersome and involve many steps, most importers use the services of a customs agent. Venezuelan customs brokers typically charge one percent of the CIF value, plus additional charges for document preparation and incidentals.

g. Genetically Modified Organisms

Venezuela follows Andean Community Decisions N° 391 and 345, which establishes a common regime for access to genetic resources. Venezuela published in the Official Gazette N° 5,468 of May 24, 2000 its Biodiversity law (Ley de Biodiversidad Biologica), which creates a national office for biodiversity. The Ministry of Environment and Natural Resources has the authority to oversee all genetically modified organisms (GMO's.) The Seed Law provides a general framework for registering GMO's seeds. However, there are no specific guidelines for registering genetically modified foods or food products.

SECTION VIII. COPYRIGHT AND OR TRADEMARK LAWS

Venezuela is a member of the World Intellectual Property Organization (WIPO) and a signatory to various international intellectual property agreements. The Andean Common Market regulations for trademark protection, which generally apply in Venezuela, are found in JUNAC, which can be accessed on the Internet at <http://www.sice.oas.org/root/trade/JUNAC/>.

a. Brand Name and Trademark Registration Process

Brand names and trademarks shall be registered through SAPI, the Intellectual Property Registration Service (Servicio Autónomo de de la Propiedad Intelectual—SAPI). A computerized name search for brand names and trademarks is provided by SAPI and is usually followed by the registration process. Approved and registered brandnames are published in quarterly SAPI bulletins. All the documents relating to patents, designs, trademarks, etc. are published in the Industrial Property Bulletin.

b. Name Search

To request a name search through SAPI, the following information is requested:

- Name of the brand
- International classification
- Logo, type face, graphic or mixed
- Contact information of the applicant

The fees for a name search may vary and must be previously consulted. Approval or rejection of a brand name is based on phonetics and spelling matches with brands for similar products and other criteria.

c. Brand Name and Trademark Registration

Specialized law firms in Venezuela normally handle brand name and trademark registrations. The process takes from three to six months to complete. If the brand name is approved, interested parties must file an application for registration (# FM-02) accompanied by a form to verify reception of documents (#FM-09) and a copy of an identification document (passport or Venezuelan identity card). The applicant must pay a fee (variable fees apply). If the brand name includes graphics, the applicant must provide eight label samples (maximum allowable size is 8 cm x 8 cm).

SECTION IX. IMPORT PROCEDURE (Updated)

The documents needed for customs clearance include:

- Customs declaration of value
- Commercial invoice
- Bill of lading
- Certificate of origin
- Shipment manifest
- Import Pre-Inspection Certificate (issued by one of the authorized companies to perform this)
- Phytosanitary or sanitary certificate, if required
- Import license, if required

A customs agent of Venezuelan nationality must carry out customs procedures. Where a legal entity acts as customs agent, the individuals on its staff should be Venezuelan nationals. Customs clearance is usually handled by private customs agencies. Customs agencies often work closely with the purchasing or logistics managers of the importing Venezuelan company.

All shipments must be made on a direct consignment basis. Customs regulations stipulate that the consignee is the owner of the shipment and is responsible for all customs payments. When an importer either delays or refuses to claim a product arriving in Venezuelan ports, SENIAT will impound the goods not claimed, and, if steep fines and storage fee are not promptly paid, sell the goods at auction.

The Customs Law requires imported merchandise to be held in warehouses while customs procedures are being completed. Customs clearance takes two days on average. To simplify procedures and reduce the time taken to clear merchandise through customs, an automation system is being implemented.

In order to clear customs the following procedures need to be completed at the port or airport upon arrival of a product:

- A SENIAT officer inspects incoming shipments. The content of the shipment is compared to ensure that it conforms to invoices, packing lists and other shipping documents.
- Products are inspected by MSDS and or SASA officers, as applicable, according to the type of product being imported. MSDS inspects processed products, while SASA inspects animal and plant origin products.
- A SENIAT appraiser compares the declared invoice price with international prices to monitor for evidence of dumping or tax evasion.
- A customs agent assesses customs, port charges, and taxes as well as fills out a liquidation form. (Taxes include a 15% valued added--IVA--that is calculated on the basis of the CIF import price, plus port charges-- 1%--plus the agent's fees-- approximately 1% of the CIF price--plus any other charges accrued during off loading.)
- SENIAT and port authorities stamp the liquidation form, accompanied by the required MSDS and/or SASA import permits.

- The customs agency deposits the amount due in a SENIAT account in a local bank and presents the deposit slip to SENIAT and port authorities to obtain final clearance.
- The merchandise is released by customs and loaded for local transport under the supervision of National Guard officers, who verify that all the foregoing procedures have been completed.

Control of products at Port of Entry levels

The General Food Law authorizes MSDS, SASA, the National Guard, and port/airport authorities with the power to reject, confiscate or destroy imported food and agricultural products if documentation is incomplete; if permits are invalid; if the product is determined to be unfit for human consumption; if the product has insufficient shelf life; or if the product is thought to have been adulterated. If the cargo is rejected, it can be temporarily stored at the port of entry at the importer's expense, until the appeals procedures have been completed. In cases where imports are confiscated or destroyed because they have been judged by competent authorities to be unfit for consumption, importers are not eligible for compensation.

APPENDIX I. GOVERNMENT REGULATORY AGENCY CONTACTS (Updated)**Services and Agencies Under the Ministry of Health and Social Development
(Ministerio de La Salud y Desarrollo Social –MSDS) División Higiene de Alimentos
(equivalent to the FDA)**

Edificio Sur, Piso 3, Ofic. 313
Centro Simón Bolívar, Caracas
Tel: (58-212) 483-1533/484-3066
Fax: (58-212) 483-1533
<http://www.msds.gov.ve>
Director: Dr. Ramón Ernesto Perdomo

National Nutrition Institute

Instituto Nacional de Nutrición (INN)
Avenida Baralt, Edif. INN
El Silencio, Caracas
Tel: (58-212) 483-2506/ 483-3099
Fax: (58-212) 481-2155

Official Quality Testing Laboratory for Food Health Registration:**Instituto Nacional de Higiene "Rafael Rangel"**

Ciudad Universitaria, Detrás Hospital Clínico
Universidad Central de Venezuela
Los Chaguaramos, Caracas
Tel: (58-212) 693-1229/662-5074
Fax: (58-212) 693-4967
<http://www.inhrr.gov.ve>

Services and Agencies Under the Ministry of Food (MINAL)**Ministerio de Alimentación (MINAL) and Corporación de Abastecimiento y Servicios
Agrícolas (CASA)**

Av. Fuerzas Armadas
Esquina de Socarrás
Antiguo Edif. Seguros Orinoco
Piso 3
Tel: (58-212) 564-1883
Fax: (58-212) 564-8303
Minister: General Rafael Oropeza

**Services and Agencies Under the Ministry of Agriculture and Land (MAT)
Ministerio de Agricultura y Tierras (equivalent to the Department of Agriculture)**

Av. Este 6 entre Esquina Colón y Dr. Díaz,
Antigua Sede del BTV. Piso 2, (Frente Cartografía Simón Bolívar)
Caracas, Venezuela
Tel: (58-212) 509-0445/0121/0111
Fax: (58-212) 574-2432
<http://www.mat.gov.ve>

**Servicio Autónomo de Sanidad Agropecuaria SASA
(equivalent to the Animal and Plant Health Inspection Service)**

Av. Este 6 entre Esquina Colón y Dr. Díaz, Antigua Sede del BTV, PB,
(Frente a Cartografía Simón Bolívar) Caracas, Venezuela

Tel: (58-212) 509-0595/ 509-0186

Fax: (58-212) 571-4117

email: SASADGS@hotmail.com

<http://www.SASA.gov.ve>

**Autonomous Services Under the Ministry of Light Industries and Commerce
(MILCO):****Servicio Autónomo Nacional de Normalización, Calidad, Metrología y Reglamentos
Técnicos (SENCAMER)**

Av. Libertador, C.C. Los Cedros, P.B.

Caracas

Tel: (58-212) 761-6474

<http://www.sencamer.gob.ve>

Email: secamer@cantv.net

Servicio Autónomo de la Propiedad Industrial (SAPI)

Centro Simón Bolívar, Edificio Norte, Piso 4

El Silencio, Caracas

Tel: (58-212) 481-6478

Fax (58-212) 483-1391

<http://www.sapi.gob.ve>

Email: samanedu@sapi.gov.ve

Director: Eduardo Saman

Metrological Development Fund

Fondo de Desarrollo Metrologico (FDM)

Avenida Francisco Javier Ustariz

Edif. Parque Residencial San Bernardino, Piso 1

San Bernardino, Caracas

Tel: (58-212) 551-54-06

Fax: (58-212) 552-9465

Other Ministries and Agencies**Ministry of Finance****Revenue Administration Autonomous Service**

Servicio Autonomo de Administración Tributaria (SENIAT)

Av. Blandín

C.C. Mata de Coco

La Castellana

<http://www.seniat.gov.ve>

email: asiste@seniat.gov.ve

Exchange Control Administration Commission

Comisión de Administración de Divisas (CADIVI)

<http://www.cadivi.gov.ve>

**Ministry of Environment and Natural Resources
National Office for Bio Diversity**

Oficina Nacional de Diversidad Biológica

<http://www.marn.gov.ve>

email: mquero@marn.gov.ve

Director: Dra. Mirna Quero

Tel: (58-212) 408-4785

APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS**National Committee of Industrial Standards and Norms**

Comité Venezolano de Normas Industriales (COVENIN- FONDONORMA)

Edificio Torre Fundacomún, Piso 11 y 12

Avenida Andrés Bello, Caracas

Tel: (58-212) 575-4111

Fax: (58-212) 574-1312

<http://www.fondonorma.org.ve>**Venezuelan-American Chamber of Industry and Commerce (Venamcham)**

Camara Venezolano-Americana de Comercio e Industria (VENAMCHAM)

2da.Av. de Campo Alegre, Torre Credival, Piso 10, Ofic.A, Caracas 1060, Venezuela

Apartado Postal 5181 (Caracas 1010-A)

Telf: (58-212) 263-0833/267-20-76/64-81

Fax: (58-212) 263-20-60

<http://www.venamcham.org.ve>**National Supermarket Association**

Asociacion de Supermercados y Afines (ANSA)

Ave. Principal de los Ruices

Centro Empresarial Los Ruices

Piso 1, Ofic. 116

Caracas 1071, Venezuela

Tel: (58-212) 234-4490 / 235-7558

Fax: (58-212) 238-0308

<http://www.ansa.com.ve>**USDA/ FAS CARACAS OFFICE CONTACT INFORMATION (Updated)**

Office of the Agricultural Counselor

American Embassy

Calle F c/c Suapure

Colinas de Valle Arriba

Caracas, 1070, Venezuela

tel. (58-212) 907-8333

fax. (58-212) 907-8542

webpage: www.embajadausa.org.ve/usda.htmemail: AgCaracas@usda.gov

Agricultural Counselor:

Bonnie Borris

U.S. Mailing Address

American Embassy, Unit 4940

APO AA 34037

APPENDIX A. PROCESSED FOODS EXEMPTED FROM SENCAMER REGISTRATION

Beverages, alcoholic	Grain products
Beverages, non-alcoholic	Honey
Cereal products	Margarine
Chocolate and preparations with cocoa	Meat products
Cinnamon, ground	Olive oil
Coconut oil, refined	Palm oil, refined
Coffee, ground	Peanut oil, refined
Coffee, decaffeinated	Seafood products
Confectionery products, non-chocolate	Sesame oil
Corn oil, refined	Soy oil, refined
Dairy products	Sunflower oil, refined
Eggs, shelled	Tea
Food preparations, miscellaneous (sauces, spices, mixes)	Vanilla
Fruits, processed	Vegetables, processed
	Vinegar

APPENDIX B. FOODS EXEMPTED FROM VALUE ADDED TAX (VAT)

Live bovine animals	Olive oil and their fractions
Live Swine	Other oils
Live Sheep and Goats	Palm oil
Live Poultry	Sunflower-seed oils
Milk and cream	Rapeseed, colza or mustard oil
Butter and other fats	Linseed crude oil, Corn oil, Castor oil, Tung oil, Sesame oil
Bird's eggs in shell, fresh, preserved or cooked	Sardines
Bird's eggs not in shell, and egg yolks	Tunas, skip-jack and bonito
Edible vegetables	Cane or beet sugar and chemically pure sucrose
Nuts	Malt extract, food preparations of flour, meal, starch or malt extract
Meslin flour	Preparations of infant formula containing soybean flour
Wheat semola	Food preparations, derived from the dried milk, died buttermilk or dried whey
Fats and oils and their fractions	Residues and waste from the food industries; prepared animal feeds
Other animal fats and oils and their fractions, whether or not refined, but chemically modified	
Soybean oil and their fractions	
Peanut oil and their fractions	

APPENDIX C. FOOD PRODUCTS SUBJECT TO PRICE CONTROLS

Rice	Blended Oil
Oatmeal	Powdered Milk
Corn Flour	Milk, Infant Formulas
Wheat Flour	Soy Milk
Pasta	White Cheese
Bread	Margarine
Beef	Peas, Lentils and Black Beans
Chicken, eggs & poultry products	Refined Sugar and Brown Sugar
Sardines and Tuna	Tomato sauce
Corn Oil	Bologna Sausage
Sunflower Oil	Salt

APPENDIX D. PRODUCTS SUBJECT TO IMPORT TAX EXONERATION

Pasteurized milk, UTH	Black beans for sowing
Powdered milk	Other beans for sowing
Green peas	Lentil for sowing
Chickpeas	Broad beans for sowing
Black Beans	Other seeds for sowing
Lentils	Corn seed (white and yellow) for sowing
White rice	Rice in the husk, for sowing
Wheat flour	Soybeans for sowing
Corn Flour	Sunflower seed for sowing
Corn Starch	Cottonseed for sowing
Refined, sunflower oil	Sugar cane seed for sowing
Refined, vegetable oils	
Sausages, bologna	
Sardines	
Tuna	
Refined Sugar	
Infant Formula	
Infant Formula, Soy-based	
Pasta	
Protein concentrates and textured protein substances	
Only food preparations of protein concentrates and textured protein substances	
Ketchup sauce	
Mayonnaise	
Soups and broths preparations	
Soups and broths preparations, dried	
Mineral waters, carbonated soft drinks and "malts"	
Beer	
Live animals from the breed "Girolanda"	
Potato seeds	
Green peas for sowing	
Chickpeas for sowing	
Beans of "Vigna Mungo", "Hepper" or "Vigna Radiata Wilczek" for sowing	
Small red beans for sowing	

APPENDIX E. PRODUCTS SUBJECT TO IMPORT LICENSES

Yellow corn
Sorghum
Soya beans
Palm nuts and kernels
Soya bean oil
Other oils
Palm oil
Sunflowerseed oil
Coconut oil
Other vegetable fats and oils
Soya bean cake
Animal and vegetable fats
degras
Milk and cream, not concentrated
Milk in powder, not exceeding 1.5% fat
Whole milk 26%
Cheese