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Guatemala

Food and Agricultural Import Regulations and Standards

Country Report - Update 2000

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Report Highlights:

This is an update of the Food and Agricultural Import Regulations and Standards, which contains: Food laws (updated), labeling requirements, pesticide and other contaminants, copyright and trademarks laws, import procedures (updated), tariffs and quotas (updated).

Includes PSD changes: No
Includes Trade Matrix: No
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GUATEMALA:**FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS
(FAIRS)****Last Updated: May 30, 2000****Section(s) Last Updated: ALL**

DISCLAIMER: This report has been prepared by the Office of Agricultural of the USDA/Foreign Agricultural Service in (Guatemala City, Guatemala) 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 nor 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 Foodstuffs of the Ministry of Health, hereafter referred to as Food Control is the main authority for food products legally imported or manufactured in Guatemala. The Health Code which regulates Food Control was established in 1979 by Government Decree # 45-79. 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.

In addition, all imported foods of animal or vegetable origin must comply with the following requirements: present a phytosanitary and/or zoosanitary certificate, certificate of origin, commercial invoice, free sale certificate and bill of lading in order to receive an import license. All of these documents must come stamped and authenticated by a Guatemalan Consular official in the U.S. All of these requirements are controlled by the Unit of Norms and Regulations of the Ministry of Agriculture, Livestock and Food.

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, currently, some imported food products are marketed in Guatemala without a registration number or a Spanish-language label as the food-law requires. This trend 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.

Recently, the Ministry of Agriculture established the unit of Rules and Regulations with the purpose of having more rigorous control. This office is in charge of regulating the import of agricultural products.

Product Registration is required for all packaged food products in Guatemala. Food Control is responsible for all registrations. Food Control issues a registration number after a laboratory test has been performed on the product. This registration number is valid for five years and takes between four and 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.

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 of about 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
D.G.S.S.-D.R.C.A. 123-456-789
Fecha de vencimiento: 31-02-99

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 nor are there special shelf-life requirements. All use-by dates are set by the industry. 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 nearing expiration date. This problem has led to poor relationships for more than one U.S. company.

C. FOOD ADDITIVE 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.

D. PESTICIDES AND OTHER CONTAMINANTS

Pesticides are regulated by the Technical Directorate of Vegetable Health of the Ministry of Agriculture hereafter referred to as Vegetable Health. 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 GOG uses the tolerance-level standards developed by Codex Alimentarius. Vegetable Health maintains a list of pesticides that are not permitted to be used in Guatemala. This list is based on publications by EPA, Codex Alimentarius and FAO among others. All pesticides must be registered at Vegetable Health.

E. OTHER REGULATIONS AND REQUIREMENTS

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 paper work must be translated by an official translator. Documents from foreign countries must be authenticated by a Guatemalan consular official.

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

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 STANDARDS

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 prior to issuance of a sanitary import certificate at the expense of the importer. 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
2. One application per product
3. Articles of Incorporation
4. Registration Certificate of Incorporation
5. Appointment of legal representative
6. Commercial Licence
7. Sales Tax collection permit
8. Import & Export Licence from the Bank of Guatemala
9. Appointment of veterinarian as regent
10. Note from veterinarian accepting regency and specifying that, the area where the product is to be stored meets sanitary conditions
11. Establish if place of origin of product meets sanitary conditions by making an official visit

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

G. COPYRIGHT/TRADEMARK LAWS

Guatemalan Law does not provide adequate protection for international trademarks and brand names. However, in order to benefit from the limited protection available, the brand or trademark must be registered in Guatemala. Trade marks and brand names should be registered at "Registro de la Propiedad Industrial" at the Ministry of Economy. Some individuals register trade marks and brand names with no desire to actually import the product and then sell the registration to whomever wants to import the product into Guatemala. This practice of registering "well known brands" has created problems for a few importers and U.S. companies. Technically, importers wanting to import a food product that has been registered by another person may have to pay royalties to that person. 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). However, the recently passed law doesn't seem to fulfill this commitment. The new law created some new penalties for copyright infringements, but it did not create a procedure for enforcement. Besides the penalties are very small and will not function as a deterrent. For example a street vender caught selling Nike 'knock-offs' would be fined Q100, which is equal to about \$13. The legislation is under review and there is some hope that it will be strengthened before it becomes law.

H. IMPORT PROCEDURE

All imported products from 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 zoosanitary certificate, commercial invoice, bill of lading, certificate of free sale, packing list and certificate of origin. In some cases a microbiological certificate is also required. All these documents must come authenticated by a Guatemalan consulate official. An application form with the above mentioned forms must be submitted along with a fee of Q100 in order to receive an import licence. Whether the imported product comes by air, land or sea, inspectors from OIRSA (the regional inspection entity in Central America) will be on sight to reassure that the proper paper work is in order. Then, inspectors perform an ocular inspection of the imported products in order to release them from customs. Packaged foods are regulated by the Office of Food Control at the Ministry of Health, the procedure is similar to the one at the Ministry of Agriculture with the difference that the sanitary certificates are extended by the LUCAM which is the laboratory in charge of sanitary inspection.

I. TARIFFS / QUOTAS

Tariffs and quotas vary depending on the product. Tariffs could be anywhere from 0 percent for raw materials, up to 45 percent in some products, 15 percent being the usual

tariff on finished products.

Guatemala, along with other Central American countries, has made a tariff reduction agreement. The agreement is intended to maintain lower costs of imported products.

Tariff Rate Quotas for 2000

PRODUCT	QUOTA (MT)	TARIFF	TARIFF (OUTSIDE QUOTA)
Beef, fresh, refrigerated and frozen	1,595	0%	30%
Poultry, poultry parts, fresh refrigerated or frozen	7,000	15%	45%
Apples	9,100	12%	25%
Wheat	391,322	1.2%	6%
Yellow Corn	401,820	5%	35%
Rice	33,435		
Milled	585	18%	36%
Patty	30,500	0%	36%
Puffed	2,350	0%	36%
Wheat Flour	17,984.16	8.28%	15%

* Information from the Ministry of Economy

Complying with the tariff reduction agreement, and the Government Agreement 483-96, the Ministry of Economy has reduced tariffs at an advanced rate. Guatemala was scheduled to finish the liberalization of its duties by 2004, according to its WTO commitments, however it completed the process in 1999 and all agricultural products have duties of 0, 5, 10, or 15 percent as of 2000, with the exception of products with TRQ's and alcoholic beverages.

APPENDIX A MAJOR REGULATORY AGENCIES

List of Major Regulatory Agencies

Name: M.V. Marco Tulio Cueva López
Title: Jefe
Institution: Departamento de Regulaciones y Control de Alimentos
Address: 11 Avenida "A" 11-57, Zona 7. Finca La Verbena, Guatemala
Telefax: (502) 472-1616

Name: Dr. Rolando Chaclan Sapon
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 Medicamentos (LUCAM)
Address: Km. 22 Carretera al Pacífico, Bárcenas, Villa Nueva
Tel/Fax: (502) 631-2017/18

Name: Ing. Cesar Martinez
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. Marcio A. Ibarra M..

Title: Supervisor SEPA-SITC

Institution: Organismo Internacional Regional de Sanidad Agropecuaria

Address: 15 Avenida 4-16 Zona 13, Guatemala

Telephone: (502) 334-1411

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APPENDIX B OTHER CONTACTS

Name: Dr. Roger Valenzuela
Title: Ministro
Institution: Ministry of Agriculture, Livestock and Food
Address: 7 Avenida 3-67 Zona 13, Guatemala
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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) 230-1822 / 230-1693 to 5
Fax: (502) 230-1694

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. Lucia Dubon
Title: Public Relations
Institution: Ministry of Public Health
Address: 6 Avenida 3-45, Zona 11, 3 Nivel, Escuela de Enfermería, Guatemala
Telephone: (502) 475-2121 ext. 131
Fax: (502) 475-3787

Name: Licda. Patricia Ramirez
Title: Registrador
Institution: Valuables and Merchandise Registry (From the Ministry of Economy)
Address: 6 Avenida 10-43 Zona 1, Guatemala
Telephone: (502) 221-4988, Ext. 1501
Fax: (502) 232-9388

Name: Licda. Maura de Muralles
Institution: Ventanilla Unica para Inversiones
Address: 8 Avenida 10-43 Zona 1, Guatemala
Telephone: (502) 253-9640
Fax: (502) 253-9640

Name: Lic. Antonio Cerezo
Institution: Direccion de Integracion Economica (Economic Integration Office)
Address: 8 Avenida 10-43 Zona 1, Nivel 3, Guatemala
Telephone: (502) 238-4181 / 238-3330 to 39, Ext. 3210-3201
Fax: (502) 251-6708

Name: Lic. Ruben Morales
Title: Director
Institution: International Trade Negotiation Office (Ministry of Economy)
Address: 8 Avenida 10-43, Zona 1, Guatemala
Telephone: (502) 221-4983
Fax: (502) 221-4983

Name: Lic. Juan Ortega
Title: Departamento de Valoraciones
Institution: Supertendencia de Administracion Tributaria
Address: 12 Avenida y 10 Calle, Zona 1, Guatemala
Telephone: (502) 253-1193 Ext.164
Fax: (502) 221-4668

APPENDIX C GUATEMALAN CONSULAR OFFICES

EMBASSY OF GUATEMALA IN THE UNITED STATES

Ambassador: Mr. Ariel Rivera Irias
2220 R. Street North West
Washington D.C. 20008
Phone: (202) 745-4952 to 54
(202) 462-3152
(202) 745-3873
Fax: (202) 745-1908

ATLANTA, GEORGIA

Mrs. María Teresa Andreu de Fraser, Consul
4772 East Conway Drive, N.W.
Atlanta, Georgia 30327
Phone: (404) 255-0023

CHICAGO, ILLINOIS

(General Consulate for Illinois, North Dakota, South Dakota, Wisconsin, Michigan, Indiana, Iowa, Ohio, Minnesota and Missouri)
Mr. Antulio Castillo, Consul General
230 North Michigan Avenue, Suite 1000
Chicago, Illinois 60601
Phone: (312) 332-3504 / 1587 / 3170 / 2609 / 3410 / 3504
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FORT LAUDERDALE, FLORIDA

Mr. John P. Bauer, Consul
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HOUSTON, TEXAS

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(General Consulate for Arizona, Colorado, N. Mexico, Hawaii, Washington, Oregon, Idaho, Montana, Wyoming, Alaska, California, and Nevada)

Appointment Pending

Lic. German Cerezo, Commercial Attache

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Los Angeles, California 90015

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Fax: (213) 365- 9245

LEAVENWORTH, KANSAS

Mr. Ralph E. Dix, Consul

409 Delaware Street,

Leavenworth, Kansas 66048

Phone: (913) 682-0342

MEMPHIS, TENNESSEE

Mr. George E. Withwort, Consul

Jefferson Plaza, Suite 900, 147

Jefferson Avenue, Memphis, Tennessee 38103

Phone: (901) 527-8466

MONTGOMERY, ALABAMA

Mr. Jose Ortega, Consul

2153 Meadowlane Drive,

Montgomery, Alabama 36106

Phone: (205) 269-2756

MIAMI, FLORIDA

(General Consulate for Florida, Alabama, Georgia, North Carolina and South Carolina)

Alejandro de León Duque, Consul General

Lic. Dunia Miranda Morales, Commercial Attache

300 Sevilla Avenue, Suite 210

Coral Gables, Florida 33134

Phone: (305) 443-4828 / 4829

Fax: (305) 443-4830

NEW ORLEANS, LOUISIANA

Margarita de Lourdes Letona de Jerez, Consul

Plaza Tower, Suite 2504, 1001 Howard Avenue

New Orleans, Louisiana 70113

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NEW YORK, NEW YORK

(General Consulate for N.York, Maine, N.Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Boston)

Mrs. Rosa Maria Mérida de Mora, Consul General
Licda. Roberto Rossenberg, Commercial Attache
57 Park Avenue,
New York, New York 10016
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PITTSBURGH, PENNSYLVANIA

Mrs. Margarita Winkikoff, Consul
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PORTLAND, OREGON

Mrs. Marta Elizabeth Guembes González, Vice Consul
One World Trade Center
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Mrs. Zoila Rosa Cerezo, Consul
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SAN DIEGO, CALIFORNIA

Mr. Eugene Sapper, Consul
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SAN FRANCISCO, CALIFORNIA

(General Consulate for North of California, North of Santa Barbara, Bakersfield to Nevada's border)

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