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Food and Agricultural Import Regulations and Standards

Country Report

2001

Approved by:

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U.S. Embassy, Guatemala

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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). In order to avoid problems with Food Control, U.S. exporters are strongly encouraged to not ship product with a nearing expiration date. Exporters are suggested to provide Free Sale Certificates in order to prevent import problems for their customers.

Includes PSD changes: No
Includes Trade Matrix: No
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GUATEMALA:

FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)

Last Updated: June, 2001

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 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. 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 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 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. This office oversees imports of non-processed food items.

All processed foods, must clear through Control de Alimentos in order to obtain the import license issued by the Ministry of Agriculture.

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 ADDITIVES REGULATION

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

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 with 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 authorized translator.

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. If product is to be used in a processing plant, an environmental impact study must be carried out.

G. COPYRIGHTS/TRADEMARK LAWS

Guatemalan Law has improved tremendously in the last year, 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 favored nation status. However, in order to benefit from the 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. In the past individuals registered trade marks and brand names with no desire to actually import the product and then sell the registration to whomever wanted to import the products into Guatemala. The new law automatically protects known brands, and if they were already registered elsewhere, the

parent company is given priority to register it here. However the law was not retroactive, so any brand registered prior to October 2000 is owned by the person the registered. 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 zoosanitary certificate, certificate of origin, free sale certificate, packing list, commercial invoice and import certificate. All documents must be in original. Below is the procedure to acquire the import certificate.

1. 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. 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 in order to receive an import licence. It is best to drop off applications before 10:00 am, if the shipment is a perishable, the license will be ready for pick up after 2:00 pm, 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. Prior to providing the import certificate, Norms and Regulations will require that the application is signed and stamped by Control de Alimentos. This is done to verify that the product is registered in the country and it fulfills the necessary health standards. They will require a sanitary certificate even on processed foods in order to provide stamp and when sanitary certificates are not available, a Free Sale certificate will be required. Exporters are suggested to provide Free Sale Certificates in order to prevent import problems for their customers. These certificates are generally issued by state health or agricultural departments, and state that the products are free for human consumption. The application is dropped off 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 food products with the exception of grains.
3. 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. In order to process the import certificate, copies of the documents are allowed, however, to clear with 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.

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 your phytosanitary or zoosanitary certificates total equals the exact amount on the invoice. If there is any discrepancy, the container will be held and clearing will be extremely difficult.

I. TARIFFS/QUOTAS

PRODUCT	QUOTA (MT)	TARIFF	TARIFF (OUTSIDE QUOTA)
Beef, fresh, refrigerated and frozen.	1595	0%	30%
Apples	9,100	12%	25%
Wheat Flour	78,000	4%	10%
Yellow Corn	501,820	5%	35%
Rice	43,744		
Milled	644	16.2%	32.4%
Paddy	40,500	0%	32.4%
Puffed	2,600	0%	32.4%

The TRQ for beef is suspended for 2001 and there is no quota assignment this year nor is there an import license required. All imported beef pays a 15% tariff, and the importation is open with no limit. However, the GOG reserves the right to implement the TRQ if the need arises.

This year, the importation of three products was liberated and quota assignment are no longer needed. The three products are poultry, wheat and wheat flour. Furthermore, tariffs were reduced for these products. The poultry tariff was completely eliminated. Wheat and wheat flour tariffs were lowered to 2% and 4% respectively.

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:

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Title: Jefe
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Name: Ing. Marcio A. Ibarra M..

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APPENDIX B OTHER CONTACTS

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Name: Licda. Maura de Muralles
Institution: Ventanilla Unica para Inversiones
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Fax: (502) 253-9640

Name: Lic. Antonio Cerezo
Institution: Direccion de Integracion Economica (Economic Integration Office)

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