



Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Required Report - public distribution

Date: 8/22/2000

GAIN Report #PE0009

Peru

Food and Agricultural Import Regulations and Standards

Country Report

2000

Approved by:

Lawrence D. Fuell

U.S. Embassy

Prepared by:

Maria Eugenia Vizcarra

Report Highlights:

The Food and Agricultural Import Regulations and Standards report is based on Peruvian regulations for importing general food products. This report intends to help U.S. exporters to learn more about local importing requirements in order to expedite the trade between both countries.

Includes PSD changes: No
Includes Trade Matrix: No
Annual Report
Lima [PE1], PE

TABLE OF CONTENTS

SECTION I. FOOD LAWS Page 2 of 13

SECTION II. LABELING REQUIREMENTS Page 5 of 13

SECTION III. PACKAGING AND CONTAINER REGULATIONS Page 6 of 13

SECTION IV. FOOD ADDITIVE REGULATIONS Page 6 of 13

SECTION V. PESTICIDE AND OTHER CONTAMINANTS Page 7 of 13

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS Page 7 of 13

SECTION VII. OTHER SPECIFIC STANDARDS Page 8 of 13

SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAW Page 9 of 13

SECTION IX. IMPORT PROCEDURES Page 9 of 13

APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS Page 10 of 13

APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS Page 12 of 13

**PERU: FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS
(FAIRS)****Last updated: July 2000****Section(s) Last Updated: NEW**

DISCLAIMER: This report has been prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in (Lima, Peru) 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 ALWAYS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

SECTION I. FOOD LAWS

Food regulations on sanitary supervision and control of food and beverage in Peru are contained in the *General Health Act 26842* published in Peru's official gazette "El Peruano" on July 20, 1997. These regulations are based on various laws, supreme decrees and supreme resolutions, and before being implemented must be published in the official newspaper "El Peruano".

The Ministry of Health, through the General Environmental Health Bureau (DIGESA) is responsible for implementing most regulations regarding processed food products.

The present regulations establish that:

- Production and trade of foods and beverages for human consumption are subject to supervision based on food hygiene sanitary standards to avoid any health risk.
- Sanitary standards for food and beverage are issued by the Ministry of Health.
- It is prohibited to import, manufacture, trade, distribute or store food or beverages that have been adulterated, contaminated or altered.
- Food and beverages manufactured locally or in a foreign country can only be traded with the corresponding sanitary registration certificate.
- It is prohibited to import foods and beverages from countries where distribution or consumption of the same product is not allowed for reasons of constituting risk to consumers' health.
- Personnel involved in production, manipulation, transportation, conservation, storage, outlay and supply of food and beverages must comply with hygiene sanitation standards to avoid any contamination.
- Factories manufacturing, processing and supplying food and beverages must control the sanitary quality and food safety in accordance with requirements established by the Ministry of Health

nationwide.

Regulations of the General Health Law (Decree Supreme No. 007-98-SA, published in the newspaper "El Peruano" on 09-25-98)

According to the provisions of General Health Law and the General Principles of Food Hygiene included in the Codex Alimentarius, the present regulation establishes the general hygiene standards and health conditions and requirements for the production, transportation, manufacturing, storage, marketing, preparation and sale of food and beverage for human consumption in Peru, including:

- The conditions, requirements and procedures for the registration, modification and cancellation of food and beverages sanitary registration.
- The regulations concerning inspection of the activities and services related to the production and circulation of food products.
- The applicable sanitary security measures and sanctions.
- The organoleptic characteristics, chemical composition and microbiological conditions that apply to food and beverages.
- The food quality and safety standards to which food and beverage manufacturers are subject, based on the Hazard Analysis and Critical Control Point (HACCP) system.

The sanitary supervision agencies are the following:

- S** *Ministry of Health–DIGESA:* Responsible for sanitary supervision of food and beverage manufacturing, distributing and marketing.
- S** *Ministry of Agriculture-SENASA:* Responsible for sanitary supervision of fresh fruits and vegetables and animal products such as dairy and meats for human consumption.
- S** *Ministry of Fisheries:* Responsible for sanitary supervision for capture, transportation and processing of hydro biological products, as well as sanitary conditions at shipment ports.
- S** *Municipalities:* Responsible for sanitary supervision of the establishments trading and manufacturing food and beverage.

Sanitary Registration of Processed Foods and Beverages (Title VIII, Decree Supreme No. 007-98-SA)

This decree establishes that the General Environmental Health Bureau (DIGESA) under the Ministry of Health is in charge of registering, re-registering, modifying, suspending and canceling the sanitary registration of food and beverage products nationwide. It also:

- Establish that processed food and beverages sold in the country are subject to health registration.
- Define industrial food and beverage as those end products for human consumption that result

from physical, chemical or biological processing of animal, plant or mineral inputs and that contain food additives.

- Makes mandatory the sanitary registration of processed food and beverage products marketed in Peru.
- Establishes which food and beverage are not subject to health registration, including: a) those in natural conditions, packed or not, including grains, fruits, vegetables, meats, and eggs, among others; b) free samples; and c) products donated by foreign charitable entities.
- Establishes that a product's sanitary registration permits its manufacture, import or sale by the registration holder who will be responsible for the sanitary quality and safety of the food or beverage being sold.
- Establishes product groups for sanitary registration purposes using a qualitatively similar mix of basic ingredients and food additives that identify the group as such.

The Ministry of Agriculture

As per *Law Decree No. 25902*, dated November 27, 1992, it is established that the Ministry of Agriculture is responsible for promoting and developing the agricultural sector. The Ministry of Agriculture in Peru is composed of three major organizations: The Agricultural Research Service (INIA), responsible for researching, promotion and transferring of technology in the Jungle (east), Andes (sierra) and Coastal areas. The Natural Resources Service (INRENA), responsible for promoting the rational use and conservation of natural resources in conjunction with the private sector; and the National Agricultural SPS Service (SENASA), responsible for developing and promoting the participation of the private sector in the implementation, prevention, control and eradication of plant pests and animal diseases.

The National Agricultural SPS Service -- SENASA

Is responsible for enforcing regulations governing domestic and imported plants and animals and their respective products and by-products, and certain other related agricultural products. It is composed of two major offices:

Plant Health Office: responsible for protecting the health of plants and preventing the introduction and spread of foreign pests within Peru. It is similar to APHIS's Plant Protection and Quarantine in the United States. All U.S. unprocessed products of plant origin like bulk grains, fresh fruits and vegetables, nuts, seeds, etc. can only be exported to Peru if accompanied by an APHIS/PPQ phytosanitary certificate. In addition, the importer must also inform and verify phytosanitary requirements for the importation of fresh produce or by-products, and should always check for the latest import requirements from SENASA. To clear customs, these products are subject to inspection by SENASA.

Animal Health Office: responsible for enforcing regulations governing the import and the export of live animals, semen, embryos and by-products of animal origin, as well as the registration of veterinary products. In cooperation with State governments, SENASA enforces federal laws and regulations to protect and improve animal health, control and eradication animal diseases such as Food-and-Mouth

Disease. It defends borders against foreign and exotic animal diseases. SENASA's regulatory responsibilities for live animals and animal genetics are similar to those ascribed in the United States to APHIS's veterinary services. In order to export live animals, semen and embryos to Peru, exporters of U.S. genetics must meet the animal health requirements issued by SENASA.

Health Service Offices at the port of Callao and at the Airport: responsible for actions related to the agricultural health for trading domestic and imported agricultural products.

SECTION II. LABELING REQUIREMENTS

A. General Requirements

The Ministry of Health (DIGESA) in conjunction with the National Institute for the Defense of Competition and for the Protection of the Intellectual Property (INDECOPI), within the Ministry of Industry, Tourism and International Trade are responsible for food and beverage labeling and advertising.

Labeling

- Every food and beverage packed for marketing must be labeled in accordance with the provisions included in these regulations.
- The label contents must comply with the provisions established in the Peruvian Metrological Standards for packed foods (NTP 209.038 dated 1994 approved by INDECOPI), and must contain at least the following information:
 - Name of the product
 - Food additives and ingredients
 - Manufacturer's name and address
 - Importer's name, commercial name and address, phone, RUC. This information may appear on a separate adhesive label.
 - Number of sanitary registration
 - Expiration Date (shelf life, established by the manufacturer) when the product as provided in the Codex Alimentarius or the applicable Peruvian sanitary standard.
 - Lot code or key
 - Special conservation conditions, when the product so requires
 - Net weight or volume of the content
 - Country of origin
 - Use instructions, when the product so requires

Language

The text on the label must be written in Spanish and printed with clear, uniform, visible and easily legible characters. When the label is in a foreign language, the Spanish translation must be included in a separate adhesive label with the complementary information. The adhesive label must reflect and provide the consumer with correct, precise, clear and easily readable information about the product.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

Packaging

The package containing the product must be made of a harmless material, free from substances that could affect its food safety. Likewise, packages must be manufactured so as to preserve the product's sanitary quality and composition throughout its useful life.

Packing made of metals, alloys or plastic may not:

- S** contain impurities consisting of lead, antimony, copper, zinc, chromium, iron, tin, mercury, cadmium, arsenic or other metals or metalloids that can be hazardous to human health in quantities or at levels above the maximum allowed limits.
- S** contain residual styrene, vinyl chloride, acrylonitrile monomers or any other residual monomers or substances that can be considered hazardous to human health in quantities or at levels above the maximum allowed limits.
- S** the maximum levels allowed mentioned above hereof will be determined by the Ministry of Health's sanitary standards.

This provision also applies to any lamination, varnish, film, coating or part of the package in contact with the foods and beverages. Packages manufactured from previously-used, recycled paper, cardboard or plastic are forbidden.

SECTION IV. FOOD ADDITIVE REGULATIONS

As per *Decree Supreme No. 007-98-SA*, the Ministry of Agriculture is the responsible for the regulatory approval of food additives.

Sanitary quality of inputs and food additives: Inputs and food additives for food and beverage manufacturing must meet the health quality requirements established in the sanitary standards issued by the Ministry of Health-- DIGESA.

Allowed Additives: The use of food additives not comprised in the list of additives permitted by the Codex Alimentarius are forbidden. Flavorings accepted by the United States Food and Drug

Administration (FDA), and the Flavor and Extractive Manufacturing Association (FEMA) are also allowed. Forbidden additives cannot be kept within food and beverage factory facilities.

For a complete list of approved food and coloring additives the exporter should contact INDECOPI directly (<http://www.indecopi.gob.pe>).

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

SENASA within the Ministry of Agriculture is the agency responsible for the regulatory of pesticide, herbicides and fungicides used in fumigation of agricultural products. In general Peru adopts international standards established in the Codex Alimentarius applying to all chemically treated products produced in country or imported which are intended for human and animal consumption. INDECOPI is the regulatory authority for the patent registration of pesticides and other agricultural chemicals.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

The Ministry of Health is responsible for sanitary regulations which apply to most processed food products, including their manufacture, in accordance with the Codex Alimentarius, similar to the functions of the Food and Drug Administration (FDA) in the U.S.

The importer is responsible for registration or renewal of registration in the Sanitary Registry. The interested party will submit a sworn application statement including the following information:

- a) Name or commercial name, address, and single registry number of the importer or company applying for registration.
- b) Name and brand of the product or group of products for which Sanitary Registration is being demanded.
- c) Manufacturer's name or commercial name, address and country of origin.
- d) Results of the physical-chemical and microbiological quality analysis of each product, as processed by the plant's quality control laboratory at the country of origin or by a certified laboratory in Peru.
- e) List of ingredients and quantitative composition of additives, identifying these by their generic name and international number reference.
- f) Preservation and storage condition.
- g) Information about the packing used, including types and materials.
- h) Useful life of the product under normal preservation and storage conditions.
- i) Identification system for production batches.
- j) Indication of the nutritional properties of special diet foods and beverages.

The exporter needs to submit the certificates of free trade and free use that must accompany imported products, as well as the registration receipt. Documents issued abroad must not be older than one (1) year from their issuance date. The corresponding translation into Spanish must be enclosed.

- Code numbering of the Sanitary Registration will proceed as follows:

RSA 000N (Food Sanitary Registration 000 Domestic) for domestic products.

RSA 000E (Food Sanitary Registration 000 Abroad) for imported products.

Registration or renewal of registration of products in the Sanitary Registry will be accepted if the file complies with all the requirements established by law and these regulations. This procedure will take no more than seven (7) working days. Verification of the product's sanitary quality will take place after the registration or renewal thereof in the Sanitary Registry, in compliance with the corresponding standards.

The Sanitary Registration of food and beverage will be valid for five (5) years from the date of issue. It may be renewed after an application for renewal is filed by the registration holder between six and seven work days before the registration's expiration date.

Imports of registered food and beverage:

- Once registered, food and beverages can be imported and sold by anyone who does not hold the Sanitary Registration. If applicable, DIGESA will issue an Imported Product Sanitary Registration Certificate on behalf of the interested party.
- The importer and seller of a product under an Imported Product Sanitary Registration Certificate have the same responsibilities as the registration holder, concerning the sanitary quality and food safety of the product. In this case, the name or commercial name, the address and Single Registry Number of the importer must be printed or labeled on each package sold to consumers.

SECTION VII. OTHER SPECIFIC STANDARDS

The Natural Resources Service (INRENA) is responsible for promoting the rational use and conservation of natural resources and endangered species. INRENA regulates the import and export of endangered species animals and plants under the Convention of the International Trade in Endangered Species of Wild Flora and Fauna (CITES).

The Ministry of Fisheries is responsible for sanitary supervision for fish capture, transportation and processing of hydro biological products, as well as to ensure sanitary conditions of shipment ports. The major laws and regulations assessed to fishery inspection programs are the following:

- * Supreme Decree No. 010-73-PE
- * Resolution No. 409-98-PE

DIGESA is responsible for issuing the sanitary registration certificate for imported seafood products.

The General Direction of Pharmaceutical Products and Drugs (DIGEMID) within the Ministry of Health, is responsible for registering, modifying, discontinuing and canceling the sanitary registration of the following groups of products:

- Pharmaceutical products
- Galenic products
- Natural therapeutical products
- Cosmetics and health care products
- Sanitary and home cleaning products
- Instrumental equipment for medical-surgical and odontology

SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAW

The National Institute for the Defense of Competition and for the Protection of the Intellectual Property (INDECOPI) within the Ministry of Industry, Tourism, Integration and International Trade ensures metrologic and technical standards, trademarks, copyrights and intellectual property.

Peru subscribes to the Cartagena Agreement Commission about Industrial Property for Andean Countries. Also, Peru is a signatory to the Paris Convention for the Protection of Industrial Property into compliance with the WTO agreements on trade-related aspects of Intellectual Property Rights.

It is recommended that brands and trademarks be registered in Peru to ensure brand property. It is an easy task and is highly recommended before doing business in Peru. The cost is approximately \$180 per brand.

SECTION IX. IMPORT PROCEDURES

In order to start the import of *fresh, chilled and frozen products or by products of animal origin*, the importer must request an import permit from SENASA. The exporter will provide to the importer the corresponding official health certificate of the country of origin. The import requirements must be forwarded by the exporter including all the specific certification requirements of the statement.

All certificates should be signed by U.S. plants approved by the United States Department of Agriculture. The certificates must be error free, no pen or ink changes, or any other type of amendments. If applicable, and according to the product, it must be packed in a material authorized for human consumption, and labeled according to U.S. regulations. Also, the product must identify its content, net weight, and identification of the establishment.

Imports of *fruits and vegetables commodities and raw agricultural products* need the corresponding phytosanitary certificate signed by the official inspector of the Animal and Plant Health Inspection Service (APHIS). SENASA's inspector at the port of entry verifies and confirms that it is free of quarantine pests or diseases.

All processed food products including alcoholic and non-alcoholic beverages must be accompanied with the corresponding food sanitary registry (RSA) granted by DIGESA, also the importer must include copies of the Certificate of Free Trade and the Certificate of Use issued by the health authority of the country of origin. (See Section E above).

For customs clearance the importer or local agent must present the following documentation: export certificate of the country of origin, airway bill or bill of lading, commercial invoice, packing list, insurance letter, and food sanitary registry (RSA). If the total amount of the importation is more than \$5,000 it is mandatory to include the inspection certificate at the country of origin granted by the three authorized companies: Bureau Veritas S.A., Cotecna Inspection (PERU) S.A. and SGS Societe Generale de Surveillance S.A.

Imported food products have an import tariff rate that varies according to the type of the product, ranging between 12 percent and 25 percent. All imports are subject to a 18 percent local sales tax. Beer and wine are assessed an additional selective consumer tax of 30 percent and 10 percent respectively.

APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS

Ministry of Agriculture <http://www.minag.gob.pe>

Ministry -- Belisario de las Casas
Vice Ministry -- Carlos Luna
Address: Av. Salavery 655, Jesus Maria
Phone: (511) 433-3034

SENASA <http://www.minag.gob.pe/MINAG/senasa/w1~1.htm>

Director -- Dra. Elsa Carbonell (511) 433-8026
- Address: Pasaje Francisco de Zela s/n, Lima (10th floor)
- Phone: (511) 433-7802
- E-mail: sanidad@oia.minag.gob.pe
- Plant Health: (511) 433-8048 Contact: Alicia de la Rosa
- Animal Health: (511) 431-4478 Contact: Dr. Oscar Dominguez

INRENA

- INRENA Contact: Dra. Josefina Takahashi Sato
- Address: Calle Diecisiete No. 355, Urbanizacion El Palomar, San Isidro, Lima
- Phone: (511) 224-3298
- Fax: (511) 224-3218
- E-mail: jtakahashi@inrena.org.pe

Ministry of Health <http://www.minsa.gob.pe>

Address: Av. Salaverry s/n. Cdra 8, Jesus Maria
Phone: (511) 431-0410

Director -- Jorge Villena Chavez
- Phone: (511) 440-2340

DIGESA <http://www.minsa.gob.pe/digesa>

- Address: Las Amapolas 350, Urbanizacion San Eugenio, Lince, Lima
- Phone: (511) 442-8353
- Fax: (511) 440-6797 / 440-6562

DIGEMID <http://www.minsa.gob.pe/digemid>

- Address: Av. Arenales 1302, Jesus Maria, Lima
- Phone: (511) 265-8773 to 8780

Ministry of Industry, Tourism, Integration and International Trade

<http://www.mitinci.gob.pe>

- Address: Calle Uno Oeste 50-60, Urb. Corpac, San Isidro
- Phone: (511) 224-3347

INDECOPI <http://www.indecopi.gob.pe>

- Address: Calle de la Prosa 138 - San Borja
- Phone: (511) 224-7800
- Fax: (511) 224-0348

Ministry of Fisheries <http://www.minpes.gob.pe>

- Address: Calle Uno Oeste No. 050, Urbanizacion Corpac - San Isidro
- Phone: (511) 224-3336 (511) 224-3329 (511) 224-3330 (511) 224-3231
(511) 224-3332 (511) 224-3333

El Peruano (official gazette) <http://www.elperuano.com.pe>

- Address Av. Alfonso Ugarte 873, Lima
- Phone: (511) 315-0400

APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS

The following are official testing labs and import expeditors recognized by the government.

CERPER (Certificaciones Peruanas S.A.)

Av. Santa Rosa 601, La Perla, Callao

-Phone: (511) 420-4144 or (511) 420-4139

-Fax: (511) 420-4128

-E-mail: cerper@peru.itt.com.pe

IIS SURVEYORS (International Inspection Service LTD)

Tungasuca 288, San Miguel, Lima 32, Peru

-Phone: (511) 578-1009 or (511) 578-1144

-Fax: (511) 578-1030

-E-mail: iisloyd@terra.com.pe

INASSA (International Analytical Services S.A.)

Av. La Marina 3035, San Miguel, Lima 32

-Phone: (511) 578-2653 / (511) 578-2535 / (511) 578-2624

-Fax: (511) 578-2620

-E-mail: inassa@terra.com.pe

ITP (Instituto Tecnológico Pesquero del Peru)

Carretera a Ventanilla Km. 5 200, Callao

-Phone: (511) 577-0116 / (511) 577-0118

-Fax: (511) 577-0019

-E-mail: postmast@itp.org.pe

La Molina Calidad Total Laboratorios

Av. La Universidad 595, La Molina, Lima 33

-Phone/Fax: (511) 349-5640 / (511) 349-2507

-E-mail: calitot@lamolina.edu.pe

SAT (Sociedad de Asesoramiento Tecnico)

Av. Javier Prado Este 1352, San Isidro, Lima 27

-Phone: (511) 224-2993 / (511) 224-2994

-Fax: (511) 475-0101

-E-mail: satperu1@terra.com.pe

SGS (Societe Generale de Surveillance)

Av. Elmer Faucett 3348, Callao

-Phone: (511) 422-1835 / (511) 221-7098

-Fax: (511) 442-5865

-E-mail: sgs_peru@sgsgroup.com

If you have any question or comments regarding this report or need assistance exporting to Peru, please contact the Foreign Agricultural Service office in Lima at the following address:

American Embassy Lima, Foreign Agricultural Service

Mailing Address: Office of Agricultural Affairs, Unit 3785, APO AA 34031

Address: La Encalada cdra. 17, Monterrico, Lima 33

Phone: (511) 434-3042

Fax: (511) 434-3043

E-mail: AgLima@fas.usda.gov

For further information, check the FAS homepage (<http://www.fas.usda.gov>)