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## **Costa Rica**

# **Food and Agricultural Import Regulations and Standards**

## **Country Report**

**2003**

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### **Report Highlights:**

**This is a revised version of the Costa Rica Food and Agricultural Import Regulations and Standards.**

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Includes PSD changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
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## **COSTA RICA: FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)**

- A. FOOD LAWS
- B. LABELING REQUIREMENTS
- C. FOOD ADDITIVE REGULATIONS
- D. PESTICIDE AND OTHER CONTAMINANTS
- E. OTHER REGULATIONS AND REQUIREMENTS
- F. OTHER SPECIFIC STANDARDS
- G. COPYRIGHT/TRADEMARK LAWS
- H. IMPORT PROCEDURE

### **APPENDIX A- MAJOR REGULATORY AGENCIES**

## A. FOOD LAWS

Costa Rican legislation dealing with food and agricultural imports control has not undergone significant change over the last 13 years. Changes in laws and decrees regulating these imports are expected by year 2003, as a corollary to negotiations between the Central American Customs Union (Unión Aduanera Centroamericana) and the Ministry of Economy. This would result in change in customs procedures, in the consistent implementation of the Food Labeling General Regulations (Reglamento General para el Etiquetado de Alimentos ), currently under development, all over the region, and in a 100% application of the Codex Alimentarius throughout the entire area.

Currently several organizations use different procedures to control food and agricultural imports in Costa Rica.

According to a decree issued by the Government of Costa Rica, from December 1, 1989 on, all imported food products must have labels in Spanish. Despite this language requirement, other languages may be used as well, as long as the required information is included in Spanish. The information below must appear on the product label in Spanish, except when indicated otherwise by a national standard or by the Codex Alimentarius. Stick on labels are allowed.

- Product name.
- Net content and drained weight in international system units.
- Artificial colors and flavors (if any).
- Ingredients listed in decreasing order, by weight.
- Importer's name and address.
- Lot number and expiration date.
- Country of origin.
- Preservation and use instructions.

The Ministry of Economy has also stated that a nutritional standard including additional labeling regulations for food products which claim to have low cholesterol contents, being free of preservatives, etc. is still being drafted. However, according to the Costa Rican Comptroller's Office, in the absence of a national standard a Codex Standard may be used, although the Costa Rican government is not enforcing it at present.

The abovementioned labeling requirements are enforced by the Costa Rican Ministry of Economy's Labeling Department. The Ministry of Economy is no longer approving or disapproving labels. Instead, producers and importers must comply with current labeling regulations. Significant fines await those whose products are found in the marketplace with wrong labels.

## REGISTRATION REQUIREMENTS/PAPERS

Imported food products must be registered prior to importation at the Ministry of Health's Registration and Control Department (Ministerio de Salud, Dirección de Registros y Controles.) Products are usually registered by importers. However, once a product is registered it may be imported by a company other than the one which originally registered it. For this reason, importers sometimes ask suppliers to share in the costs for the registration process.

Dairy and meat products, seafood and infant formulas require laboratory testing to ensure compliance with import standards. According to Ministry of Health's regulations, once all of the required information is submitted, the Ministry decides regarding the registration application. It takes five working days (in the case of high-risk products) and two working days (for other products) for the decision to be made.

Product samples shipped via express mail or parcel post are subject to import regulations.

According to a government decree, for registration purposes, food products are classified as food products in and of themselves, additives and raw materials. According to the General Health Law, if health-related claims are made about a product, for instance, its is advertised as good to treat diabetes, the product will be classified as a medicine or drug and the registration process may be different from that described below.

Registration requirements for low-risk food products (other than baby foods, seafood, meat and meat products and dairy products) include a sworn statement by a (local) professional, authorized by the appropriate professional association (official laboratories may also issue that statement) stating that the product shows the general organoleptic, physical, chemical, microbiological and microscopic characteristics required to meet quality and sanitary standards for food products. Also, a sworn statement saying that the sale, use and consumption of the product are allowed in the country of origin and that the product labeling complies with current legislation. A detailed list of requirements follows:

1. Submit a registration request form, typewritten in original and copy.
2. Certificate of qualitative composition of ingredients used in the product. Certificate of the qualitative/quantitative composition of the additives used in the product. This certificate must be issued by the manufacturer or other qualified sanitary authority in the country of origin. In the case of the registration of additives, components must be stated.
3. Sanitation certificate issued by the government of the country of origin, certifying that the products being exported to Costa Rica are allowed for free sale and consumption and meet the required food specifications of the country of origin. This certificate must be authenticated by the Costa Rican consul and countersigned by the Costa Rican Ministry of Foreign Relations.

4. Paid receipt for laboratory analysis, this payment is made at the Treasury Office of the Ministry of Health.

## **SAMPLES**

Two samples with a minimum weight of 100 grams each must be submitted in the same type of package to be used for sale, properly identified with the name of both the product and the manufacturer.

## **ADDITIONAL INFORMATION**

The certificates must be submitted in Spanish, in case they are submitted in another language, an official translation from the Ministry of Foreign Relations must accompany the certificate.

The Department of Food Control can request additional documentation or samples as referred to in this paper, whenever it deems it convenient.

## **REQUIREMENTS TO RENEW THE REGISTRATION OF IMPORTED FOOD PRODUCTS**

Registration must be renewed every five years. The same requirements listed above are needed in order to obtain a renewal.

The requirements to register a dietetic product follow:

- a. Producer's authorization to use the brand name
- b. Registration in the country of origin
- c. Certificate of free sale
- d. Quantitative and qualitative formula
- e. Method of analysis
- f. Certificate of analysis
- g. Payment receipt for the pharmaceutical association fees
- h. Plant health certificate
- I. Samples for laboratory analysis

Costa Rica's Health Act (Article 345-4) authorizes the Ministry of Health to decide which products it will apply the above requirements, and to determine the free sale of any product.

## **B. LABELING REQUIREMENTS**

### **B.1 MANDATORY LABELING OF PREVIOUSLY PACKED FOOD PRODUCTS**

The information below must be clearly shown in the label of prepackaged food products, as applicable to the product to be labeled, except when otherwise stated by a national regulation or standard in the Codex Alimentarius:

#### **B.1.1. Name of food product**

- The product's name must clearly indicate the nature of that food product and normally it must be a specific, rather than a general name.
- In the case one or several names for a food product have been established in Costa Rica's national standards or in a standard in the Codex Alimentarius, at least one of these names must be used.
- For other cases, the name prescribed by national legislation must be used.
- In the absence of these names, a common or usual name established by common use must be used as a descriptive term, in order to avoid deceiving or leading consumers into error.
- A coined, imaginary, factory name or trademark can be used, provided one of the names mentioned in the above regulations is also used.
- Traditionally required words or phrases must appear on the label, next to or very near the name of the food product, intended to avoid deception to or error by the consumer in relation to the nature and status of the product, including –but not limited to–type of cover, presentation, status, and treatment of the product, e.g., dehydration, concentration, reconstitution or smoke treatment.

#### **B.1.2. List of ingredients**

- Except in the case of single-ingredient food products, a list of ingredients must appear on the product label.
- The term "Ingredients" must be written before the list or as the first word in the list.
- All ingredients must be listed in decreasing weight order (m/m) at the time of manufacturing.
- Whenever an ingredient is the result of the mix of two or more ingredients, it can be stated as an ingredient in the list, provided it is accompanied of a list (in parenthesis) of its components stated in decreasing weight order (m/m). This requirement will not apply for composite ingredients with an established name in a national standard or in a standard in the Codex Alimentarius, accounting for less than 25 per cent of the food product, except for food additives with a technological role in the finished product.
- Water added must be indicated in the list of ingredients, except in the case when it is a part of an ingredient, such as brine, syrup, or broth used in a composite food product and stated as such in the list of ingredients. Volatile ingredients (such as water and others) used in the manufacturing process need not to be stated.
- As an alternative to general declarations in this section, in the case of condensed and dehydrated food products intended for reconstitution, ingredients can be stated in order of proportions (m/m) in the reconstituted product, provided an indication such as this is included "Product ingredient when prepared as per this label."
- In line with subsection B.1.1. (name of food product) a specific product name must be used in the list of ingredients, except as follows:

- The following general names can be used for ingredients in each of the following kinds:

Type of ingredients	General names
Refined oil different from olive oil	Oil, together with the term “vegetal”, “animal” as modified by the term “partially hydrogenated” or “totally hydrogenated”, as applicable
Refined fats	Fats, together with the term “vegetal”, “animal”, as applicable
Starch	Different types of starch; chemically-modified starch
Fish	All sorts of fish, whenever fish is an ingredient for other food product, provided the label and the presentation of the product do not refer to a specific type of fish
Poultry	All sorts of poultry, whenever that fowl is not an ingredient for other food product, provided the label and the presentation of the product do not refer to a specific type of fowl
Cheese	All sorts of cheese, whenever that cheese of mix of different types of cheese is an ingredient for other food product, provided the label and the presentation of the product do not refer to a specific type of cheese.
Spices or spice mixes, as appropriate	All sorts of spice and spice extract in amounts not above 2% of product weight, either alone or mixed in the product
Aromatic herbs or aromatic herbs mixes	All aromatic herbs or parts of aromatic herbs in amounts not above 2% of product weight, either alone or mixed in the product
Base gum	All sorts of gum mixes used to manufacture base gum for chewing gum manufacturing
Sugar, dextrose, or glucose	All sorts of saccharose, monohydrated dextrose and anhydrous dextrose
Casein	All sorts of caseins
Cocoa butter	Cocoa butter obtained either through pressure, extraction, or refining

Candied fruit	All sorts of candied fruit in amounts not above 10% of product weight
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- Despite what is stated in relation to general names, lard and butter and bovine fat must always be stated by specific name.
- In the case of different kinds of food additives listed as food additives allowed for food products in general, the following general names must be used together with the specific name or identification number accepted in the national legislation.

Flavor intensifier	Acid
Antiagglutinant agent	Antiagglutinant
Antisparkling agent	Antioxidant
Dying agent	Sweetener
Emulsifier	Thickener
Sparkling agent	Stabilizer
Gasifier	Freezing agent
Moisturizing agent	Volume expander
Starter	Acidity regulator
Emulsifier salt	Preservative substance
Color preserver	Flour treating substance
Glazing substance	

- The following general titles can be used in the case of specific food additives listed as authorized additives in the national lists of food additives on in the Codex Alimentarius:

Scents and aromatizing substances  
Modified starches

The terms “scents” can be modified by other terms such as “natural”, “natural-like”, “man-made” or a combination of these.

- Aids in the manufacturing and transference of food additives:
- All food additives used in raw materials or other food ingredients and thus transferred in significant quantities to accomplish a technological function in the food product, will appear in the list of ingredients.



- Food additives transferred to food products in quantities below those required to accomplish a technological function in the food product, as well as aids in product manufacturing, will not appear in the list of ingredients.

**B.1.3. Net content and drained weight.**

- Net content must be stated in Système International units as follows:
  - i) Volume, for liquid food products.
  - ii) Weight, for solid food products.
  - iii) Weight, for semisolid or viscose food products.
- In addition to stating net content, in the case of food packed in a liquid means the drained weight of the product must be stated in Système International units. For these purposes, “liquid” must be understood as water, water solutions of salt or sugar, fruit juice, vegetables, fruit and vegetable preserves only, and vinegars, either pure or mixed.

**B.1.4. Name and address.**

The manufacturer’s name and address as well as those for the packer, distributor, importer, exporter or seller of the product must be stated.

**B.1.5. Country of origin**

- The name of the country of origin must be stated.
- For labeling purposes, whenever food products undergo manufacturing treatments that result in a change of nature in a country different than their country of origin, the latter country will be held as the product’s country of origin.

**B.1.6. Lot ID**

The lot ID must appear on each package, either written in plain language or in code, printed in any manner, provided it is unerasable. The product’s expiration date can be used as lot ID.

**B.1.7. Dating and preservation directions**

- Unless otherwise determined in a national standard or a standard in the Codex Alimentarius, the following dating procedure will be applied:

- i) The minimum expiration date must be stated
- ii) This will include, at least, month and day for products with minimum expiration dates not beyond three months. Month and year for products with minimum expiration dates beyond three months. In the case of December, only the year must be stated.
- iii) The expiration date must be stated with “Better before” to indicate a specific day, and “Better before the last day of” in all other cases
- iv) The words stated in (iii) above must be accompanied by the date itself or a reference to the place where the date is printed
- v) Day, month, and year (in that order) must be stated in numerical, non-coded order. The name of the month can be fully written.
- vi) Despite regulation 4.7.1 (i), no indication is required for minimum expiration dates in the case of fresh fruit and vegetables, including potatoes not yet peeled, cut or treated in any other wise. The same is true for liquor wines, sparkling wine, aromatized wines, fruit wines, and sparkling fruit wines and alcoholic beverages with 10% alcohol or more per volume. Bakery goods that, due to their nature, are intended for consumption at most 24 hours after manufacturing. Vinegar, salt as food ingredient, solid sugar, candy goods made of aromatized and colored sugar, chewing gum and specific food products exempted by Product Committees, either national or from the Codex.

-In addition to minimum expiration date, any special condition required for preservation must be stated in the label, provided the validity of the expiration date depends on these.

#### **B.1.8. Directions for use.**

The product label must indicate all directions required for product use, including reconstitution, if needed, in order to ensure appropriate use of the product.

### **B.2. ADDITIONAL MANDATORY REQUIREMENTS**

#### **B.2.1 Quantity labeling of ingredients**

-Whenever the label indicates the existence of one or more valuable, characterizing ingredients, or when this effect results from describing the food product, the initial percentage of the ingredient at the time of manufacturing must be stated (m/m).

-Likewise, when a product label highlights a low content of one or more ingredients, the percentage of the ingredient (m/m) in the final product must be stated.

- Reference made in the name of a food product to a given ingredient will not imply, per se, it is given special relevance. Reference made in the product label to an ingredient used in a small quantity or merely as an aromatizer will not imply, per se, it is given special relevance.

#### **B.2.2 Irradiated food products**

- All food products treated with ionizing radiation must indicate, in writing, that treatment close to the product name. As shown below, the use of the international symbol indicating the product was irradiated is facultative, but when used it must be placed close to the product name.
- Whenever irradiated products are used as ingredients of other food product, this must be stated in the list of ingredients.
- Whenever a single-ingredient product is manufactured using irradiated raw materials, the product label must contain a statement indication the treatment.

### **B.3. EXEMPTIONS FOR MANDATORY LABELING REQUIREMENTS**

Except in the case of spices and aromatic herbs, small units with wider surfaces under 10 cm<sup>2</sup> can be exempted of those requirements stated in the above subsections.

### **B.4. FACULTATIVE LABELING**

- Labels can show any information or graphic illustration as well as written, printed, or graphic matters, provided these do not contradict mandatory requirements in these regulations, including those related to statement of properties and deception, as established in GENERAL PRINCIPLES, Section # 3.

#### **B4.1. Quality specifications**

Quality specifications (when used) must be easily understandable and must not be misleading or wrong in any manner whatsoever

### **B.5. PRESENTATION OF REQUIRED INFORMATION**

#### **B.5.1 Background**

- Labels applied to prepackaged food products must be placed so that they do not split from the package.
- The data that must appear on the label, as per these regulations or as per any other standard, either national or from the Codex Alimentarius, must be written in clear, visible, unerasable, easy-to-read characters, to be read by consumers in normal purchase and use circumstances.
- When the package is wrapped, this must contain all data required. Otherwise, the product label must be easily readable through the outer wrapping or the wrapping must not obscure it.
- The food product name and net content must be prominently stated so that they are easily visible.

#### **B.5.2 Language**

- The product label must be written in Spanish, whenever the label is not the originally written in that language. A supplementary label can be used instead of a new one. In that case, the label must contain, in Spanish, all the information required.
- When a new or a supplementary label is used, the information provided must fully and accurately reflect the information given in the original label.

### **C. FOOD ADDITIVE REGULATIONS**

The Codex Food Additive list is commonly used in Costa Rica. A copy of this list may be secured at the Registration and Control Management Office (Dirección de Registros y Controles) of the Ministry of Health. (See the appendix for address.)

### **D. PESTICIDE AND OTHER POLLUTANTS**

The Ministry of Agriculture is responsible for regulating pesticide residues in foodstuffs. Every chemical, biological, biochemical or related substance for agricultural use must be registered at the Ministry of Agriculture, Department of Agricultural Inputs Control (Departamento de Control de Insumos Agrícolas), and also at the Department of Toxic Substances of the Costa Rica Ministry of Health (Ministerio de Salud, Departamento de Sustancias Tóxicas).

Registration requirements may be waived for products in transit, products used in research and products used to fight specific plant health problems.

The procedures and requirements for registration, import, export, production, storage, distribution, transportation, repackaging, mixing, research, sale and use of these substances are described in the technical regulations for each type of agricultural input, including pesticides, fertilizers, biological and biochemical substances and related agricultural substances. Costa Rican pesticide regulations are based primarily on EPA and Codex regulations. A list of approved pesticides can be secured from the Department of Agricultural Inputs Control (for address, see the contact section of this report.)

For imports and customs clearance of All kinds of pesticides, fertilizers, aid products, raw materials, and related substances for agricultural use, a sealed permit is required. This is issued by the authorized officers of the Ministry of Agriculture, at the Single Foreign Trade Office (Ventanilla Única de Comercio Exterior.)

The legal grounds to control these products are provided by the following acts and decrees:

- Ley de Protección Fitosanitaria (Plant Health Protection Act) 7664 del 8 abril de 1997.
- Decreto (Decree #) 26921-MAG: Reglamento a la Ley de Protección Fitosanitaria. (Regulations of the Plant Health Protection Act.)
- Decreto (Decree #) 24337-MAG-S (La Gaceta, #115, June 16, 1995): Reglamento sobre registro, uso y control de plaguicidas agrícolas y coadyuvantes. (Regulations on registration, use, and control of agricultural pesticides and aid products.)
- Decreto (Decree #) 28429-MAG-MEIC RTCR 316: (Gaceta #31, February 14, 2000): Reglamento para inscribir fertilizantes. (Regulation on registration of fertilizers.)
- Decreto (Decree #) 27973-MAG-MEIC-S RTCR 318: 1998 Laboratorio para el análisis de sustancias químicas, biológicas de uso en la agricultura. (Analysis lab for chemical and biological substances used in agriculture.)
- Decreto (Decree #) 27630 RTCR 229: 1996 Límites máximos de residuos de plaguicidas en vegetales. (Top limits for pesticide residuals in vegetables.)
- Decreto (Decree #) 27041-MAG-MEIC Norma 176: 1991 Agroquímicos. Toma de muestra. (Standard 176: 1991, Sampling agrochemicals.)
- Decreto (Decree #) N. 27037- MAG-MEIC. (Equipment.)

## Registration of legal and natural persons

Every legal and natural person engaged in importing, exporting, registering and repackaging chemical and/or biological substances -, as well as application equipment for agricultural use, must be registered with the Costa Rica Plant Health Service (Servicio Fitosanitario del Estado), once it has met all requirements stated in the appropriate regulation (see Article 25.)

### D.1. Procedure for imports/customs clearance of registered products

<http://www.protecnet.go.cr/insumosagricolas/registro/regcomoimportar.htm>

An authorization form must be filled in, as explained below:

- The form must be signed by the manager of the importing firm (indicating registration number.)
- It must be signed by the representative of the importing firm.
- The MAG registration number must be indicated.
- The production lot number must be also indicated.
- A photocopy of the invoice must be added, as well as B/L, the air bill of lading or trucking bill of lading (depending on the means of transportation used.)

#### D.1.1. Registration

No legal or natural person will be able to import, export, manufacture, prepare, store, distribute, transport, repack, advertise, manipulate, mix, sell nor use chemical, biological, or similar substances

for agricultural use that are not registered in accordance with this law (Article 24.)

<http://www.protecnet.go.cr/insumosagricolas/registro/default.htm>

Companies must submit to the Registry Department and the Department of Agricultural Inputs the completed registration form as well as all documents required (which differ depending on whether they relate to natural or artificial persons.)

The Registration Program will determine those pesticides that can be registered and marketed in Costa Rica, based on their conditions and requirements. For that purpose, effectiveness proof will be required whenever necessary. Product information will be evaluated on the basis of international toxicology and environmental performance standards. Legal imports of pesticides can only through compliance with all regulatory and technical requirements.

Companies must be registered with the Program in order to import pesticides, fertilizers, and similar products.

### **Registration**

According to Decree # 24337-MAG-S, dated June 16, 1995 (La Gaceta, #115) pesticides as well as technical and supporting materials must be registered.

The basis for registration is the physical and chemical properties --both of the active ingredient and of the prepared product-- the analytical methods used to determine the active ingredient and the analysis of residues in crops, toxicological studies of the product, agronomic use based on biological effectiveness tests supervised by the Costa Rican Ministry of Agriculture, effects upon the environment, tolerance or maximum limits for residues in each crop and a label in line with the prepared products.

### **Registration of equipment**

The registration of equipment used to apply chemical, biological, biochemical or similar substances for agricultural purposes will ensure to users the quality and the characteristics of the product as claimed by manufacturers. Also, it will guarantee the import, manufacturing, distribution, marketing, and use of equipment in land and air applications, in addition to provision of spare parts and service.

### **Registration of chemical products**

To register pesticides, technical and support products, the interested party must fill in a registration application, plus two copies signed by that party and the company's manager. The application form must include:

- Name and address of the party willing to register a product and company's registration number.
- Manager's name and address.
- Generic and trade names, kind, type and composition of products to be registered, as well as name of the manufacturing company.
- Credit note covering the cost for two analyses of the product, in order to determine its identity and

quality.

- Material, type and size of product package, to ensure that packaging material can resist the chemical and physical effect from the product.
- Name and address of the resident manager's office, in the case of artificial persons.

### **Registration of pesticides**

The original registration form plus two copies must be accompanied by a list in Spanish of the pesticide's characteristics, plus the following information:

- Chemical and physical properties of active ingredient.
- Characteristics of formulated product.
- Method of analysis.
- Data required (DSTMT) by the Costa Rican Ministry of Health regarding the hazardous nature of the product in relation to the environment and human health.
- Use required.
- Chemical, physical and biological effects resulting from the use of the pesticide.

In the case of pesticide imports, the application form for registration must be accompanied by:

- An official paper indicating registration date and number as well as type of formulation and concentration, in case no previous registration exists.
- Brand name certification of product to be registered.
- Patent certification for the product.

### **Registration of fertilizers**

In the case of fertilizers, registration is based on Decree #28429 MAG-MEIC, dated February 14, 2001. To register the product, a new file containing all data required is developed. As in the case for pesticides, the file is submitted to the Input Department Registration Unit for review, approval and registration, once duties are paid. The registration application must be submitted in standard paper to the Ministry of Health, with a copy signed by the company's legal representative. This process must be carried out for each product to be registered.

#### **D.1.2. Imports of product samples**

A special permit is issued for research or evaluation purposes, for the company's exclusive use, to deal with emergencies, exonerate the firm of complying with MAG-MEIC Decree # 24037 or for the lack of the appropriate product label. To apply for this permit, business firms must:

- Submit the customs clearance authorization form approved by the Registration Department and signed by the company's manager and the company's legal representative.

- Add a copy of the invoice.
- Complete a questionnaire (in the case of fertilizers and pesticides, as required.)

The following must be added to the above-mentioned questionnaires:

4. An application form indicating the name, address, capacities, legal domicile, ID card number, phone number, and postal office number or legal address of the applicant. Also the goal of the research must be stated, as well as the name of professionals involved and their membership number in the appropriate association.
5. A complete description of the research to be carried out.

The label included in the questionnaire given to the importer must be filled and attached to the product to obtain authorization for its free use in Costa Rica after customs clearance. This procedure must be carried out prior to the product's arrival in the country to avoid customs clearance difficulties. Prior to starting the procedure the requirements stated in 1 and 2 above must be complied with, and the application form plus the description must be brought to the Registration Office or to PROCOMER's Single Foreign Trade Office (Ventanilla Única de Comercio Exterior.)

### **D.1.3. Marginal notes**

Upon request of the interested party and upon submission of all documents required, that party will be allowed to:

1. Change or expand the country (or countries) of origin.
2. Change the brand name.
3. Transfer the registry property or renounce registration.
4. Other changes that will not result in an alteration of the structural and functional nature of the registered good.

The Pesticide and Fertilizer Department (Departamento de Abonos y Plaguicidas) is located in Barreal de Heredia, with working hours Monday through Friday, 7:30 a. m. through 4:00 p.m. Phone: (506) 260-0224.

Source: Ley de Protección Fitosanitaria (Plant Health Protection Act) Number 7664:  
<http://www.protecnet.go.cr>

## **E. OTHER REGULATIONS AND REQUIREMENTS**



## **DIETETIC FOODS**

The General Health Act was enacted 24 years ago. In the last few years it has been enforced following criteria different from those used before, especially in relation to dietetic foods. Based on this law, the Costa Rican Ministry of Health has required that this kind of food products be registered at the Drug Control Department rather than at the Food Control Department. This is based in Article 104 of that Act, which defines as medicine all kinds of dietetic foods, foods with any kind of medical substances added, and foods or products claiming health benefits.

The definition for dietetic foods (as defined by the General Health Act, Article 104) is as follows: “Dietetic products are those products used to treat abnormal physical states and to reestablish or modify the individual’s organic functions. Foods with medical substances added are included in this definition.”

Foods used for nutritional treatments recommending maximum daily dosages or whose consumption must be restricted in order for the product to achieve its purpose, must also be registered at the Drug Control Department.

Dietetic foods must not be mistaken for lite products, low -cholesterol products or high fiber content products, which do not have medical substances added, are not used to reestablish an individual’s organic functions, or have restricted consumption.

Lite products such as lite fruit cocktails, low-fat milk and lite butter are not considered dietetic foods. Products labeled salt-free, sugar-free, and with vitamins or minerals added, are not considered dietetic foods according to the criteria used by the Costa Rican Ministry of Health.

Before registering the product, the importer must register in Costa Rica the U.S. laboratory manufacturing it (usually a lengthy procedure that sometimes turns out to be costly.)

## **STATEMENTS REGARDING HEALTH PRODUCTS**

This is defined as any implicit or explicit assertion written in the label of a food product, including dietetic supplements, which includes references from third parties, written declarations (trademarks including terms such as “heart”), symbols (a heart symbol), or illustrations which characterize the relation of any substance with a disease or health condition. Implicit health declarations include those declarations, symbols, illustrations or other forms of communication which suggest, within the context in which they are presented, that a relation exists between the presence or the level of a substance in the food and a health-related condition.

## **COMPLEMENTARY NUTRITIONAL INFORMATION**

The complementary nutritional information aims to facilitating the consumer’s understanding of the nutritional value of the food product and to helping him/her interpret the statement about the

nutrient. There are several ways to present information that can be used in the labels of food products (e.g., graphs, tables and others.)

The use of complementary nutritional information in the label of food products should be optional and should not substitute, but rather add to, the declaration of the nutrients.

The complementary nutritional information in the label should be accompanied by educational programs for the consumer in order to increase his/her understanding ability and to allow for a better use of the information.

## **NUTRITIONAL LABELING WITH NUMBER OF PORTIONS**

The label of a food product stating the number of portions contained must indicate immediately after the statement the net portion (in terms of weight, volume and number.) It may be stated in different units (cups, tablespoons, etc.) as long as it does not lead to confusion. Whenever nutritional information is required, the statement of the net quantity of the portion must be constant; for instance: 10 portions of 1 cup (250 ml.)

## **DEFINITION OF THE REFERENCE QUANTITY GENERALLY CONSUMED IN ONE MEAL**

In order to determine the size of the food portions not included in this standard, the following information must be given:

- Portion size used in dietetic guides recommended by the authorities.
- Portion size recommended in the literature.
- Portion size used in other countries.

Since the reference quantity and also the stated portion size in the label reflect the amount of food generally consumed, these should only be based on the edible part of the food, that is, excluding bones, seeds, skin and other non-edible parts.

The reference quantity must be based on the main use of the food; for example, milk as a beverage and not as an addition to cereals.

The reference quantity for products used as ingredients for other preparations but to be consumed just as they are purchased (for example, butter), must be based on the form they are purchased.

The statement of nutrients must be made based on the food as it is packed, with the exception of foods canned in water, brine or oil, and whose covering is not generally consumed (for example, cherries, capers). In these cases, the statement of nutrients must be on the drained product.

## **F. OTHER SPECIFIC STANDARDS**

## **G. COPYRIGHT/TRADEMARK LAWS**

Costa Rica is a signatory of all major international agreements and conventions on intellectual property, trademarks, copyrights, and patent protection. Costa Rica became a member of the World Intellectual Property Organization (WIPO) in 1980. In May, 1995, the Legislative Assembly of Costa Rica ratified the Paris Convention for the Protection of Industrial Property. Adherence to the GATT Uruguay Round Agreements in December 1994 and the possibility of obtaining much needed foreign investment has caused the Government of Costa Rica to consider extending patents on inventions beyond the current twelve-year term (only one year on pharmaceuticals and agricultural chemicals), and that initiative should be approved before the end of 1999, as required by the GATT Uruguay Round agreements.

Costa Rica adopted the revised Central American Convention on Industrial Property in 1995, which brings Central American laws on industrial property in line with world standards and the requirements of the GATT Trade-Related Aspects of Intellectual Property (TRIPS) and major international conventions. However, Costa Rica has not yet ratified the TRIPS agreement.

Costa Rica is a signatory of the 1886 Bern Convention for the protection of literary and artistic works, the 1952 Universal Copyright Convention (Geneva), the 1961 Rome Convention for the Protection of Artists and Performers of Artistic Works, and the 1971 Geneva Convention for the protection of phonograms against unauthorized reproduction. Costa Rica has not ratified the 1974 Brussels Satellite Transmission Convention. Copyrights can be registered with the National Registry, but protection is guaranteed under international treaties even if they are not registered locally.

In May 1994, Costa Rica amended its copyright law to reinforce sanctions against piracy and to explicitly protect computer programs. Prior to this amendment, although computer programs could be registered as general copyrighted material, they were not explicitly protected by the Costa Rican copyright law. Gross violations of intellectual property continue in Costa Rica's video cassette

market, where, according to U.S. industry sources, nearly 90 percent of tapes are unauthorized.

Trademarks are effectively protected by the National Registry, which keeps permanent files on foreign trademarks. Any trademark registered abroad can be registered also in Costa Rica, and in the practice, the trademark is protected against copying even if not registered in Costa Rica upon submitting proof of registration abroad.

Costa Rica did not include the ratification of TRIPS in its December 1994 Uruguay Round implementing legislation. As a less developed country, Costa Rica is allowed five years to implement TRIPS. In the transition period to 1999, a mailbox for submitting patent applications should be established at the National Registry. Bills addressing procedures for patent applications have been presented but not yet approved.

Theoretically, U.S. patents can be registered at the Patents Office of Costa Rica National Registry. However, Costa Rican law stipulates that patent protection for inventions cannot exceed twelve years. In the case of pharmaceuticals and agricultural inputs, protection is limited to one year.

## **H. IMPORT PROCEDURE**

Costa Rica only requires invoices, bills of lading and airway bills to import goods. Mail shipments require only postal documentation. Imports of bulk agricultural and horticultural products require plant health certificates. Animal health (USDA/FSIS) certificates are required to import fresh and frozen meats.

Most processed food products (canned, boxed, and pre-cooked goods) do not require plant health or animal health certificates, but exporters should check with their importers, who are ultimately responsible for knowing local regulations.

Imports of toxic substances, insecticides, pesticides and agricultural chemicals, require an import permit from the Costa Rica Ministry of Health as well as registration at the Ministry of Agriculture. The permit can be secured upon submission and approval of quantitative/qualitative analysis certificates and free-sale certificates, which must be provided by the exporter. These certificates must be authenticated by a Costa Rican consul in the United States or other country of origin.

Registration of food products must be made prior to importing them. Labeling, according to the abovementioned regulations, may take place once the product enters the country but, in any case, before the product reaches the point of sale. Violations of documentation laws lead to heavy fines. Consequently, great care must be taken to avoid errors and violations.

Costa Rican customs procedures are complex and bureaucratic, but they have improved somewhat since the passage of the 1995 General Customs Law. Much of the necessary processing is now accomplished electronically, and "one stop" import and export windows have significantly reduced

the time required for customs processing. Costa Rica generally requires no special documentation for the entry of goods other than commercial invoices, bills of lading and airway bills. An exception is used vehicles, which must arrive with vehicle emissions compliance certificates from exporting countries, authorized by a recognized consular agent under regulations implemented in year 2000. This is a legal requirement. Mail shipments require only postal documentation. Bulk agricultural products require phytosanitary certificates. Imports of cosmetics, chemicals, toxic substances, insecticides, pesticides and agricultural chemicals require an import permit from the Costa Rican Ministry of Health.

The permit can be obtained by submitting presentation and getting approval of quantitative-qualitative analysis certificates and free-sale certificates, which must be provided by the exporter. A Costa Rican consul in the United States or other country of origin must authenticate these certificates.

Violations of documentation laws carry heavy fines. Consequently, great care must be taken to avoid errors and violations.

There are no significant trade barriers affecting the entry of most goods and services in Costa Rica. Costa Rica continues to unify and lower its tariffs in compliance with its commitments to its Central American neighbors and its World Trade Organization obligations. Costa Rica is a member of the Cairns Group of agricultural free traders, but this position has found opposition within the Costa Rican agricultural sector. Those who oppose freer agricultural trade have attempted to block imports of some domestically sensitive items, such as rice, potatoes and onions.

The Government of Costa Rica agreed, in the Uruguay Round of trade negotiations, to eliminate all import quotas and to reduce tariffs progressively. Currently the maximum tariff on most goods is 52 percent, excluding selected agricultural commodities of significant interest at a local level, which are protected or "safeguarded," with much higher tariffs. However, tariffs on safeguarded products are also to be reduced over time. Examples of such protection are poultry products, currently with a 158 percent tariff, and dairy products, currently with an 80 percent tariff. The Government of Costa Rica agreed to permit the importation of amounts not exceeding 3 percent of the national consumption of these goods at a lower, but variable tariff rate, which provides opportunities for U.S. agricultural products which are new to the market. All imported aircraft and automobiles --- both new and used -- are also heavily taxed.

The import-related procedures can be summarized as follows:

- Both the carrier and the depositor must be already duly registered as auxiliaries to the authorities by the time the merchandise arrives in the primary area (bonded warehouse). They must report to the customs house the arrival of merchandise and the time scheduled for unloading it, at least two hours in advance. This must be done in order for customs house' authorities to send an appraiser to supervise the unloading of merchandise. Should the appraiser not show up at the appointed time, the warehouse personnel is entitled to begin

unloading the merchandise and, once this task is completed, to convey the way bill to the customs' house.

- The carrier will let the importer know that the merchandise is already at the bonded warehouse.
- The importer will select a customs agent to carry out the import procedures.
- The customs agent calculates the taxes to be paid.<sup>1</sup> He/she can carry out a preliminary review (previous inspection) to check merchandise in order to properly develop the customs entry. Next, he/she submits the information to the Customs House to be corroborated by a technician.
- Taxes are paid as a part of this procedure, according to merchandise type. They are paid through debit in the current account held by each customs agency, support by government receipts.
- Once all these procedures are completed, authorization is obtained to take merchandise out of the bonded warehouse.

## APPENDIX A- MAJOR REGULATORY AGENCIES

### **Oficina Nacional de Etiquetado**

Ministerio de Economía, Industria y Comercio, MEIC

Apartado 1736-2050, San José, Costa Rica

Phone: (506) 235-2700, extension 247

Fax: (506) 297-1439

<http://www.etiquetado.go.cr>

### **Registration of Agrochemicals**

Departamento de Control de Insumos Agrícolas

Dirección General de Protección Agropecuaria

Ministerio de Agricultura y Ganadería

Apartado 10094-1000

San José, Costa Rica

Phone: (506) 260-8300

Fax: (506) 260-8301

<http://www.protecnet.go.cr/insumosagricolas/registro>

### **Registration of food products:**

Ministerio de Salud, Dirección de Registros y Controles

Apartado 10123-1000, San José, Costa Rica

Phone: (506) 223-0333

Fax: (506) 222-1420

<http://www.netsalud.sa.cr>

Gustavo Arce

Ministerio de Salud-VULE-PROCOMER

Phone: (506) 256-7111, extension 209

Fax: (506) 233-9272

E-mail: [garce@procomer.go.cr](mailto:garce@procomer.go.cr)

<http://www.procomer.com>

Import requirements for the following products may be secured from the Costa Rican Animal and Plant Health Protection Department of the Ministry of Agriculture:

<sup>1</sup> Taxes are calculated in accordance with the Central American Tariff and Customs Valuation Act (Ley de Valoración Aduanera y al Arancel Centroamericano --S.A.C.).

- Plant seeds
- Processed vegetables
- Grains
- Biological control agents
- Vegetable products not included under plant seeds
- Spices for consumption or processing
- Vegetable products and by-products
- Propagation material
- Fruit
- Fertilizers, registration and labeling
- Laboratory for residue analysis and chemical and biological substances of agricultural use
- Registration and labeling of biological and biochemical pesticides
- Registration and examination of application equipment for agricultural, chemical and biological substances.
- Maximum residue levels of pesticides in vegetables.

For information on these requirements please contact:

Dirección de Protección Fitozoosanitaria  
Centro de Información Fitosanitaria y Zoosanitaria  
Phone: (506) 260-8300  
Fax: (506) 260-8291  
<http://www.protecnet.go.cr/>

**Tatiana León**

Ministerio de Agricultura-PROCOMER  
Phone: (506) 233-9918  
Fax: (506) 233-9272  
E-mail: [tleon@protecnet.go.cr](mailto:tleon@protecnet.go.cr)