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**Report Highlights:**

This report summarizes the key technical and import requirements for food and agricultural products imposed by the Government of the Dominican Republic. No substantive changes were published in 2019 with the exception of the Presidential Decree No. 392-19 on the “Sanitary Regulation of Milk and Milk Products,” labeling clarifications, and new requirements for imported fresh fruit. The report includes clarifications of existing requirements so that U.S. exporters can better understand the relevant policies and processes that they must meet to access the growing Dominican market.

## **Executive Summary & Disclaimer**

Since 2017, the Government of the Dominican Republic (GoDR) has been working on updating its regulations related to food health and dairy products. On November 19, 2019, the GoDR issued the Presidential Decree No. 392-19 on the “Sanitary Regulation of Milk and Milk Products,” which establishes additional requirements for milk and dairy products, including facility registration. FAS Santo Domingo seeks to clarify the new requirements and will publish a GAIN report summarizing them.

In addition, on October 3, 2019, via Resolution #000013, the Ministry of Public Health and Social Welfare (MOH) made changes to General Labeling Standard for Pre-packaged Products (NORDOM 53). NORDOM 53, which was published in November 2014, outlines labeling and other requirements for locally produced and imported products. In accordance with Resolution #000013, full compliance with NORDOM 53 will be required within three months. NORDOM 53 allows for a supplementary label (sticker) in Spanish placed at origin or in the Dominican Republic. FAS Santo Domingo will further describe these changes in a future GAIN report. Industry sources expect that the “Food Health Regulations,” which will include changes to sanitary registration and labeling requirements, will be published during the first quarter of 2020.

Following a major internal restructuring within the DR’s Ministry of Public Health and Social Welfare (MOH), some import measures may be modified and implemented with little prior notice. In addition, coordination challenges with the Ministry of Agriculture (MoAg) have led to delays at the port. Therefore, in this changing regulatory environment, it is vital for U.S. exporters to work closely with Dominican importers to ensure that documentation requirements are met before shipping. Failure to do so could result in delays in products entering the country or rejections at the border.

## **DISCLAIMER**

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

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## Section I. General Food Laws

In the Dominican Republic (DR), there are at least 19 policy documents for food safety and sanitation. The key documents include two major laws, two Presidential Decrees, a regulation, and a “Norma Dominicana” (NORDOM, a Dominican standard):

- 1) General Law No. 358-02 dated September 9, 2005 for the Protection of Consumer or User Rights (ProConsumidor);
- 2) General Health Law No. 42-01 dated March 8, 2001;
- 3) Presidential Decree No. 392-19 for the “Sanitary Regulation of Milk and Milk Products” dated November 19, 2019 (this replaced Presidential Decree No. 1139 dated July 28, 1975);
- 4) General Regulation (Presidential Decree) No. 528-01 dated May 14, 2001 for Risk Control in Food and Beverages;
- 5) General Labeling Standard for Pre-packaged Products (Reglamento Técnico Dominicano (RTD 53)/NORDOM 53, 4<sup>th</sup> revision) dated November 27, 2014 (published in 2015);

In addition to these documents, other laws and decrees reflect Codex Alimentarius (CODEX) provisions and commitments under the DR-Central America free trade agreement (CAFTA-DR) and the World Trade Organization (WTO).

**CAFTA-DR.** The CAFTA-DR agreement was duly ratified by the Dominican Congress via Resolution No. 375-05, dated September 6, 2005, and promulgated by the Dominican Executive Branch on September 9, 2005. In addition to its provisions, Law No. 424-06 was enacted to adapt Dominican Laws to the requirements already established by CAFTA-DR and ensure its application in the DR. CAFTA-DR became effective in the DR on March 1, 2007.

**CODEX.** In order to implement the provisions contained in Codex, the Dominican Executive Branch promulgated Presidential Decrees 170-01 and 1352-04, which respectively created and ratified the National Committee on the Codex Alimentarius (“*Comité Nacional del Codex Alimentarius (CONCA)*”). Article 127 of the Dominican General Health Law No. 42-01 requires that production, manufacturing, storage, importation, commercialization, transportation, and manipulation of food and beverage products be subject to the guidelines indicated in said law, NORDOMs, and the Codex Alimentarius. Moreover, Article 24, paragraph II, of Presidential Decree 528-01 incorporates the Codex Alimentarius as part of the guidelines that pre-packaged foods and beverages need to follow to achieve regulatory compliance in the DR. The article indicates, “*All foods covered by this Regulation and any other formulations and preparations that can be developed must comply with the food standards developed by the Codex Alimentarius, adopted or approved by its auxiliary technical committees thereof, and approved by the General Directorate of Standards and Quality Systems (DIGENOR) [today, INDOCAL]*”.

**WTO:** The DR became a member of the General Agreement on Tariffs and Trade (GATT) on May 19, 1950. The DR later acceded to the WTO on March 9, 1995, which the Dominican Congress approved through Resolution 2-95. Since then, the DR has committed itself to comply with the standards and procedures that regulate multilateral commerce.

Furthermore, within the Framework of the 1994 GATT, the DR presented a Technical Rectification (TR) of List XXIII of Tariff Concessions for eight agricultural products considered sensitive to the economy; the Dominican Congress through Resolution 92-99 adopted the TR.

## **Section II. Food Additive Regulations**

The Ministry of Health and Social Welfare (MOH) controls the health risks associated with the inappropriate use of additives or toxins, as well as the presence of disease-causing organisms. The MOH defines the procedure for the application, issuance, and renewal of the necessary approvals, as well as establishing the conditions for permit cancellation. Presidential Decree No. 528-01 (Regulation 528-01) dated May 14, 2001 in Articles 1, 11, and 247 establishes the MOH's scope regarding additives. For example, this regulation addresses the health risks generated by the inappropriate use of contaminating additives or toxins and by the presence of organisms that cause diseases (Art. 1). This regulation also addresses additives to improve the color, aroma, and conservation of food (Art. 11). The total percentage of additives must be declared, as well as the use for those that are specifically required (Art. 247). (See the MOH contact information below in Appendix I.)

Additionally, Section 5.2.4 of the General Labeling Standard for Pre-packaged Products (NORDOM 53) specifies that any food additive used in a quantity large enough to perform a technological function must be included in the list of ingredients. However, processing aids and food additives used in quantities lower than those necessary to achieve a technological function do not need to be included in the list of ingredients. This exemption does not apply to the food additives and processing aids that are specifically regulated by the MOH as described above. The current (fourth) version of NORDOM 53 is dated November 27, 2014 but was published in 2015.

## **Section III. Pesticides and Other Contaminants**

Presidential Decree No. 244-10, dated April 27, 2010, establishes the Technical Regulations regarding Maximum Residue Levels (MRLs) in the DR. This regulation identifies the MRLs of pesticides and their metabolites for fruit, vegetables and related crops for human and animal consumption. (See the Ministry of Agriculture (MoAg) contact information below in Appendix I.)

**Irradiated Foods:** The specific regulation on irradiated foods is also found in the General Labeling Standard for Pre-packaged Products (NORDOM 53). Section 6.2 requires that foods treated with ionizing radiation be labeled accordingly and that this statement be placed near the brand name. The use of the international symbol for irradiation is optional, but if used, it should be placed near the brand name. When an irradiated product is used as an ingredient in another food, this must be declared in the list of ingredients. In addition, when a product consisting of a single ingredient is prepared with irradiated raw material, the product label must state this.

## **Section IV. Packaging and Container Requirements**

Product packaging for all products must comply with the format established in NORDOM 53. Additionally, for products of plant origin, the General Requirements for Importation require that the ship's holds and/or vans/containers be cleaned and disinfected before placing the plant material inside. The shipment will also be subject to phytosanitary inspection upon arrival at the Dominican port. In addition, some products or by-products will require phytosanitary treatment and must come free of pests and/or soil. Packages made of wood must comply with NIMF No. 15-Revision 2009. (Contact information for the National Committee for the Application of Sanitary and Phytosanitary Measures (CNMSF) is provided below in Appendix I.)

For raw dairy product imports, MOH's General Directorate of Drugs, Food and Sanitary Products (DIGEMAPS) requires a form called "List of Requirements for No Objection of Importation of Raw

Materials of Dairy Products,” DIGEMAPS-AL-LI-011, version 002, dated May 19, 2017. This form requests details about the imported product, the number of containers, and whether it is containerized or is loose cargo. (Contact information for DIGEMAPS is provided below in Appendix I.)

## **Section V. Labeling Requirements**

Labeling must comply with the format established in NORDOM 53. The product’s packaging materials must include:

1. Name of the product
2. List of ingredients
3. Net weight
4. Manufacturer’s and importer’s name and address
5. Importer’s industrial registry number (granted by PROINDUSTRIA)
6. Sanitary registration number (granted by MOH, see Section VII)
7. Country of origin
8. Batch identification number
9. Manufacturing date
10. Expiration date
11. Instructions for product conservation
12. Instructions for use

The text must be in the Spanish language, and it must be legible and intelligible for consumers, in accordance with Article 38 of Law 358-05 for the Protection of Consumers and Users’ Rights. The Law does not specify text size or other parameters. The U.S. exporter should forward a sample of the package to the importer to facilitate label development. For products whose label is not in the Spanish language, an adhesive sticker that contains all the required information in Spanish can be applied to the package.

For alcoholic beverages, an additional disclaimer must be included with the following warning: “*El consumo de alcohol perjudica la salud*” (the consumption of alcohol damages the user’s health), according to General Health Law No. 42-01.

On October 3, 2017, the MOH notified the WTO TBT Committee (G/TBT/N/DOM/224) of the new Food Health Regulations (Reglamento Sanitario de Alimentos). These describe the requirements related to food hygiene; food health authorizations; sanitary registration and the cancellation of registration; health certifications; food importation, exportation and donation; sale of street foods; packaging and labeling; advertising; enrichment and fortification; food property claims; food supplements; food classification; food preservation; monitoring, alerts, and traceability; violations; and penalties. Industry sources expect that the updated Food Health Regulations will be published within the first quarter of 2020.

## **Section VI. Other Specific Standards**

General Regulation (Presidential Decree) No. 528-01, dated May 14, 2001, currently addresses risk management in food and beverages. However, this resolution will be replaced by the new Food Health Regulations (described in Section V above) and NORDOM 53.

## Section VII. Facility and Product Registration Requirements

The DR does not have facility registration requirements, with the exception of new requirements for dairy products.

Product registration is required for domestically produced and imported pre-packaged food and beverage products, including cheese, yogurt, breakfast cereal, tree nuts, wine and beer, prepared foods, condiments, sauces, and snack foods. Product registration is accomplished via the DR's Sanitary Registration process, which is administered by DIGEMAPS. This permit process serves as a mechanism for the MOH to guarantee that these products meet the minimum sanitary standards and that they are safe for human consumption in accordance with the General Health Law, No. 42-01 (Articles 109 and 129), Presidential Decree No. 528-01 (Articles 5, 6, 7, 8 and 367), and NORDOM 53. Generally, this application is carried out by the legal representative/local distributor of the product in the country but can also be done by the manufacturer. The foreign manufacturer must appoint a local distributor before the application is submitted to DIGEMAPS.

- (i) Application Form: New applicants must submit DIGEMAPS-RS-LI-070, "Requisitos de Solicitud de Nuevos Registros Sanitario de Alimentos y Bebidas Preenvasadas -Productos Nacionales (see contact information in Appendix 1). All ingredients must meet the requirements specified in Presidential Decree (or Regulation) No. 528-01, regarding the Rules for the Control of Risks in Food and Beverages.

- (ii) Other Required Materials:

**Product Samples:** Applicants must submit three original samples of the product in the same presentation (package or container) in which it will be sold in the market (in case of liquids, each sample must contain a minimum of 250 milliliters; in case of solids, each sample must contain a minimum of 250 grams). MOH will send the samples to an authorized laboratory for testing.

### **Appropriate FDA Certificates:**

- **Certificate to a Foreign Government:** The MOH requires this certificate for all food products imported into the DR for the purpose of food safety. This FDA certificate is available for conventional foods, food additives, food contact substances, and infant formula that meet the applicable requirements of the Food, Drug, and Cosmetic (FD&C) Act for marketing in the United States. This certificate states, among other things, that a product (or products) may be marketed in and legally exported from the United States. The fee for this certificate is \$175 for the first certificate, \$155 for the second certificate for the same product(s) issued in response to the same request, and \$100 for each subsequent certificate for the same product(s) issued in response to the same request. To request this certificate, please visit [Online Applications for Export Certificates](#). This certificate must be duly legalized under the Hague Convention ("Apostille").
- **The "Certificate of Exportability"** is available for conventional foods, food additives, food contact substances, and infant formula products that cannot be legally marketed in the United States but that meet the requirements of section 801(e) of the FD&C Act and may be legally exported. This certificate states that a product (or products) meet(s) the requirements of section 801(e)(1) of the FD&C Act and may be legally exported. The fee for this certificate is \$175 for the first certificate, \$155 for the second certificate for the

same product(s) issued in response to the same request, and \$100 for each subsequent certificate for the same product(s) issued in response to the same request. To request this certificate, please visit [Online Applications for Export Certificates](#)

- **The “Certificate of Free Sale”** is available only for dietary supplements, medical foods, and foods for special dietary use. FDA does not charge a fee for this certificate. To request this certificate, please visit [Online Applications for Export Certificates](#).

**Trademark Registration Certificate:** A copy of the trademark registration certificate granted by the National Office of Industrial Property (ONAPI) is required; see Appendix 1 for contact information.

**Importer-Specific Certificates:** A copy of the importer’s Industrial Registry Certificate (granted by the Development Center and Industrial Competitiveness, or PROINDUSTRIA), Mercantile Registry Certificate (granted by the Ministry of Industry and Commerce), and sanitary license (granted by DIGEMAPS) are required.

**Legal Representative of Product Authorization:** The legal representative of the product must receive approval from ONAPI with an apostille.

- (iii) **Timeframe:** The process for obtaining a Sanitary Registration may take approximately 90 business days (5 months). However, there is no timeframe established by law.
- (iv) **Fees:** The official fees for obtaining a Sanitary Registration amount to a total of DR\$4,000, which is roughly equivalent to \$76. This payment must be separate from others. A certified check must be made in the name of “Dirección General de Salud Ambiental” for a sum of DR\$1,600, which is roughly equivalent to \$30. Finally, another certified check must be made in the name of “Ministerio de Salud Pública y Asistencia Social” for the sum of DR\$2,400, which is roughly equivalent to \$46. These expenses do not include attorney’s fees.
- (v) **Approval Process:** Once the application is approved, DIGEMAPS will issue the product Marketing Authorization Certificate with a Sanitary Registration number specific to the product. The authorization must be renewed every five years and can be done indefinitely (see contact information in Appendix 1). The Sanitary Registration number must be included on the product label in accordance with NORDOM 53.

## **Section VIII. Other Certification and Testing Requirements**

All required certifications and testing requirements are covered in the General Regulation (Presidential Decree) No. 528-01 dated May 14, 2001 for Risk Control in Food and Beverages as well as in NORDOM 53. This Presidential Decree will be replaced by the new Food Health Regulations (Reglamento Sanitario de Alimentos) submitted to the WTO TBT Committee on October 3, 2017 (G/TBT/N/DOM/224 dated October 3, 2017), and expected to be published during the first quarter of 2020.

## **Section IX. Import Procedures**

It is recommended that U.S. exporters establish direct dialogue with potential Dominican importers for several reasons. First, importers are best equipped to discuss key topics such as product feasibility in the market, prices and distribution. In addition, Dominican law requires that the product label contain



the name and address of the Dominican importer and the manufacturer, who is responsible for the quality and purity of the product. The Phytosanitary and Zoo-sanitary Guidance Letters and permits also must contain the name and address of the local importer. If the product in question is subject to a tariff rate quota (TRQ), these can only be requested by an individual or legal entity residing in the DR (local importer).

Nonetheless, a U.S. exporter can also establish a branch in the DR or incorporate a Dominican company and directly import the goods. Once this process has been carried out, the U.S. exporter can obtain the corresponding Sanitary Registration, the Phytosanitary or Zoo-sanitary Guidance Letters, and permits.

The import process into the DR may be divided into three major phases: **Pre-export**, **Pre-arrival** and **Import Clearance**, depending on the product category. To fulfill the local requirements, the importer must work alongside the exporter, particularly in the initial phase, when the documents for shipment are prepared. Most companies use registered customs agents, upon arrival of the goods (third phase), to comply with clearance formalities, although this may also be done directly by the importer.

### **Import Procedure Phases**

Note: each phase is described briefly below:

<b>PRE-EXPORT</b>
<ol style="list-style-type: none"> <li>1. Trademark Registration Certificate;</li> <li>2. Technical Form (only applicable the first time a product is imported);</li> <li>3. Sanitary Registration (required for prepackaged products);</li> <li>4. Sanitary No-Objection Certificate (import permit, required for products of animal, plant, and fish origin, including dairy);</li> <li>5. Product Labeling in compliance with NORDOM 53;</li> <li>6. Proforma invoice;</li> <li>7. Appointing Customs Agents.</li> </ol>
<b>PRE-ARRIVAL</b>
<ol style="list-style-type: none"> <li>1. <b>Bill of Lading or Airway Bill (Shipping Instructions);</b></li> <li>2. <b>Import Declaration.</b></li> </ol>
<b>IMPORT CLEARANCE</b>
<ol style="list-style-type: none"> <li>1. <b>Payment of import duties and taxes;</b></li> <li>2. <b>Inspection request to the quarantine office at the port of entry;</b></li> <li>3. <b>Quarantine controls (when applicable);</b></li> <li>4. <b>TRQ allocation (if required);</b></li> <li>5. <b>Submission of copy of the Sanitary Registration/ original Phytosanitary or a Zoo-sanitary Guidance Letter;</b></li> <li>6. <b>Submission of Phytosanitary or Zoo-sanitary import permit issued by the Department of Agriculture and Livestock Promotion;</b></li> <li>7. <b>Submission of the original invoice;</b></li> <li>8. <b>Product release.</b></li> </ol>

## PRE-EXPORT

- 1. Trademark Registration Certificate:** See [Section X. Copyright and/or Trademark Laws](#) for detailed information on obtaining a trademark registration from ONAPI.
- 2. Technical Form:** The Technical Form is only applicable the first time an agricultural product is imported, as long as the same supplier is used by the local distributor. Once the product has been imported, the Technical Form is no longer required.
- 3. Sanitary Registration:** All pre-packaged products, including wine and dairy products, must have a Sanitary Registration in the DR (see Section VII).
- 4. Sanitary No-Objection Certificate:** Before an importer can import products of animal, plant, and fish origin, including dairy products, the importer must apply for a sanitary no-objection certificate (also called an import permit) to the MoAg. Once issued, this import permit is valid for 90 days except for import permits for live animals, which are only valid for 30 days (unless an extension to 45 day is granted).
- 5. Labeling:** See Section V.
- 6. Invoice or Pro Forma Invoice:** Before shipment, an invoice or pro forma invoice must be sent to the Dominican importer since this document is used for obtaining the Guidance Letters and permits from the MoAg and initiates the import clearance process. Upon arrival of the goods, the importer must have received the original invoice since it will be used to clear the goods and for payment of tariffs, duties, and taxes.
- 7. Appointing Customs Agents:** Most companies use authorized customs agents for handling the import clearance, although the importer can carry it out directly. The customs agent is responsible along with the consignee for managing the way in which the import procedures are handled. The customs agent must be licensed to operate as such by the Ministry of Finance and endorsed by the Dirección General de Aduanas (DGA, or General Directorate Customs).

## PRE-ARRIVAL

- 1. Bill of Lading or Airway Bill (Shipping Instructions):** Shipping instructions advise all the details of the cargo and exporter's requirements for its physical movement. It contains the information related to the sale and the merchandise's conditions upon embarkation, such as the quantity of product, form of payment, transport temperature, packaging, and pallet used.

In the DR, depending on the product in question, several conditions must be met:

- The ship's containers must be cleaned and disinfected before placing the products for shipping.
- Imported fruits and vegetables must be free of pests or symptoms of diseases, and must not have soil, sawdust or foreign matter, except for mosses previously disinfected, for its packaging.
- All wood packaging must comply with the International Standard for Phytosanitary Measures (ISPM) No. 15, to reduce the risk of introduction and spread of forest pests and diseases.
- Fruits and vegetables should not be packaged or covered in jute bags.

- Fresh fruits must arrive in refrigerated containers, with temperatures between 0°C (32°F) and 2.20°C (36°F) per Resolution 84/96 of the MoAg.

- 2. Import Declaration:** The importer must prepare the Import Declaration through the Automated System for Customs Management (SIGA, per its Spanish acronym). However, only companies can present the Import Declaration through SIGA. Individuals must file directly before the DGA. In addition, the process for importation is initiated when the shipping company presents the import cargo manifest. The Import Declaration is presented electronically through SIGA, which requires the following information: goods to be imported, quantity, description, value, tariff code, and weight.

The following documentation must be scanned and uploaded to SIGA: commercial invoice, bill of lading or airway bill, marketing authorization certificate, Phytosanitary or Zoo-sanitary Guidance Letters and permits, certificate of origin, custom agent's ID card, and auction certificate issued by the BARD (for products included in the Technical Rectification). The governmental authority reserves the right to require additional documentation. These will be required in original upon arrival of the goods along with the bill of lading or the airway bill.

To declare the goods through SIGA, the Single Customs Declaration Form (DUA, per its Spanish acronym) must be completed. Both the importer and the customs agent use an electronic token supplied by DGA to access the DGA's database for the details related to the import declaration in question.

Importers have ten days, counting from the date of arrival of the goods, to present the Import Declaration. Failure to do so will result in sanctions for late declaration.

## IMPORT CLEARANCE

After the import declaration process has been carried out, the consignee can request the physical inspection, under the governmental authority's discretion, of the goods through SIGA. This is done along with the customs inspectors and the supplementary control staff, which may include personnel from the MoAg, MOH, and other competent authorities. In September 2017, the MoAg started to implement the Customs Authority's electronic system, called One Stop Shop of External Trade (or VUCE in Spanish) to digitize their agricultural import authorizations process. Since January 31, 2019, the system has been used for all commodities, including the Authorization of Import and Export of meat products and their derivatives. The system increases transparency for traders, who are able to view the status of their approvals and reasons for any rejections.

- 1. Payment of Import Duties and Taxes:** To pay for import duties and taxes, it is important to consider the following:

- The proper tariff code must be assigned.
- According to the DR's Tax Code, Law No. 146-00 and its amendments, the calculation of tax settlement is obtained by subtracting the TRQ percentage from the FOB value (this amount is called the Tariff). Afterwards, both quantities (FOB + Tariff) are added. The 18 percent value added tax (VAT), called ITBIS in the DR, is also collected by Customs for encumbered goods.
- In addition, the Selective Tax on Consumption may be applied to certain products, such as alcohol.

Payment can be made physically through a certified check or administration check. Payment of duties and taxes must be made out to "Colector de Aduanas" and tariffs for customs services must be made out to "Dirección General de Aduanas." All payments can be paid in any of the local customs offices. However, the person carrying out the payment must be certified as such by the importer.

Payment can also be made electronically, through the e-banking pages of the following local banks: Banco Popular Dominicano, Citibank, BHD-León and Scotiabank. An access pin, administered by the commercial bank, must be obtained.

In case of disputes, parties may refer themselves to the administrative tribunals of the DR or may appeal to arbitration.

2. **Inspection request to the quarantine office at the port of entry:** Depending on the products in question, an inspection is made by the inspector of the quarantine office of the port of entry who will verify the documentation and perform a physical inspection of the to assess the presence of pests and to take samples for testing. If the pest is common, the product could be released with a treatment, depending on the level of infestation. If the pest is of quarantine concern, the goods may be returned to its place of origin, confiscated, or incinerated.
3. **Quarantine Controls:** Depends on product and the result of the inspection.
4. **TRQ allocation (if required):** Currently, there are two different and separate processes to request TRQs in the DR: (i) allocation of TRQs granted to the United States under CAFTA-DR; and (ii) allocation of WTO TRQs for products listed in the Technical Rectification's List XXIII.

#### **TRQ Allocations under CAFTA-DR**

Any individual or legal entity residing in the DR, except for industry associations or nongovernmental organizations, may request the allocation of TRQs granted to the United States. Currently, there are ten products subjects to TRQs (see a detailed table below):

Until 2020:

- Beef (Prime, Choice, and trimmings)
- Pork Meat
- Cheddar cheese
- Beans

Until 2025:

- Chicken Leg Quarters
- Powdered Milk
- Yogurt
- Mozzarella Cheese
- Brown Rice
- Milled Rice

**TRQ Application:** Interested parties must submit a written application to the Office of Agricultural Trade Agreements (OTCA) of the MoAg to participate in the allocation process of TRQs. OTCA is responsible for the administration of TRQs under the CAFTA-DR.

Completion of CAFTA-DR's TRQ Allocation Application Form is required along with the following documents:

- For Individuals: Copy of identification card; copy of the National Taxpayer Registry as an individual; description of individual's economic activity; certification issued by the DGA which guarantees the import history of the goods requested; information on physical infrastructure (i.e., copy of deed or lease, including additional photos of physical space); current safety certificate or health permit, issued by DIGEMAPS of the MOH certifying the safety conditions for handling the goods requested; and designated address, phone, mobile and fax for notifications.
  
- In case of Legal Entities (companies, lawyer offices, representatives, etc.): Copy of national taxpayer registry; copy of the Mercantile Registry Certificate issued by the competent Chamber of Commerce and Production; certification issued by the DGA guaranteeing the import history of the goods requested; copy of the last General Assembly of Shareholders, duly registered by the competent Chamber of Commerce and Production; designation of the representative of the company as its legal representative, duly notarized and legalized by the Attorney General of the DR; copy of the identity card of the legal representative of the company; information on infrastructure, (i.e., copy of deed or lease, including additional photos of physical space); current safety certificate or health permit, issued by DIGEMAPS, certifying the safety conditions for handling the goods requested; and designated address, phone, mobile and fax for notifications.

**Allocation Process:** The Commission for the allocation and distribution of TRQs (composed by the MoAg, the Minister of Industry and Commerce, and the General Director of Customs) publishes a TRQ announcement in at least one national newspaper and on the websites of the MoAg ([www.agricultura.gob.do](http://www.agricultura.gob.do)) and OTCA ([www.otcasea.gob.do](http://www.otcasea.gob.do)) for the next calendar year, no later than October 1 of each year. The deadline for submitting TRQ applications is 15 business days after the TRQ announcement.

The allocation of the volumes of tariff quotas is based on: historical record of the total imports of agricultural goods carried out by the interested party during the past three consecutive calendar years, preceding the calendar year in which the tariff quota is available; the quantities requested by the interested parties, provided they are commercially viable; and, the quantities available for traditional Importers and new importers, in the corresponding calendar year. The tariff quotas shall be allocated as follows: (a) 80 percent to traditional importers and (b) 20 percent to new importers.

The allocation shall be granted and published in a national newspaper by the Commission by January 1 of each year. The importer must then obtain a Phytosanitary Guidance Letter (prepared by the Department of Plant Protection) or a Zoo-sanitary Guidance Letter (prepared by the Department of Animal Health of the General Directorate of Livestock). The corresponding Guidance Letter is then delivered to the Department of Agriculture and Livestock Promotion along with the commercial or pro forma invoice for issuance of the permit.

<b>CAFTA-DR Agreement</b>					
<b>Dominican Republic Quota Commitments Part 1</b>					
<b>Details</b>	<b>Beef Prime &amp; Choice</b>	<b>Beef Trimming</b>	<b>Pork Meat</b>	<b>Chicken Leg Qtrs.</b>	<b>Powdered Milk</b>
<b>HS Code-&gt;</b>	<b>02012010 02013010 02022010</b>	<b>2023009</b>	<b>02031100 02031200 02031900 02032100 02032200 02032910 02032990</b>	<b>2071492</b>	<b>04021000 04021090 04022110 04022190 04022910 04022990</b>
<b>Base Quota (MT)</b>	<b>1,000</b>	<b>200</b>	<b>3,150</b>	<b>500</b>	<b>2,700</b>
<b>% Quota Growth</b>	<b>10%</b>	<b>10%</b>		<b>10%</b>	<b>10%</b>
<b>2018</b>	<b>2,300</b>	<b>460</b>	<b>9,000</b>	<b>1,150</b>	<b>6,210</b>
<b>2019</b>	<b>2,400</b>	<b>480</b>	<b>9,500</b>	<b>1,200</b>	<b>6,480</b>
<b>2020</b>	<b>Unlimited</b>	<b>Unlimited</b>	<b>Unlimited</b>	<b>1,250</b>	<b>6,750</b>
<b>2021</b>				<b>1,300</b>	<b>7,020</b>
<b>2022</b>				<b>1,350</b>	<b>7,290</b>
<b>2023</b>				<b>1,400</b>	<b>7,560</b>
<b>2024</b>				<b>1,450</b>	<b>7,830</b>
<b>2025</b>				<b>Unlimited</b>	<b>Unlimited</b>

<b>CAFTA-DR Agreement</b>						
<b>Dominican Republic Quota commitments Part 2</b>						
<b>Details</b>	<b>Yogurt</b>	<b>Mozzarella Cheese</b>	<b>Cheddar Cheese</b>	<b>Beans</b>	<b>Rice Brown</b>	<b>Rice Milled</b>
<b>HS Code-&gt;</b>	<b>4031000</b>	<b>4061010</b>	<b>4069020</b>	<b>07133100 07133200 07133300</b>	<b>1006300</b>	<b>10062000</b>
<b>Base Quota (MT)</b>	<b>100</b>	<b>125</b>	<b>125</b>	<b>8,000</b>	<b>2,000</b>	<b>8,000</b>
<b>% Quota Growth</b>	<b>10%</b>	<b>10%</b>	<b>10%</b>	<b>7%</b>	<b>7%</b>	<b>7%</b>
<b>2018</b>	<b>230</b>	<b>288</b>	<b>288</b>	<b>15,280</b>	<b>3,820</b>	<b>15,280</b>
<b>2019</b>	<b>240</b>	<b>300</b>	<b>300</b>	<b>15,840</b>	<b>3,960</b>	<b>15,840</b>
<b>2020</b>	<b>250</b>	<b>313</b>	<b>Unlimited</b>	<b>Unlimited</b>	<b>4,100</b>	<b>16,400</b>
<b>2021</b>	<b>260</b>	<b>325</b>			<b>4,240</b>	<b>16,960</b>
<b>2022</b>	<b>270</b>	<b>338</b>			<b>4,380</b>	<b>17,520</b>
<b>2023</b>	<b>280</b>	<b>350</b>			<b>4,520</b>	<b>18,080</b>
<b>2024</b>	<b>290</b>	<b>363</b>			<b>4,660</b>	<b>18,640</b>
<b>2025</b>	<b>Unlimited</b>	<b>Unlimited</b>			<b>Unlimited</b>	<b>Unlimited</b>

**TRQ Allocations under the WTO**

Under the provisions of Article XXVIII of the GATT of 1994, the DR made a Technical Rectification (TR) of its List XXIII of Tariff Concessions for eight agricultural products: rice, garlic, sugar, chicken meat, onions, beans, powdered milk, and corn.

Below, the Assigned Quotas to the Products of the Technical Rectification, as established in Presidential Decree No. 569-12 and in the WTO TR List XXIII:

Products	HSC: Headings and Subheadings	Volume (Metric Tons)	Basic Tariff (%)	Non-quota Tariff (%)	Right of first negotiator
1. Rice	1006	17,810	20	99	U.S.
2. Garlic	0703.20	4,500	25	99	U.S.
3. Sugar (refined/brown)	1701	30,000	20/14	85	U.S.
4. Chicken meat	0207.10, 0207.21, & 0207.41	11,500	25	99	U.S.
5. Onion	0703.10	3,750	25	97	U.S.
6. Beans	0713.31, 0713.32, & 0713.33	18,000	25	89	U.S./CA
7. Powdered Milk	0402.10, 0402.21, & 0402.29	32,000	20	56	EU/CA/NZ
8. Corn	1005	1,091,000	Does not apply	Does not apply	U.S./CA

**HS:** Harmonized System Codes

**Source:** WTO\_G/MA/TAR/RS/54; Nov-03-1998, Rectifications and Modifications of the Lists, Market Access Committee, List XXIII-DR

The Commission for Agricultural Imports publishes an Annual Calendar for the Import of Tariff Quotas for the above products. These products are placed for public auction organized by the Agribusiness Exchange of the DR (BARD, per its Spanish acronym). The Commission and the BARD publish, in a national newspaper, the calendar for the import of the tariff quotas and organize the public auction on the set date. After those products have been awarded, the BARD issues an auction certification to be used before the DGA for the import clearance. In accordance with Article 6, Paragraph VII, of Presidential Decree 505-99 (modified by Presidential Decree 569-12), additional quantities can be placed for auction in a calendar year. Even though the TR application period is was set to expire in 2005, the DR continues applying it, likely because there has not been a new WTO negotiation round for countries to modify their market access offers which would lead to a liberalization for sensitive agricultural products. In 2008, the DR sought an opinion from WTO officials on the topic of the TR. Although the official document of the TR clearly establishes that it is valid through 2004, the opinion of the consulted WTO officials was that it was still valid.

- 5. Submission of copy of the Sanitary Registration/ original Phytosanitary or a Zoo-sanitary Guidance Letter:** The importer must obtain a Phytosanitary Guidance Letter, prepared by the



Department of Plant Protection, or a Zoo-sanitary Guidance Letter, prepared by DIGEGA's Department of Animal Health, for plant and animal products respectively. The Guidance Letters are then delivered to the Department of Agriculture and Livestock Promotion along with the commercial or pro forma invoice, for issuance of the authorization. Depending on the product and if it is pre-packaged, the importer may also need to obtain a Sanitary Registration.

**6. Submission of Phytosanitary or Zoo-sanitary import permit issued by the Department of Agriculture and Livestock Promotion;**

**Fresh Fruits and Vegetables/Processed Vegetables/Tree Nuts**

- (i) Application: The application is made through a form ("Formulario de Solicitud Guía de No Objeción Fitosanitaria"), which must be completed and filed before the Department of Plant Protection, with the following information: name of the importer; address; telephone and fax numbers; goods to be imported; quantity; unit of measurement; port of origin; port of departure; port of entry; use; and transportation. In addition, a written request must be addressed to the Division of Plant Quarantine accompanied by the invoice or pro-forma invoice, certificate of origin, and Phytosanitary Certificate issued by the exporting country.
- (ii) Fees: The fees involved in obtaining a Guidance Letter from the Department of Plant Health (Phytosanitary Guidance Letter) are DR\$200 roughly equivalent to \$4. After this phase is completed, the Department of Promotion for Agriculture and Livestock will then issue the Phytosanitary permit for a cost of DR\$2,000 roughly equivalent to \$38.

**Note:** In November 2019, the DR's Ministry of Agriculture Plant Health Department implemented new phytosanitary requirements for imported fresh fruits from California:

1. Original Phytosanitary Certificate from exporting country
2. Should come free of pests and other contaminants
3. Containers used for the shipment should be cleaned and free of contaminants.
4. The solid Wood packing material should comply with International Standard for Phytosanitary Measures No. 15 (ISPM-15).
5. Should be free of *Platynota stultana*.
6. An additional declaration in the phytosanitary certificate indicating: The fruits were produced and packed in areas free of: *Bactrocera dorsalis* y *Ceratitis capitata*.
7. The shipment will be subject to inspection at the port of entry into the country

In 2020, this office plans to issue additional import requirements for all fresh fruit.

**For Animal products and by-products**

- (i) Application: The application is made through a written letter (one original and three hard copies) filed before DIGEGA, indicating the following information: name of the importer; address; telephone and fax numbers; goods to be imported; quantity; unit of measurement; country of origin and country of export, port of origin; port of departure; port of entry; use; transportation; value of the goods, and animal species from which the product is made. This application must be accompanied by the commercial invoice or pro forma invoice.

- (ii) Once the shipment arrives to the DR, the original International Sanitary Certificate and the original Certificate of Origin shall accompany it.
- (iii) Registration Process: Prior to loading any shipment, the local importer must request a permit in writing for the importation of the goods. If there are zoo-sanitary requirements, a Zoo-sanitary Guidance Letter is issued with the requirements for importation by DIGEGA. If there are no requirements, the request is sent to the Unit of Pest Risk Analysis, which will issue its recommendation. After the Guidance Letter is issued, the Department of Agricultural and Livestock Promotion will issue the permit.
- (iv) Timeframe: The Zoo-sanitary Guidance Letters may take up to two to three days, so long as only negligible risk is involved in the importation of the goods in question. The permit issued by the Department of Agricultural and Livestock Promotion may take an additional two to three days.
- (v) Fees: The fees involved in obtaining a Guidance Letter from the Department of Animal Health (Zoo-sanitary Guidance Letter) amount to DR\$2,000 roughly equivalent to \$38. After this phase is completed, the Department of Promotion for Agriculture and Livestock will then issue the Zoo-sanitary permit for a cost of DR\$1,600 roughly equivalent to \$30, for poultry products. <http://www.ganaderia.gob.do/index.php/servicios/item/263-autorizacion-de-la-importacion-de-animales-y-productos-y-subproductos-de-origen-animal>

## 7. Submission of the original invoice

- 8. **Product release**: Once the physical inspection has been verified with the declaration and the original documents (which had been previously scanned), the file is reviewed by the Technical Department for verification of the tariff codes, value, commercial agreement, technical rectification, safeguard measurements, and TRQ allocations. Once the file has been approved and closed, payment can be made, and the goods are cleared.

## Section X. Copyright and/or Trademark Laws

The trademark application must contain the following information and be accompanied by a set of documents.

- (i) Application: The application includes one original version and one hard copy of the letter addressed to the Director of the Department of Distinctive Signs, requesting the registration of the trademark in question and indicating the following information: applicant's name and address; mercantile registry number and national taxpayer number (in case of a Dominican applicant); goods and/or services to be protected pursuant to the International Nice Classification of Goods and Services; and printed versions of the trademark's design (when applicable).
- (ii) Application and Registration Process: The application process begins with the filing of the trademark application. If the mark is approved in the substantive evaluation stage by ONAPI, publication fees must be paid. Afterwards, the trademark is published in the Official Gazette of ONAPI. As from this date, third parties have a 45-day period in order to file opposition against the application (since the DR complies with the pre-grant opposition system). If no third party

contests the application within this period, the registration certificate is issued and is renewable every ten years. This process is generally carried out by the holder of the trademark or by the distributor if the latter has a Power of Attorney for these matters.

**(iii) Timeframe:** The trademark registration process takes approximately three to four months.

**(iv) Fees:** The official fees involved in obtaining a trademark registration will depend if the trademark in question is a word or design application and on the number of classes that may be requested. A word application under one international class amounts to DR\$5,735 roughly equivalent to \$108. These expenses do not include attorney's fees.

## APPENDIX I

### **Foreign Agricultural Service (FAS) Office in Santo Domingo**

U.S. Embassy in Santo Domingo

57 República de Colombia Av., Arroyo Hondo, Santo Domingo, Dominican Republic

Telephone: 1 + 809-368-7654

E-mail: [agsantodomingo@usda.gov](mailto:agsantodomingo@usda.gov)

Web page: [www.fas.usda.gov](http://www.fas.usda.gov)

*Comment: Please contact this office for more detailed information about the Dominican market, lists of importers, major players in the sector, questions, etc.*

### **Government Regulatory Key Agency Contacts**

#### **1. Ministry of Agriculture (MoAg)**

##### **a) Importation of Products & By-products of Vegetable Origin**

Contact Information:

Plant Health Department Services (Sanidad Vegetal)

Km. 6 ½ Autopista Duarte, Los Jardines del Norte

Santo Domingo, D.N., República Dominicana

Tel.: 809-547-3888 Ext. 4101

Email: [servicios@agricultura.gob.do](mailto:servicios@agricultura.gob.do)

Web page: <http://agricultura.gob.do/>

<http://agricultura.gob.do/servicios/informacion-sobre-procedimientos-para-la-importacion-de-productos-y-sub-productos-de-origen-vegetal/>

##### **b) Importation of Pets to the DR; Registration of Products and Veterinary Establishments / General Directorate of Livestock (DIGEGA)**

Guidance by species: <https://www.aphis.usda.gov/aphis/pet-travel/by-country/pettravel-dominican-republic/>

Note: Specific approval is required for all pets other than cats and dogs.

Contact Information:

General Directorate of Livestock (DIGEGA)

Autopista 30 de mayo, Ciudad Ganadera

Domingo, D.N., República Dominicana

Tel.: 809-535-9689

Email: [digega@ganaderia.gob.do](mailto:digega@ganaderia.gob.do)

Web page: <http://www.ganaderia.gob.do/index.php/servicios/item/263-autorizacion-de-la-importacion-de-animales-y-productos-y-subproductos-de-origen-animal>

**c) Importation of animals and products and by products of animal origin  
General Directorate of Livestock (DIGEGA)**

Contact Information:

General Directorate of Livestock (DIGEGA)

Autopista 30 de mayo, Ciudad Ganadera

Domingo, D.N., República Dominicana

Tel: 809-535-9689

Email: [digega@ganaderia.gob.do](mailto:digega@ganaderia.gob.do)

Web page: <http://www.ganaderia.gob.do/index.php/servicios/item/263-autorizacion-de-la-importacion-de-animales-y-productos-y-subproductos-de-origen-animal>

**e) Certificates of No Objection for Import of Fishery Products/Dominican Council for Fisheries and Aquaculture (CODOPESCA)**

Contact Information:

Consejo Dominicano de Pesca y Acuicultura (CODOPESCA)

Autopista Duarte, km. 6 ½, Edif. Agricultura, Jardines del Norte

Domingo, D.N., República Dominicana

Tel.: 809-547-3888

Web page: <http://www.codopesca.gob.do/servicios/no-objecion-para-importacion-productos-pesqueros/>

**2. Ministry of Public Health and Social Welfare (MOH), DIGEMAPS**

Food Health Regulations / Labeling / Sanitary Registration

Sanitary registration application:

Web page: <https://www.msp.gob.do/web/>

Note: There is not a direct link for almost any kind of service. If you need info for sanitary registration, the Simplified Process and other services, you must request such service on line; when you click in any type of service you will be prompted with a statement saying: To enter the System please provide your access credentials, i.e. your ID (Dominican cédula).

Contact Information:

Ministerio de Salud Pública y Asistencia Social

Av. Dr. Héctor Homero Hernández Esq. Av. Tiradentes

Ensanche La Fe

Domingo, D.N., República Dominicana

Tel.: 809-541-3121

Email: [infoministeriodesalud@gob.do](mailto:infoministeriodesalud@gob.do)

**3. National Office of Industrial Property (ONAPI)**

Contact Information:

Oficina Nacional de la Propiedad Industrial

Av. de Los Próceres 11

Santo Domingo, Dominican Republic

Tel.: 1 809-567-7474

Email: [servicioalusuario@onapi.gob.do](mailto:servicioalusuario@onapi.gob.do)

Web page: <https://www.onapi.gov.do/>

## APPENDIX II

### Other Import Specialist Technical Contacts

#### World Trade Organization (WTO) Enquiry Points

Each member government is responsible for the notification procedures associated with agreements under the WTO. Issues in this report relate to the Sanitary, Phytosanitary (SPS) and Technical Barriers to Trade (TBT) Agreements. WTO obligations include notifying to the WTO any significant trade-related proposals that are not substantially the same as international standards, providing copies of the proposed regulation upon request, allowing time for comments, and providing upon request copies of other relevant documents on existing regulations related to food and agriculture. Information on the DR's regulations, standards and certification procedures can also be obtained through the National Inquiry Point listed below:

#### **Oficina de Tratados Comerciales Agrícolas (OTCA)**

Ministerio de Agricultura, Km. 6 1/2 Autopista Duarte.  
Urbanización Jardines del Norte  
Santo Domingo, D.N., República Dominicana.  
Tel.: (809) 227-6188 / (809) 227-3164 / (809) 547-1575, Ext. 221  
Web page: <http://otca.gob.do/>

#### **Attachments:**

No Attachments