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Colombia

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

The following sections were updated: Section I; Section II (Labeling requirements); Section III (Packaging and Container Regulations); Section IV (Food Additives Regulations); Section VI (Other Regulations and Requirements: Import Duties and Food Samples); Section VIII (Copyright and/or Trademark Laws); Section IX (Import Procedures for commodity groups).

Section I. Food Laws:

DISCLAIMER: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Bogota, Colombia, for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its

preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

The basic piece of legislation dealing with food products and human health in Colombia is Law 9 of January 24, 1979 (see text of law on: www.invima.gov.co/normatividad/alimentos). All decrees and regulations produced since then are based on the above-mentioned Law. The Government of Colombia (GOC) has been reviewing its food related legislation since August 2007 because of changes in regulatory food safety responsibilities. The GOC via the Ministry of Social Protection has increased INVIMA's (National Institute for the Surveillance of Food and Medicines) inspection and food safety policy making role. It wants to create more specific regulations for food products or groups of products that do not impede trade unnecessarily. Some recent regulations deal with domestic production, processing, distribution of meat and meat products; milk and dairy products; swine slaughtering and pork products. These norms have been notified to the WTO and member countries are concerned that the legislation will be applied to imported products. Some of the new regulations are being enforced with a new staff of port inspectors under the supervision of INVIMA. So far, this has not represented an obstacle to trade as long as the shipments have the appropriate export certificates. The new GOC regulations on food and food ingredients are also aimed at establishing traceability as part of Colombia's total food safety system.

Section II. Labeling Requirements:

General Requirements

The current prevailing labeling regulation for food products in Colombia is mandated by Resolution 288 published on January 31, 2008 by the Ministry of Social Protection which supplemented labeling requirements set in Resolution 5109 of December 2005. The regulations establish technical labeling standards for domestic and imported packaged food products and raw materials for food for human consumption. The basic reason for labels is to provide comprehensive and clear information to allow consumers to make an informed decision. The information on food labels is also used to support the GOC's nutritional policy. Therefore, the information must be provided in Spanish either on the label or on a sticker. Whenever the imported product label is written in a language other than Spanish, a sticker or complementary label can be used to provide the information required by Resolutions 288 and 5109. The information must be factual and true and it should not lead to consumer error or mistake. Stickers can be stuck on the product during or after the nationalization process in warehouses or storage facilities inspected, surveyed and controlled by the sanitary authorities. When food products or raw food materials originate in countries where information on expiration date and/or minimum shelf-life (best before...) is not required, the importer must get INVIMA's prior approval to provide that information in a document issued by the producer. Labeling regulations apply to products in chapters 2 through 21 (except chapter 13 and 14) of the tariff schedule. The Spanish text of resolution 5109 can be downloaded from

www.invima.gov.co/invima///normatividad/doc. The technical annex to resolution 5109 follows the recommendations of the U.S. Conference on Weights and Measures (handbook NBS 130 of 1992, page 60) for the size of letters and numbers on the labels, and those of the European Union about the relationship between net content and the minimum size of characters on labels.

The following information must appear on food product labels:

1. Name of the product.
2. List of ingredients in decreasing order of weight content.
3. Net content and drained weight in metric units (i.e., grams, kilograms).
4. Name and address of producer or processor.
5. Name and address of importer (in the case of imported products).
6. Lot identification or “L” to identify production date, expiration date, minimum shelf-life, etc. This information could be in numbers, numbers and letters, bars, punched data or grooves.
7. Each package must carry the expiration date and/or the minimum shelf-life in a legible, visible and indelible way. Also, labels must include information on product preservation.
8. Instructions for product use.
9. Sanitary registration number issued by INVIMA.

When the individual package for sale is smaller than 10 square centimeters (about 1.6 square inches), the label may not contain the ingredient list, lot identification, expiration date, and conservation and use instructions.

Labels for raw materials for food product must contain the following information:

1. Name of the raw material.
2. List of ingredients.
3. Net content.
4. Name and address of the producer or importer.
5. Country of origin.
6. Lot identification.
7. Expiration date or minimum useful life.
8. Conditions for product conservation.

The above required information must be provided by the producer and can be consigned on the product by the producer, the importer or the distributor. In order to facilitate the issuance of the entry sanitary certificate, the coded or ciphered information on lot identification and expiration dates on the packages of raw materials can be interpreted with a document issued by the producer and validated by the Colombian authorities. No sticker use is allowed for expiration date and/or minimum shelf-life (“Best before....”).

When the product consists of or contains any of the listed food products or ingredients that may cause allergy, they must be declared with their specific names as follows:

Breakfast cereals containing grain gluten (wheat, rye, oats, barley, spelt or any grain hybrid or product).

Crustacean and their products.
Eggs and by-products.
Fish and fishery products.
Peanuts, soybeans and their products.
Milk and dairy products, including lactose.
Nuts and derived products.
Sulphites in concentration of 10 milligrams per kilogram or higher.

Radiated Food Products and/or Raw Food Materials: When a product has been subject to ionizing radiation, this condition has to be declared just after the name of the product in a visible way. A brief description of the radiation process after the product name is also required. The use of the international symbol for radiated products is discretionary, but whenever it is used, it has to be visible after the product name.

Biotechnology: The presence of any allergen transferred from any of the above listed products in any food product and food ingredient obtained by biotechnology must be declared. The product containing the allergen cannot be marketed if there is not sufficient and adequate information on the label. As of today, there is no labeling regulation for LMO products or ingredients obtained through biotechnology, but the GOC is empowered to issue labeling norms for those products.

There are no specific labeling regulations for **organic products**.

Dietary Supplements are regulated via Decree 3249 published on September 18, 2006. The decree is currently being reviewed to introduce modifications. In relation to labeling for imported dietary supplements, labels will be accepted from the country of origin as long as they contain the information required in Article 21 of Decree 3249 in Spanish. The use of a sticker containing the Spanish information is also acceptable and it can be placed over the original label. The label and/or sticker for dietary supplements must contain basically the same information as labels for food products in addition to warnings such as “*this product is not useful for the diagnosis, treatment, healing or prevention of any disease and it does not meet the requirements of a balanced nutrition*”; “*keep this product out of the reach of children*”; etc. When the diet supplement contains artificial sweeteners, a warning should appear on the package to prevent its consumption by people with kidney problems. A warning should also be written in a clear way when the product contains substances that may cause allergies.

Requirements Specific to Nutritional Labeling

Colombian nutritional labeling requirements are established by Resolution 288 of January 31, 2008, by which the technical ruling on nutritional labeling is outlined for packaged and/or bottled food products; both domestically produced and imported. The nutritional labeling must be written in Spanish although another language may appear. A sticker may be used, but must provide the required information in a prominent way. For imported food products, the sticker may be used to indicate the percentages of daily intake per the above resolution. The following nutrients are of obligatory declaration: energy content (total calories, fat calories); protein content, total fat, saturated fat, trans fats, cholesterol, sodium, carbohydrates, dietary fiber and sugars; vitamin content (A and C), iron and calcium; content of vitamins and minerals other than those mentioned above

when they have been incorporated into the product; content of other nutrients when there is a declaration of nutritional or healthy properties. Whenever there is an issue regarding nutrition values in food products not considered in resolution 288, Colombia follows the Codex Alimentarius.

Colombia's food labeling law also regulates a label's physical presentation and wording which should avoid comments and illustrations that may induce confusion or error to consumers.

Health claims are specifically forbidden in Article 272 of the basic Law 9 of January 24, 1979. A translation of this short article reads as follows: ***"It is forbidden to allude to medical, preventative or healing proprieties or any false specifications about the real nature, origin, composition or quality of food and beverages, on labels or any other publicity"***.

Colombia does not have regulations on the nutritional value of products used and served in restaurants or other consumer outlets.

Section III. Packaging and Container Regulations:

Colombia does not have legislation on food packaging and containers. A final regulatory document is currently being analyzed by the Ministry of Social Protection for publication. The proposed regulation takes into consideration the different aspects of a changing food processing industry as well as environmental considerations. The main concern with respect to food packaging and containers is to preserve the sanitary integrity of the food product by establishing requirements for containers that are in direct contact with the product. The current legislation on food packaging is contained in Decree 3075 of 1997, but the new proposal provides for more specific requirements to be met for packaging materials.

Section IV. Food Additives Regulations:

The basic piece of legislation on food additives is in Decree 2106 of July 26, 1983 issued by the Ministry of Social Protection. See Colombian decrees on INVIMA's website (www.invima.gov.co/normatividad/alimentos/decretos). Although there is an intention to review decree 2106, the process is being entangled in the GOC and a final decree has not been issued as of this date. The proposal intends to specify technical aspects in the use of domestic and imported food additives. It also establishes an obligation to register all plants producing, processing, packaging, selling, importing and exporting food additives. As in the prevailing decree 2106, the rule of thumb is to accept those food additives accepted by the Codex Alimentarius and FAO/WHO. The generic additive names listed below can be used in food followed by the substance specific name and optionally the international identification number:

Flavor enhancer, acid, agglutinating agent, anti-agglutinating agent, anti-compacting agent, anti-foaming agent, anti-oxidizing, aroma agent, bleaching, natural or artificial dye, clarifying agent, natural or artificial sweetener, emulsifier, enzymes, thickener, foaming, stabilizing agent, gasifying agent, gelling agent, moisture agent, anti-moisture agent, volume enhancer, propelling substances, acidity regulators or alkalifiers, emulsifying salts, preservatives, color retaining substances, substances for flour treatment, glossy agent.

When a product is declared as being 100% natural, it cannot contain additives.

Food producers can use the additive generic names below when the food additives have been

approved by the Ministry of Social Protection or are included in the Codex Food Additive lists whose use has been authorized:

1. Aromas or aroma producing substances. The word “aroma” must be qualified by “natural aroma”, “equivalent to the natural aroma”, “artificial aroma” or a combination of the above.
2. Flavors or flavoring agents.

If a food product contains Tartrazine, it must be clearly and visibly written on the label as FDC Yellow #5 or Tartrazine. When Aspartame is used as an artificial sweetener, the label must indicate: “fenilcetonurics: contains fenilalanine”.

Section V. Pesticides and Other Contaminants:

Colombia used to have its own regulations on pesticides and their agricultural applications under the responsibilities of ICA (the Colombian Agricultural Institute is the sanitary and phyto-sanitary regulatory agency under the Ministry of Agriculture). The rules were dictated by Decree 1843 of 1991 and ICA resolutions. The government of Colombia contributed to regulations on pesticide use developed by the Andean Community of Nations (CAN). These regulations can be found in CAN Decision 436 and the CAN adoption of the Andean Technical Handbook for Registration and Control of Chemical Pesticides for Agricultural Use.

The Government of Colombia, through the Ministry of Social Protection, issued Resolution 2906 on August 22, 2007, establishing national standards for MRL (pesticide Maximum Residue Limits). The long list of admitted pesticides can be found on INVIMA’s web site at: www.invima.gov.co : Normatividad/Alimentos/Resoluciones. The list is updated annually according to the Codex Alimentarius regulations on maximum residue levels. If for some reason there is no Codex MRL information for a specific product (either imported or domestically produced) or there are serious doubts about its pesticide content, a sample is taken and analyzed by the National Laboratory for Farming Inputs (known by the Spanish acronym LANIA) or the National Laboratory for Livestock Inputs (known by the Spanish acronym LANIP) which are administered by the Colombian Agricultural Institute (ICA) of the Colombian Ministry of Agriculture and Rural Development. The interested party must pay an analysis fee (i.e., producer and/or importer/exporter). Information about specific fees charged by ICA can be found on ICA’s web page at: www.ica.gov.co/normatividad/tarifas (Acuerdo 000015 of December 19, 2007).

Section VI. Other Regulations and Requirements:

Product Health Registration

All processed retail food items, including products imported in bulk for repackaging for retail use without further processing, must be registered and approved by INVIMA. INVIMA charges a registration fee ranging from \$830.00 for food-ready-to-be-consumed to \$1,740.00 for enriched/fortified food products. According to Decree 3075 of 1997, product registration is NOT required for:

- Products that are not subject to any transformation, such as grains, fruits, fresh vegetable, honey, etc.
- Products of animal origin not subject to any transformation process.

- Products used as raw materials by the food industry or HRI sector in food preparation.

A transformed product is defined by the GOC as having been subjected to processing that resulted in a change in its internal structure.

After the submission of all required documentation, product registration by INVIMA takes about three working days (although we have received reports that this can take longer). Internet can carry out most of the product registration process. After issuing the product registration, INVIMA analyzes the documents provided by the importer and may request additional information. Some importers complain that this procedure may result in additional requirements that become non-tariff barriers to trade. Product samples may also be taken from the shelf to conduct laboratory tests.

INVIMA registration is valid for 10 years but only for the applicant (exporter or importer) and the manufacturer specified in it. Whenever the U.S. exporter wants to change its Colombian importer, there are two possibilities:

(a) If the U.S. exporter is the applicant for the INVIMA registration, he must submit an application for registration modification to INVIMA (cost 107,683 pesos or about \$56.70).

(b) If the Colombian importer is the applicant, the U.S. exporter must initiate a new registration process, specifying his new importer(s). Afterwards, he may change his importer(s) whenever he deems is necessary. The U.S. exporter must apply through a legal representative in Colombia.

INVIMA registration is valid only for the specifications (e.g., product description and size) mentioned in the registration. If another presentation of the same product is to be imported, the registering company needs to inform INVIMA in writing of the new product.

INVIMA registration of processed foods requires: (1) a written document from the manufacturer stating that it manufactures the product; and (2) a certificate of free sale stating that the products are approved for human consumption in the United States. This certificate needs to be issued by a U.S. government (state, local or federal) health authority. Although not strictly required, INVIMA registration is facilitated if a description of the manufacturing process and a list of the ingredients is submitted, including any additives, preservatives, and colorings (dyes). Since Colombia implemented The Hague Convention of October 5, 1961 with Law 455 of August 4, 1998, facilitating import documentation, the above listed documents must carry an “apostille” stamp. The “apostille” stamp fee amounts to \$20 each and it is produced by different authorities in each State, i.e. a Notary or a State Secretary or Under Secretary. This procedure replaced the notarization by the Colombian Embassy or a Consulate in the United States and by the Ministry of Foreign Affairs in Bogota. A translator approved by the Ministry of Foreign Affairs must translate these documents into Spanish.

Importer Registration, Import Registration and Import Licensing

Every Colombian importer must be registered with the Ministry of Commerce, Industry and Tourism (MOCIT). U.S. exporters seeking to sell to a Colombian firm should ascertain that the Colombian importer has obtained the legal authority to import agricultural products by completing the Ministry

of Commerce, Industry and Tourism registration process. Once registered, the importer or importing company enjoys the legal right to import any agricultural product. Every importer (company or person) must buy an electronic signature from the Ministry of Finance for a current cost of 370,000 pesos or US\$185. It is also mandatory to have a deposit in pesos at the Ministry of Finance to withdraw the corresponding fees for different importing procedures. All of these procedures can be accomplished by accessing: www.vuce.gov.co. VUCE are the Spanish acronym for “Unique Window for Foreign Trade”. Every import needs an import registration whose cost is 30,000 pesos or US\$15 if it is less than 1,800 characters. If the number of characters exceeds this limit the fees are higher.

The Ministry of Finance--through VUCE--offers big importers the sale of a computer program through which they can conduct their foreign trade procedures, including the issuance of import licenses. This program is valid for one year at a cost of 1,384,500 pesos or \$692,000, and can be renewed at a cost of 692,250 pesos or \$346,000.

Sanitary Permit

Products used as raw materials by the food industry or HRI sector in food preparation do not need an INVIMA registration, but they do need a sanitary permit from the Ministry of Agriculture’s Colombian Agricultural Institute (ICA) and comply with the labeling regulations explained above. ICA is responsible for the issuance of import sanitary permits for animal products, vegetables, fruits, grains, pet food, dairy products and agricultural inputs, including seeds. Genetically modified organisms (GMO’s) for plantings have to be approved by the National Technical Committee (CTN-Bio) in which ICA is a member. See CO-8013 of 8/20/08: Annual Biotechnology Report. The permit details the zoo-sanitary or phyto-sanitary (SPS) import requirements for the specific product. The Colombian importer must first obtain the import permit from ICA, before requesting an import license from the MOCIT. The importer should supply the exporter with the ICA import permit so USDA can compare it to its compliance agreements. USDA then issues a sanitary export certificate referencing the requirements in ICA’s import permit. No shipments should be loaded and transported without the submission of the sanitary permit. Whenever ICA issues new import health requirements, Colombia must notify the WTO and allow a period for comment. Once implemented both FSIS and APHIS place the Colombian sanitary requirements on their respective web pages.

INVIMA has indicated its intention to implement a sanitary certificate for imports of processed food products which contains basically the same information INVIMA provides for exported food products. The certificate requires general information on the importer, product origin and destination, product identification (type of product, units, quantity, and temperature in Celsius, lot number and expiration date). The certificate must be signed by an inspector.

For ICA approval, the product must: (1) come from a USDA inspected facility that is registered at INVIMA (however, ICA maintains the approved list); (2) be free of disease; (3) be inspected by USDA prior to its shipment and be accompanied by a USDA health export certificate; and (4) be inspected by an ICA veterinarian upon arrival in Colombia. Usually the shipment is inspected at port by both INVIMA and ICA to verify the compliance with the import regulations and sanitary requirements.

Pre-Shipment Certification

On July 1, 1999, the Colombian Government eliminated prior inspection and certification of imported food products at the port of origin as part of an effort to facilitate trade.

Import Duties

Most processed foods are assessed a 20 percent ad-valorem import duty. However, some high-value food product imports, such as fresh/chilled and frozen pork and chicken parts, are subject to the Andean Community's price band and reference price system, which can markedly increase the Colombian import duty. The U.S. Government views the reference price and price band systems applied by Colombia to be inconsistent with Colombia's World Trade Organization obligations. The price band system distorts trade and does not operate in a transparent manner. Colombian processed food imports from Chile and other country members of the Andean Community (Peru, Ecuador, and Bolivia) enter duty-free. This provides a significant cost incentive for local importers to turn to regional suppliers rather than to purchase from the United States. This is particularly true for fresh and processed fruit, wine, and at times for meat.

For those U.S. products subject to the price band system, import duties are calculated based upon the CIF adjusted floor, ceiling, and reference price levels determined by the Andean Board of Directors. The Andean Community establishes annual ceiling and floor prices every April. The Andean Community adjusts the reference prices every two weeks, per prices recorded by indicative markets for each product. If, the applicable reference price falls within the floor and ceiling price band, the import duty is calculated by applying the common external tariff rate for the Andean Community to the reference price. When the reference price falls below the floor price, a variable levy, or surcharge, is applied, that is based on the difference between the floor price and the reference price. This surcharge is levied in addition to the applied duty. Conversely, when the reference price exceeds the ceiling price, a reduction is made to the applied duty, based on the difference between the reference and the ceiling prices.

The following illustrates how Colombia's import duties are calculated for those U.S. food products subject to the price band system. In the example below, we calculated Colombia's import duty treatment that would have been assessed against imports of chicken parts (if they were to be approved for import) arriving at Colombian ports August 1-15, 2009:

Price Band Ceiling Price	\$1,937 per ton
Price Band Floor Price	\$1,750 per ton
Reference Price	\$1,197 per ton
Basic Duty Rate	20 percent

Variable Surcharge = (Floor Price - Reference Price) * (1+Basic Duty Rate)/Reference Price

Total Import Duty (75 percent) = Basic Duty Rate (20 percent) + Variable Surcharge (55 percent)

The reference price is updated every two weeks and published on the web page of the Andean

Community (http://www.comunidadandina.org/politicas/franja_circular.htm) as a consequence, the import duty is likely to change twice a month. The duty paid is the total import duty (75 percent) times the reference price (\$1,197) or \$897.75 per ton. Base duty remains unchanged at 20 percent in the case of chicken parts, but the variable duty is then calculated to be applied in a 2-week period.

Food samples can be sent to Colombia for market testing purposes with a pre-notification to INVIMA's Deputy Director for Sanitary Registration (invimasal@invima.gov.co). The request to INVIMA must establish the type of food product, purpose for its introduction, producer name and address, expiration date, number of units and technical information on the product. As a rule of thumb, the sample commercial value cannot exceed FOB US\$1,000, but this aspect and some other related to sample imports are being legislated by the Ministry of Social Protection. As of today, there is not a well-defined regulation for sample imports, but provisions in Decree 3803 of October 31, 2006 by the Ministry of Commerce, Industry and Tourism are applied. The importer has to obtain approval by the Ministry of Commerce, Industry and Tourism (MOCIT) through the special foreign trade outlet called VUCE, an acronym for the Unique Window for Foreign Trade (<http://www.vuce.gov.co>). All of these procedures must be completed before the samples are shipped. When the samples arrive in Colombia, they have to be nationalized following the procedures of a normal import. Samples shipped via express mail or Post parcel are subject to the Colombian import regulations, especially those related to sanitary certificates.

After a product is registered and imported into Colombia, INVIMA inspectors may take product samples at random from the shelf to conduct laboratory tests.

Section VII. Other Specific Standards:

No other specific standards are noted.

Section VIII. Copyright and/or Trademark Laws:

Protection of Property Rights. Piracy continues to threaten legitimate intellectual property markets in Colombia, which has been on the Special 301 "Watch List" every year since 1991. The registration and administration of intellectual property rights (industrial property and copyrights) in Colombia are carried out by three different government entities. The Superintendence of Industry and Commerce (SIC) acts as the Colombian patent and trademark office. The agency suffers from inadequate financing and personnel, a high turnover rate, and a large backlog of trademark and patent applications, which has led to a large number of appeals. The patent office at the Superintendence believes that the number of new patent and trademark applications (approximately 1,600 patent and 15,000 trademark requests per year) will double in the next two or three years. Although the SIC is making efforts to provide electronic registration services for patents, industrial designs, and trademarks, it still has important deficiencies, especially in personnel. The Colombian Agricultural Institute (ICA) is in charge of the issuance of plant variety protection and agro-chemical patents. The National Copyright Directorate is in charge of the issuance of literary copyrights. Each of these entities suffers from significant financial and technical resource constraints. Moreover, the lack of uniformity and consistency in IPR registration and oversight procedures limits the transparency and predictability of the IPR enforcement regime.

The US - CTPA provides for improved standards for the protection and enforcement of a broad range of intellectual property rights, which are consistent with both U.S. standards of protection and enforcement and with emerging international standards. Such improvements include state-of-the-art

protections for digital products such as U.S. software, music, text, and videos, stronger protection for U.S. patents, trademarks, and test data, including an electronic system for the registration and maintenance of trademarks, and further deterrence of piracy and counterfeiting by criminalizing end-use piracy.

Copyrights. The Colombian Congress has taken steps to increase criminal penalties and criminalize the circumvention of technological protection measures. Unfortunately, the scope and frequency of law enforcement raids has not created a deterrent effect. Most pirated products are distributed through hundreds of stalls in flea markets.

Patents and Trademarks. The patent regime in Colombia currently provides for a 20-year protection period for patents and ten-year term for industrial designs; protection is also provided for new plant varieties. However, U.S. companies have expressed concern that the GOC does not provide patent protection for new uses of previously known or patented products. In 2002, the GOC issued Decree 2085, which improved the protection of confidential data for pharmaceutical and agro-chemical products. Colombia is member of the Inter-American Convention for Trademark and Commercial Protection.

Enforcement. Since 1995, Colombia's National Anti-Piracy Campaign has raised public awareness, conducted training, and promoted consumer education. Law enforcement agencies cooperate with industry, but enforcement actions have concentrated in Bogotá, Medellín, and Cúcuta. When arrests are made and cases prosecuted there are often lengthy delays in processing cases. In 2000, Colombia enacted fiscal enforcement legislation (Law No. 603) that requires Colombian corporations to include in their annual reports their compliance with copyright laws. The Superintendence of Companies has the authority to audit the company and penalize it in case of non-compliance. Any corporation that falsely certifies copyright compliance could face criminal prosecution. In addition, the legislation treats software piracy as a form of tax evasion and empowers the DIAN to inspect software licenses during routine tax inspections.

Legislation. Amendments to Colombia's 1982 copyright law have modernized the law, increased the level of criminal penalties for piracy, and expanded police authority to seize infringing product. Colombia has deposited its instruments of ratification for both the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). Colombia's criminal code includes copyright infringements as a crime with jail terms. In 2006, amendments to the Criminal Code increased the maximum prison term from five to eight years with a corresponding rise in the minimum term from two to four years. The code also contains provisions on the violation of technological protection measures and rights managements, both key obligations of the WIPO Treaties, but these violations are only punishable by fines.

Section IX. Import Procedures:

High-Value, Consumer-ready Food Products for Retail Sale

The Ministry of Commerce, Industry and Tourism (MOCIT) has replaced the list of registered importers with an electronic application for import licenses. Import procedures such as formats to fill out and fee payments can now be carried out through the internet by accessing the VUCE website. Vuce is the initials of "Ventanilla Unica de Comercio Exterior" or Unique Window for

Foreign Trade (www.vuce.gov.co).

The product must be registered with INVIMA, the National Institute for the Surveillance of Food and Medicines. See section above on Product Health Registration. A sample label should be submitted to facilitate the registration process.

If meat is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients, INVIMA (Ministry of Social Protection) registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

Every shipment of consumer-ready food products must be accompanied by the following documents:

- * Free sale certificate. This document is issued by the local health authority in each State.
- * Zoo-sanitary export certificate issued by the U.S. authority listing the sanitary certifications required by ICA (Colombian Agricultural Institute that is equivalent to Aphis). The certifications depend on the classification of the product according to the Harmonized Tariff Schedule (HTS) and can be written on Aphis format 16-4.
- * Original commercial invoice.
- * Detailed information on labeling as established by the Colombian regulations.
- * Certificate of product lot and expiration date.
- * Bill of lading.

If the food product contains more than 20 percent cheese, a certificate of the cheese processing plant is required.

Note: Consumer-oriented food products are assessed a 20 percent import duty. If they are under the Andean Price Band System, then the import duty is assessed as previously shown in Section VI.

Processed food items for institutional use

Processed food products are assessed a 20 percent import duty. Processed products used as raw materials by the food industry or HRI sector in food preparation do not require an INVIMA product registration (decree 3075 of 1997), but they must be labeled as described above and state that they are not for direct consumption.

Beef and Pork, Not-Transformed (Fresh, Chilled or Frozen)

HS: 02.01-/02-/03

A transformed product is defined by the GOC as having been subjected to processing that resulted in a change in its internal structure.

The importer applies for an ICA animal health import permit that is issued normally after 48 hours. The import permit lists the sanitary statements that the exporting country's official sanitary authority must certify for the specific product. The issuance of the import permit has currently a fee

of 34,500 pesos or about US\$17.50. No product should be shipped without an export sanitary certificate issued by the exporting country's sanitary authority with a date after the Colombian import permit was issued by ICA.

Note: The Colombian sanitary regulatory agency (ICA) is strict in certifications dealing with *trichinae* in pork and pork products. Beef imports were banned under ICA's Resolution 3865 of December 24, 2003, which prohibited imports of live bovine, ovine, goats, etc. and their products due to BSE related restrictions for the U.S. However, during the CTPA negotiations, Colombia committed to lift all import restrictions on U.S. beef and beef products beginning on November 1, 2006. Decree 3755 of October 27, 2006, fulfilled those commitments; however, very little U.S. beef has been imported as of September, 2008, because the TRQ for beef products from third countries (other than Mercosur) amounted to only 547 tons in 2007, with a basic 20 percent import duty. Since 2008, the GOC did not issued a decree establishing new TRQ's for beef products from countries other than Mercosur due to the fact that imports from those four countries (Argentina, Brazil, Uruguay and Paraguay) meet the domestic needs. The out-of-TRQ import duty for fine-cut beef and beef offal is 80 and 70 percent ad-valorem, respectively.

An ICA veterinarian inspects the imported meat product upon arrival in Colombia. This service has different tariffs depending on the product and the imported quantity. The ICA official ensures that the product comes from a U.S. inspected and Colombian registered production facility, is free of disease, has been inspected by USDA prior to its shipment, and is accompanied by a USDA (FSIS) export certificate. The importer must pay for the analysis if the port inspector takes samples of the product to be analyzed by an official laboratory in Colombia. An INVIMA inspector will also verify that the product is suitable for human consumption and meets the labeling requirements.

If meat is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients (if any), INVIMA registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

Imports of beef also require import approval by the Ministry of Agriculture under Decree 3744 of October 21, 2005 which established a TRQ of 3,800 tons for fine beef cuts (the in-quota duty was set at 20 percent and the out-of-quota duty was raised 80 percent for beef). The same decree established a TRQ of 3,200 tons for beef offal (the in-quota duty was set at 20 percent and out-of-quota duty at 70 percent). These TRQ's were established for Mercosur. In 2009, the TRQ for beef cuts (HS 0201300010) for Mercosur amounts to 4,057 tons with an annual increase of 3 percent during the period 2004-2019. In the same period, the TRQ for industrial beef (HS 0201300090) is growing 2 percent annually and is 2,787 tons in 2009. The already established TRQ's for Mercosur may explain the absence of a GOC resolution setting an import quota for countries other than Mercosur in 2008 and 2009 as was the case of resolution 149 of 6/28/07 by the Ministry of Agriculture establishing TRQ's for countries other than Mercosur (547 tons for both fine beef cuts and beef offal).

Beef and Pork, Transformed (fresh, chilled or frozen)

HS: 02.10-

The product must be registered with INVIMA, the National Institute for the Surveillance of Food and Medicines. See previous section on Product Health Registration.

Steps to follow by importers are explained above in the section “Importer Registration, Import Registration and Import Licensing”.

If meat is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients (if any), INVIMA registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

Import Requirements for Poultry Meat (whole birds), not transformed

HS: 02.07-

The Ministry of Agriculture must approve chicken (or other poultry) imports. Whenever this Ministry determines that domestic supplies are sufficient to meet local demand and/or that imports of this product would economically damage local poultry industry, imports are not approved. Except for selected ports (San Andres, Portete, Leticia), the Ministry of Agriculture has not approved fresh/frozen chicken part imports since 1994.

The GOC, however, does approve imports of processed or prepared poultry parts. Duty treatment for these products is subject to the application of the Andean Community price band and reference price systems.

An ICA veterinarian inspects the imported meat product upon arrival in Colombia and ensures that the product comes from U.S. inspected production facilities previously registered with INVIMA, is free of disease, has been inspected by USDA prior to its shipment, and is accompanied by a USDA export certificate stating what was required in the ICA’s sanitary import permit. Simultaneously, there is an INVIMA inspector to verify that the imported product meets INVIMA conditions for a product for human consumption.

If meat is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients, INVIMA (Ministry of Social Protection) registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

All meats are assessed a 20 percent basic import duty. Poultry meat is also subject to a variable duty under the Andean price band system. Currently, the total import duty stands at 33 percent for whole birds.

Poultry Parts (fresh, chilled or frozen)

HS: 02.07-13./14./26./27.35./36. and 16.02-31.00.10/32.00.10/39.00.10

The products under these HS codes are subject to the prior licensing approval by the Ministry of Agriculture and Rural Development. Imports of poultry parts are not normally authorized.

The plants exporting these products need to be registered at INVIMA although it is ICA that keeps the list of approved plants. The Colombian sanitary agencies do recognize the U.S. sanitary inspection system for meat products, but they insist to register only those plants listed in the FSIS meat plant inspection list. When registering a meat processing plant, the GOC is requesting the plant location, the products that may be exported from that plant to Colombia and a contact name, usually the sanitary control officer. FAS/Bogota is discussing with the Colombian agencies that the recognition of the U.S. sanitary system should suffice for any meat product coming to Colombia. This topic is still in the bilateral agenda.

Import procedures are explained above.

If meat is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients, INVIMA registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

Note: Poultry parts (fresh, chilled or frozen) are assessed a basic 20 percent import duty, plus an additional import duty calculated by the Andean Price Band System. Currently, the total import duty for chicken parts is 33 percent.

Mechanically Deboned Chicken or Pork (HS: 16.02.39-)

The product must be registered with INVIMA, the National Institute for the Surveillance of Food and Medicines, following the indications given above.

Colombia depends heavily on imports of mechanically deboned chicken to meet the needs of meat processing industry (sausages). In 2008, imports amounted to \$13.8 million, mainly from the United States (\$12.5 million), Chile and Canada. However, some shipments of U.S. imports have been detained because of strict application of Salmonella levels. This issue is being discussed with the GOC. Mechanically deboned meat has a 20 percent import duty. In order to facilitate the introduction of this raw material without disregarding food safety considerations, Invima and local importers established a mechanism to keep track of imported mechanically deboned chicken meat. See voluntary GAIN report of 2/20/09.

Fresh Fruit and Vegetables (HS: 07./08).

The import procedures are explained above. The phyto-sanitary import permit issued by ICA has a cost of 42,000 pesos or about \$21.00.

An ICA official will inspect the imported produce upon arrival in Colombia. The ICA official ensures that the product meets the wholesomeness conditions and is free of disease/pest, has been

inspected by USDA prior to its shipment, and is accompanied by a USDA export certificate that complies with the sanitary requirements listed in the import permit.

Note: Fresh produce products are assessed a 15 percent import duty. No labeling requirements are specified by the GOC for fresh produce imports.

Processed Fruit and Vegetables (HS: 20).

Processed produce products are assessed a 20 percent import duty. The GOC, however, does not classify frozen vegetables as a processed food and, therefore, no country of origin labeling is required. Frozen vegetables are assessed a 20 percent import duty.

Milk (HS:0402.10)

In the process to update the legislation on different food sectors, the Government of Colombia issued Decree 616 of February 28, 2006, establishing the technical norms for the conditions to be met by milk for human consumption at production, processing, bottling, transportation, commercialization, imports and exports. Decree 616 complemented Resolution 2310 of 1983 whose updating is being publicized for public comments.

Imported milk used as raw material for the food industry must carry the following labeling information in Spanish:

1. Milk brand and type of milk (whole, skimmed, semi-skimmed)
2. Country of origin
3. Production date and/or production lot number
4. Expiration date (that must be longer than 6 months since the product arrives in the country)
5. Storage recommendations
6. Total and net weight in grams or kilograms

Note: Milk production date and/or production lot number and expiration date must be printed on the original packaging at the country of origin. The use of stickers for production date and/or production lot number and expiration date is forbidden.

Whenever milk is imported in hermetic packages ready to be sold to the public, the product should meet the requirements established by Resolution 5109 of December 29, 2005, and the country of origin and the number of sanitary registration must be shown in Spanish.

Powdered milk imported in bags or hermetic packages ready to be sold to the public must meet the requirements established by Decree 3075 of 1997.

In order to control the entry of imported milk contaminated with radiation, the Ministry of Social Protection will follow the recommendations of the International Atomic Energy Agency (IAEA) under the International Commission on Radiological Protection (ICRP) and the World Health Organization. Imported milk found not apt because of radiation will be re-exported to the country of origin and this cost will be paid by the importer.

The imported powdered milk will follow the import procedures described for any processed food product.

Whey (HS: 04.04)

Colombia has become a growing market for different types of imported whey in the last few years. The Ministry of Social Protection's Resolution 2997 of September 3, 2007 established the technical regulation for sanitary requirements to be complied by powder whey used as raw material in food products. The U.S. dairy industry complained that the established ranges for ash and lactose content in permeate whey were technical barriers to trade. FAS began a long process to change the legislation that was finally solved with issuance of resolution 715 of March 13, 2009 setting up minimum lactose level at 80 percent and ashes between 6 and 9.5 percent that the U.S. dairy industry considered appropriate.

Due to a domestic oversupply of milk, the GOC decided by Decree 2112 of June 5, 2009, to eliminate the Andean Price Band mechanism for whey on a temporary basis and increase the duty from 20 to 94 percent ad-valorem, and set an annual TRQ of 3,000 tons. See GAIN report "The GOC Increases Import Duty for Whey Products" of 6/19/2009.

Wine (HS: 22.04)

The Colombian importer must register his company with the local Chamber of Commerce. This grants the legal recognition for the importing company as a subject of protection and taxing.

The product must be registered by either the exporter or the importer with INVIMA, the National Institute for the Surveillance of Food and Medicines. INVIMA registration fee is about \$1,000 currently. The registration number can cover a type of wines for different presentations as long as they are produced by the same winery and under the same technical process, i.e, burgundy wines in bottles (750 cubic centimeters) or half bottles.

Wine must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, place of production, percentage of alcohol, net contents and a statement indicating that excessive consumption of alcohol is harmful to health. The warning should occupy at least 10 percent of total label. All of this information must be printed on the label prepared by the wine producer/exporter. Imported bottled wine is permitted in containers not exceeding two liters.

Note: Wines are normally assessed a 20 percent import duty. Wine imported from Andean Community of Nations (CAN) and Chile enters duty free. Importers report that the wine registration process can be longer than for other products.

Appendix I. Government Regulatory Agency Contacts:

Oscar Franco-Charry, Director General

Laura Pasculli, Deputy Director

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(Customs and Tax Directorate)
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Appendix II. Other Import Specialist Contacts:

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Unit 5119
APO AA 34038
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