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Report Highlights:

This report outlines the requirements in exporting food and agricultural products to Jamaica. There were no major changes to these requirements in 2019.

This report was prepared by the USDA Foreign Agriculture Service’s Office of Agriculture Affairs in Kingston, Jamaica 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 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

Jamaica's regulations related to food, including plant and animal health regulations, emanate from a tapestry of legislations (acts) that are developed and enforced in a multi-agency regulatory environment. The main legislations and their regulatory government ministries include:

- 1) Food and Drugs, and Public Health Acts; Ministry of Health (MOH).
- 2) Weights and Measurements, Processed Foods, Food Storage and Prevention of Infestation, Copyright, Trademarks, Merchandise Marks, Geographic Indications, Standards Acts, Animal (disease and importation), Meat and Meat Products and Meat By-products (inspection and export), and Plant (Quarantine) Acts; Ministry of Industry, Commerce, Agriculture and Fisheries (MICAFA).
- 3) Customs Acts; Ministry of Finance and Planning (MOF).

The legislative framework of Jamaica seeks to protect human and domestic animal health, the environment, intellectual property, and geographic identities. It also seeks to promote fair competition and consumer rights. While Jamaica's food laws are largely World Trade Organization (WTO)-consistent and allow a level of free and fair trade, there are challenges to the importation of food products. The following are some of the main challenges imported products face:

- 1) Jamaica's regulatory agencies require health/sanitary certificates from U.S. Federal/State authorities for all foods, including highly processed foods.
- 2) Most agricultural imports require import permits/licenses, which are often influenced by Government of Jamaica (GOJ) policies.
- 3) There is an absence of clear, transparent and accessible information on import requirements for most products.

Agencies (competent authorities) within the respective ministries have the authority to enforce specific legislations and make recommendations to parliament to amend such legislations.

- 1) Veterinary Services Division (VSD) in MICAFA is responsible for the application of regulations regarding the importation of live animals, fish and fish products, meat, poultry, animal products, and by-products into Jamaica (<http://bit.ly/jm-vsd>).
- 2) The Plant Quarantine Produce Inspection Division in MICAFA is responsible for issuing permits for the importation of plants, plant products and by-products, produce, and grains (<http://bit.ly/jm-pq>).
- 3) The Bureau of Standards Jamaica (BSJ) National Compliance and Regulatory Authority in MICAFA is responsible for enforcing weights and labeling standards for imported products (<http://www.bsj.org.jm/>).
- 4) The MOH is responsible for issuing permits for processed foods and beverages (<http://bit.ly/jm-moh>). It also enforces the acts related to pesticides and toxic chemicals through the Pesticides Control Authority (PCA, <http://www.caribpesticides.net>).
- 5) The Jamaica Customs Agency in MOF is responsible for collection of revenue, the protection of Jamaica's borders against illicit imports, and the facilitation of trade (<https://www.jacustoms.gov.jm/>)

Jamaica adheres to the Codex Alimentarius and has a National Codex Committee responsible for representing Jamaica at Codex meetings and negotiations. This committee advises the government on food safety standards and is involved in setting standards. While its Secretariat is housed at the Bureau of Standards Jamaica (BSJ) in MICAFA, the committee is composed of representatives from the MOH, MICAFA, Non-Governmental Organizations, private sector, and academia.

It should be noted that Jamaica follows and refers to Canadian, U.S., and European standards in the absence of Codex standards.

SECTION II: FOOD ADDITIVE REGULATIONS

The Jamaican MOH has no specific regulations for food additives (as defined by the Food and Drugs Regulations 1964 and 1975) and thus does not maintain a positive or a negative list of additives. Generally, the MOH relies on internationally accepted Codex standards in determining whether to accept or reject an additive. Jamaica's health officials may also rely on U.S., Canadian and European standards if an additive is not reflected in Codex standards. Exporters are encouraged to contact the Standards & Regulation Division within Jamaica's MOH to determine the status and permissibility of specific additives.

SECTION III: PESTICIDE AND OTHER CONTAMINANTS

Under the Pesticides Act (1975), the Pesticide Control Authority (PCA) was established to regulate and control the importation, production, registration, approval, prohibition, packaging, distribution, disposal, use, and other critical processes associated with pesticide handling in Jamaica. The jurisdiction of the Authority extends to the establishment and enforcement of maximum residue limits (MRLs), as well as the licensing of operators and facilities in the pesticides industry. Jamaica has a positive list of 423 pesticides that are approved and registered for domestic use. Conversely, 52 pesticides are on the banned list and 162 are registered for restricted use only. It is mandatory that all pesticides be registered with the PCA prior to importation into Jamaica and that the importer is licensed by the PCA. Jamaica's list of allowed and banned pesticides can be found at:

http://www.caribpesticides.net/cp_reg_body.asp

Jamaica Pesticides Regulation 2005 has established MRLs for approximately 200 agricultural pesticides that are approved for use on specific crops, animals, and/or animal feed ingredients. The regulation prohibits the movement of any product (fresh, processed, dried or composite) that exceeds the established MRLs. Where products contain levels of pesticides that exceed the MRLs, the PCA may seize and dispose of the consignments (or part of them) or direct the owner to take other actions in the interest of public safety.

SECTION IV: PACKAGING AND CONTAINER REQUIREMENTS

Jamaica adopted the International Standards for Phytosanitary Measures No. 15 "Guidelines for Regulating Wood Packaging Materials in International Trade" published by the International Plant Protection Convention (IPPC) on July 3, 2012. (<https://www.micaf.gov.jm/content/wood-packaging>)

In general, packaging materials should be clean, sanitary, free of toxic materials and other contaminants, and preserve the integrity and safety of its content under conditions that are typical for such product classification. In line with this regulation, the Bureau of Standards Jamaica has developed a code of best practices (Jamaica Code of Practice –JCP-, part 1, 2 and 5) in the selection, use, and storage of packaging materials

(<http://www.bsj.org.jm/>).

There are no specific regulations mandating the minimization or recycling of containers and packaging materials. However, the National Solid Waste Management Authority (NSWMA), Jamaica's waste management agency, is encouraging a culture of voluntary recycling of materials, specifically non-biodegradable packaging materials. Under the Solid Waste Management Act 2002, packaging materials are not differentiated from other classifications of solid wastes for the purpose of treatment and disposal. The NSWMA requires the containerization of all solid wastes to support efficient municipal disposal in accordance with the guidelines of the Solid Waste Management Act (<http://moj.gov.jm/laws/national-solid-waste-management-act>).

SECTION V: LABELING REQUIREMENTS

The following texts are compiled from the Bureau of Standards Jamaica Publication (JS CRS 5:2010). Information is inserted, extracted, and/or rephrased based on Post's knowledge of the regulatory environment. Note that original material and detailed information can be obtained from the BSJ at info@bsj.org.jm and <http://www.bsj.org.jm/>

Under the Standards, Processed Foods, and Weights and Measurements Acts, the BSJ develops, implements, and enforces regulations governing the labeling of commodities for commercial trade in Jamaica (<http://moj.gov.jm/laws/standards-act>). The labeling standards provide general principles governing all commodities that are customarily labeled in the course of trade (general requirements) and commodity-specific requirements.

Labeling of prepackaged foods - General requirements:

Pre-packaged food should not be described or presented on any label in a manner that is false, misleading or deceptive, or is likely to create an erroneous impression regarding its character in any respect.

The following information should appear on the label of pre-packaged foods as applicable to the food being labeled:

- i.** Name of the food
- ii.** List of ingredients
- iii.** Net content
- iv.** Name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the food
- v.** Country of origin
- vi.** Lot identification
- vii.** Date markings and storage instructions
- viii.** Instructions for use

Name of the food

The name should indicate the true nature of the food and normally be specific and not generic. A coined, fanciful, brand name or trademark may be used, provided it is approved by the BSJ. A sample of the label must be submitted to the BSJ for approval. The label should provide additional words or phrases as necessary to avoid misleading or confusing the consumer about the true nature and physical condition of the food.

List of ingredients

A list of the ingredients should be declared on the label and done in descending order of weight at the time of the manufacture of the food. The following food and ingredients, which can cause hypersensitivity, should be declared: wheat, shellfish and crustacean products, egg and egg products, fish and fish products, peanuts, soybeans, milk and milk products, tree nuts and tree nut products, and sulfites in concentrations of 10 mg/kg or more.

Net content

The net content should be declared in the metric system (Systeme International d 'Unites). If the imperial system is used to declare the net content, it should be stated in conjunction with the metric system. The net content should be declared as follows: (i) by volume for liquid foods; (ii) by weight for solid foods; and (iii) either by weight or volume for semi-solid or viscous foods.

Name and address

The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the food should be declared.

Country of origin

The country of origin should be clearly stated. The country of origin is the country where the nature or quality of the commodity was last changed to a significant extent other than by packaging.

Lot identification

Each container should be embossed or otherwise permanently coded or un-coded to identify the producing factory and the lot. Where a code is used, the key to the code should be provided to the BSJ.

Date marking and storage instructions

Date marking can be done in one of two ways: (i) the date of minimum durability or (ii) the use-by-date where the safety and quality of the food cannot be assured beyond a specified period.

Products that are produced for consumption within a period of not more than three months should use the day, month and year format. However, products that are produced for consumption within a period longer than three months should use the month and year format.

The date of minimum durability should be declared by the words "best before" or words expressing similar intent. An indication of the date of minimum durability is not required for some products, including fresh fruit and vegetables, wines, liqueurs, vinegar, solid sugars, spices, and chewing gum.

Instructions for use

Instructions for use, including reconstitution, where applicable should be included on the label to ensure correct utilization of the food.

Other labeling requirements

- (a) Quantitative labeling of ingredients – If the label emphasizes the presence of one or more valuable and characterizing ingredients, the percentage of those ingredients at the time of manufacture should be declared.
- (b) Artificial foods – The words “artificial,” “imitation,” “substitute,” “synthetic,” or other appropriate words should be stated in full on any label or on any advertisement of artificial, imitation, substitute, or synthetic food.
- (c) Organically produced foods – If the product or its ingredients are described by the terms “organic,” “biological,” “ecological,” “bio-dynamic,” or words of similar intent, the product should be certified by a competent authority and be labeled as such.
- (d) Irradiated foods – Foods that have been treated with ionizing radiation must carry a written statement on its label indicating that treatment. In addition, when an irradiated product is used as an ingredient in another food, this must be declared in the list of ingredients.
- (e) Foods for special dietary uses – The labeling and advertising of foods for special dietary uses may require approval from both the BSJ and the Jamaican MOH. The designation “special dietary,” “special dietetic,” or an appropriate equivalent term is permitted when used in conjunction with the name of the food, where the product corresponds to the definition of foods for special dietary uses. This includes foods that are specially processed or formulated to satisfy dietary requirements, which exist because of a physical or physiological condition and/or specific diseases and disorders. In addition, the characterizing feature and not the condition for which the food is intended must be stated in appropriate descriptive terms near the name of the food.
- (f) Nutritional labeling – The information supplied should be for the purpose of providing consumers with a suitable profile of the nutrients contained in the food and which are of nutritional importance. The label should not imply that a food labeled in this manner has any nutritional advantage over a food which is not so labeled. Nutrient declaration is required whenever a nutrition or health claim is made for a food. Labels must quantify:
 - The energy value (calories)
 - Protein
 - Carbohydrates
 - Fat and saturated fat
 - Total sugars
 - Dietary fiber
 - Saturated fatty acids and trans fatty acids
 - Sodium

Enforcement

The BSJ has judicial responsibility to develop and implement Jamaica’s labeling regulations. The labeling standards are enforced at the port of entry and at the retail level. In this respect, it is mandatory that all products exported to Jamaica be appropriately labeled in accordance with the general labeling principles and

any applicable commodity-specific requirements prior to arrival at the port of entry. Under the Standards Act, the BSJ has the legal authority to grant exemptions from any portion of the labeling requirements when there are labeling violations. Where such exemptions are granted, it is mandatory that the products be relabeled to full compliance prior to retail distribution. It is unusual for the BSJ to grant multiple exemptions to an individual importer or to the same classification of product from the same country of origin. Products that are denied entry into the country can be re-exported to another destination or disposed of, which is the responsibility of the importer and/or the exporter depending on the commercial arrangement. Certain exemptions attract a charge for breach of the applicable law (e.g., Standards Act). It should be noted that for imported products, the labels must be submitted prior to exporting into Jamaica for the BSJ approval. A breach of the labeling standards may result in the withdrawal of products from the retail shelves or detention at the ports of entry.

SECTION VI: OTHER SPECIFIC STANDARDS

Meat and Dairy Products

All meat and dairy products imported into Jamaica must be accompanied by an import permit issued by the Director of Veterinary Services (VSD) of MICA and an export certificate from the competent authority (usually a federal/state agency) of the exporting country. Highly processed products that contain a small amount of animal ingredients have challenges entering Jamaica without certificates. However, the VSD accepts appropriately worded export certificates (those giving explicit guarantees) from state or county authorities as enough to satisfy its permit requirements. A notary public is not recognized as a competent authority in Jamaica for certifying the wholesomeness and safety of a food product and therefore, certificates of free sale are not accepted by VSD. Reference to an affidavit or other substantiating documents that originate outside of the formal government inspection system is not acknowledged by the VSD as constituting adequate regulatory oversight to justify generating an export certificate.

Endangered Species

An import license is required for all products that are protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Agreement and should be certified for export in accordance with the requirements of the Convention (<http://nepa.gov.jm/>); (<http://bit.ly/jm-pg>).

Plant and Plant Parts

All plants and plant parts exported to Jamaica must be accompanied by an import permit issued by the Plant Quarantine Division of MICA (see <http://bit.ly/jm-pg>) and a phytosanitary certificate issued by the competent authority (a federal/state agency) of the exporting country.

There is no regulation governing the importation of genetically engineered (GE) organisms for human consumption. However, GE products for release into the natural environment or for experimental purposes are regulated under the Plant (Importation) Control Regulation.

SECTION VII: FACILITY AND PRODUCT REGISTRATION REQUIREMENTS

Like most Caribbean countries, Jamaica does not require sanitary registration of food products, relying instead on strict enforcement of its import and labeling regulations. As demand for functional foods increase over the medium term, regulations are expected to be developed to regulate these products.

SECTION VIII: OTHER CERTIFICATION AND TESTING REQUIREMENTS

Jamaica’s regulatory agencies conduct limited laboratory testing on imported food products. However, the Food Storage and Prevention of Infestation Division (FSPID) of MICAFA conducts careful examination of the physical and sanitary condition of products entering Jamaica. The other certification requirements are listed below:

Products	Requirements	Issuing Agency
Red meats, poultry meats, animal products and by-products, eggs and egg products	1. Import permit	Veterinary Services Division, MICAFA
	2. USDA health certificate	FSIS (see requirements: https://go.usa.gov/xn5qQ)
Fruits, vegetables, plants, plant products and by-products	1. Import permit	Plant Quarantine and Plant Protection Division, MICAFA
	2. USDA phytosanitary certificate	APHIS
Coconut derivatives, oil producing seeds, edible oils	1. Import permit	Jamaica Agricultural Commodities Regulatory Authority (JACRA)
	2. USDA phytosanitary certificate	APHIS
Alcohol in bulk	Spirit Pool Import permit	Spirit Pool Association Limited
Raw and refined sugars	Import license	Trade Board Limited MICAFA
Powdered milk and milk-based products	1. Import permit and import license	Veterinary Services Division and Trade Board Limited
	2. USDA sanitary certificate	APHIS and AMS

For more specific guidance on specific products, please contact the USDA Foreign Agricultural Service office at the U.S. Embassy in Kingston (see Appendix II).

SECTION IX: IMPORT PROCEDURES

Ocean carriers, airlines, and any persons transporting goods into Jamaica are expected to submit their cargo manifest in advance or prior to arrival (this is called Advance Cargo Reporting). All imports must be processed by a “declarant,” an agent authorized by the Jamaica Customs Agency (JCA) who acts as an intermediary between the importer and the JCA to certify that the submitted information is true and accurate. The declarant prepares and submits all relevant documents (including invoices, declaration of value certificates, import permits, import licenses, bills of lading/air-way bills, certificate of origin, export certificates from exporting countries, health/sanitary certificates from exporting countries, etc.) to JCA, including the computer-based single administrative document (e-SAD). The JCA verifies the declarations, utilizing special or preferential tax treatments. Physical examination of the goods may be required based on JCA determination of the risk.

Jamaica's regulatory agencies have a presence at the ports of entry and operate as a "one stop" or single window facility with officials from each of the following competent authorities:

- Veterinary Services Division, MICAF
- Plant Quarantine Division, MICAF
- Bureau of Standards Jamaica, MICAF
- Food Storage and Prevention of Infestation Division, MICAF
- Pesticides Control Authority, MOH
- Pharmaceutical Regulatory Affairs Division, MOH
- Public Health Division, MOH

These agencies may be called upon to examine the goods prior to their clearance/removal from the ports. The automated system for customs data (ASYCUDA) world system notifies the regulatory agencies of the impending arrival of goods and provides JCA and the regulatory agencies with the necessary tools to assess risks and determine the appropriate level of scrutiny required for each shipment. Subsequent to the payment of all duties and associated fees to JCA and the risk assessment by JCA and the GoJ regulatory agencies, the goods are tagged "green" (signifies that the importer is authorized to take delivery of the shipment) or "red"/ "yellow" tags (signifies the need for physical inspection by JCA officer/regulatory agencies officer). After the completion of the inspection, a notification is sent to the declarant communicating the findings and discrepancies that require their attention and response. If corrective measures are possible, a "green" tag is given upon completion of measures and the importer takes delivery of the goods. If corrective measures are not possible, the shipment is detained/denied entry.

Whenever products are detained/denied entry into Jamaica due to breach of legislations, all appeals are conducted with the respective implementing ministry; however, the declaration of import duties and fees is handled by JCA. If the declaration of duty/fees is rejected by the JCA, the importer has the right to an appeal in the Jamaican courts of law. Within the Jamaican food legislative framework, the GoJ minister (of the specific implementing ministry) generally has the legal authority to make rulings in keeping with the general spirit and intentions of the legislations where explicit procedures are not provided. If all the avenues for the release of goods are unsuccessful, the importer/exporter is given three options: to re-export it to the country of origin, re-export it to a third country, or have the goods disposed of by JCA.

It is the importer's responsibility to declare the correct value of the goods for the computation of import duties and fees. Jamaica applies six WTO-compatible methods for computing import duties in the following order: 1) the transaction value (primary method), 2) reference to the transaction value of identical goods, 3) reference to the transaction value of similar goods, 4) the deductive method, 5) the computed method, and 6) the fallback method. The JCA follows the computation details and procedures in applying the respective methods as are contained in the WTO Agreement on Customs Valuation.

Under the CARICOM Agreement, Jamaica applies a common external tariff (CET) on products that do not meet CARICOM country of origin requirements. Products entering Jamaica can attract import duties (tariff), stamp duties, additional stamp duties (ASD), general consumption tax (GCT) – value added tax, special consumption tax (SCT), standard compliance fee (SCF), customs administrative fee (CAF), processing fee, environmental levy, and specific levies to funded sector such as dairy sector, edible oils, etc. Note that the effective import duties (tariff) are computed by compounding (in the following order), the CET, then ASD, SCT, and GCT. Other charges, such as CAF, environmental levy, SCF, and other levies, are charged on the CIF value of the goods. The on-going

customs modernization program facilitates electronic and conventional payment of import duties and the associated fees. Under normal conditions, goods may be cleared in two to three working days.

SECTION X: COPYRIGHT AND/OR TRADEMARK LAWS

The Trade Mark Act (1999) makes legal provisions for the registration of trademarks in Jamaica and for the protection of associated property rights and the entitlements to remedies for infringements (<http://www.jipo.gov.jm/>). Subject to specific limitations, the proprietor of a registered trademark has exclusive rights to the trademark, and any use of the mark in Jamaica without the proprietor's consent constitutes an infringement of such rights as are provided in the Trademark Act. Exclusions from infringement of a trademark are explicit in the regulation. Since Jamaica is a member of the Paris Convention for the Protection of Industrial Property, a trademark that is filed in a Convention country has a six-month *right of priority* for registering the same trademark in Jamaica. A trademark can initially be registered for a period of ten years and may be renewed indefinitely in periods of ten years from the expiration of the previous registration. To register a trademark in Jamaica, an application, with the required fees, must be filed with the Trademarks and Design Directorate of Jamaica Intellectual Property Office (JIPO) in accordance with the requirements of its Form TM1.

Trademarks must comply with all the requirements of the Trademarks Act (1999) and the Trademarks Rules (2001) for it to be registered and protected in Jamaica. The directorate also facilitates search of registered marks and provides guidance on arrangements (words, graphics, etc.) that are excluded from registration and protection in Jamaica. After acceptance of a trademark for registration, it is advertised in the Jamaica Gazette.

APPENDIX I: GOVERNMENT REGULATORY KEY AGENCY CONTACTS

Bureau of Standards Jamaica

6 Winchester Road
Kingston 5
Tel: (876) 926-3140-5
Fax: (876) 929-4736
Email: contactus@bsj.org.jm
Website: www.bsj.org.jm

Veterinary Services Division

MICAF - Ministry of Agriculture
193 Old Hope Road
Kingston 6
Tel: (876) 977-2489/970-3644
Fax: (876) 977- 0885/977-7950
Website: <http://bit.ly/jm-vsdl>

Pesticide Control Authority

50 Half Way Road
Kingston 5
Tel: (876) 754-9306
Fax: (876) 631-6069
Email: pca@cwjamaica.com
Website: www.caribpesticides.net

Jamaica Customs Department

P.O. Box 466,
Newport East
Kingston
Tel: (876) 922-5140-8
Fax: (876) 967-0140
Email: public.relations@jacustoms.gov.jm
Website: www.jacustoms.gov.jm

National Solid Waste Authority

61 HWT Road
Kingston 10
Tel: (876) 960-4511/926-3988
Fax: (876) 920-1415
Email: nswma@nswma.gov.jm
Website: www.nswma.gov.jm

Ministry of Health

Masonic Building
45- 47 Barbados Avenue
Kingston 5
Tel: (876) 633-7400/633-7791
Fax: (876) 967-7293
Email: pr@moh.gov.jm
Website: <http://bit.ly/jm-moh>

Plant Quarantine Division

MICAF - Ministry of Agriculture
193 Old Hope Road
Kingston 6
Tel: (876) 977-0637/977-6992
Email: ppq@moa.gov.jm
Website: <http://bit.ly/jm-pq>

Jamaica Intellectual Property Office

1st Floor, JAMPRO Building
18 Trafalgar Road
Kingston 10
Tel: (876) 946-1300
Fax: (876) 927-6744
Email: info@jipo.gov.jm
Website: www.jipo.gov.jm

Trade Board Limited

10th Floor, Air Jamaica Building
72 Harbour Street, Kingston
Tel: (876) 967-0507
Fax: (876) 948-5441
Email: info@tradeboard.gov.jm
Website: www.tradeboard.gov.jm

Food Storage & Prevention of Infestation

MICAF
15 Gordon Town Road
Kingston 5
Tel: (876) 927-1929-30/977-0417
Fax: (876) 977-7515
Email: fsadmin@cwjamaica.com
Website: www.fspid.gov.jm

APPENDIX II: OTHER IMPORT SPECIALIST TECHNICAL CONTACTS

Customs Brokers Association of Jamaica

14-16 First Street
Newport West
Kingston 13
Tel: (876) 923-4665
Fax: (876) 937-4779

Private Sector Organization of Jamaica

The Carlton Alexander Building
39 Hope Road
Kingston 10
Tel: (876) 927-6957-8/927-6238
Fax: (876) 927-5137
Email: psojinfo@psoj.org
Website: www.psoj.org

FOR ADDITIONAL INFORMATION

USDA Foreign Agricultural Service

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P.O. Box 541
Kingston 5. JAMAICA
Tel: (876) 702-6142 / 702-6000
Fax: (876) 702- 6397
Email: agkingston@usda.gov

Attachments:

No Attachments