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EL SALVADOR

Food and Agricultural Import Regulations and Standards FAIRS 1999

Prepared by:

Suzanne E. Heinen

U.S. Embassy

Drafted by:

Miguel F. Herrera

Report Highlights:

This report has been prepared by the Office of Agricultural of the USDA/Foreign Agricultural Service in (San Salvador, El Salvador) for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may be no longer complete nor precise as some import requirements are subject to frequent change. It is highly recommended that U.S. exporters ensure that all necessary customs clearance requirements have been verified with local authorities through your foreign importer before the sale conditions are finalized. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS ALWAYS SUBJECT TO THE RULES AND REGULATIONS AS INTERPRETED BY THE COUNTRY OF IMPORT AT THE TIME OF PRODUCT ENTRY.**

Includes PSD changes: No
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EL SALVADOR: FOOD IMPORT REGULATIONS AND STANDARDS**A. FOOD LAWS**

El Salvador does not have a specific Food Law that applies to imported foodstuffs. Instead, the Health Code is the most widely used instrument to enforce local food safety. The Ministry of Public Health and Social Assistance (MPHSA) is in charge of all registrations and authorizations to import, manufacture, and sell foodstuffs and beverages, as well as any raw materials used in the production process. The most pertinent regulation used to enforce proper health safety when importing foodstuffs is Section 12/Article 88 of the Salvadoran Health Code. This particular article states that in order to import any food or beverage its use must be authorized by a Certificate of Free Sale and Consumption rendered by the Environment Safety Department (DSA) of the MPHSA. Each respective certificate must include the name of the product and its components. Cost of registering a product varies with the number and type of laboratory tests it undergoes. Costs range from 57 colones to over 100 (1.00=8.65 Colones). Other products such as fresh produce and products of animal origin are regulated by the Plant and Animal Health Division (DIGESVA) of the Ministry of Agriculture.

The Government of El Salvador (GOES) has lacked the initiative to design a program geared towards the implementation of food safety laws and their proper enforcement. The major reason given for this deficiency has been limited resources due to the financial demands of complying with the peace accords. However, local policy makers are beginning to react to criticism from unsatisfied consumers regarding food safety and quality control. A Consumer Protection Law was ratified by the National Assembly and has been in effect since April 1996. According to the law, the Ministry of Economy through the Consumer Protection Agency (DGPC) will be the entity that will enforce all provisions of this law.

Most food products are inspected for safety at the port of entry. However, the MPHSA carries out random testings at the retail and wholesale level to make sure that foodstuffs comply with all the required health and quality standards. Nevertheless, many unchecked products manage to reach their final destinations due to lack of human resources and appropriate infrastructure to control illegal distribution channels.

The trend in food safety in El Salvador is for tighter control and more efficient regulations. The tendency is to look towards the use of Codex Alimentarius norms. Meanwhile, Central American Norms and in some instances FDA norms are being used until Codex norms are revised and adopted.

B. LABELING REQUIREMENTS

The MPHSA requires the following labeling information for all product sold in El Salvador:

- 1- Label information characteristics
 - 1.1 Name of product
 - 1.2 Net content
 - 1.3 Ingredients
 - 1.4 Additives
- 2- Lot identification number and manufacturing date
- 3- Expiration date
- 4- Preservation instructions
- 5- Name of manufacturer or packaging/distributing company
- 6- Sanitary registration number (provided by DIGESVA)
- 7- Country of origin

El Salvador's labeling law requires that the product description be in Spanish. There is no enforcement at this time. However, there is potential risk to U.S. exporters that El Salvador may eventually enforce its law and such U.S. suppliers should be cognizant of this requirement.

In order to define if a product can be imported with only the standard U.S. label, it would be necessary to examine U.S. labeling norms and compare them to the general norms of the Codex Alimentarius for labeling of foodstuffs. The National Council for Science and Technology (CONACYT) is currently working on labeling regulations based on the Codex. Due to lack of resources the Council has not enforced this policy and food products with U.S. labels can be seen throughout the distribution chain. However, the GOES is currently requiring that a sticker in Spanish which includes a list of ingredients, manufacturing method, and expiration date be used while the requirement of Spanish-English labels can be fully implemented.

Labeling regulations are enforced by the MPHSA through the DSA and the Ministry of Economy through the DGPC. All products should properly labeled prior to distribution for human consumption.

Sample-size product labeling requirements are identical to those list above. However, local authorities are a bit lenient with this type of product due to the small quantities that are imported. In addition, most samples are sent through private PO boxes and are seldom inspected by the MPHSA.

Bulk packed or institutional size products are required to visibly display the contents and ingredients either in the container or package.

Nutritional labeling is not required by the MPHSA. The U.S. nutrition panel needs to be analyzed by the Nutrition Department of the MPHSA in order to be accepted.

According to local health officials the possibility of consumers being misled by U.S. labels exists. Their reasoning is that due to the fact that most people don't speak English, they could be basing their opinion on the picture that is used in the label by U.S. manufacturing companies.

The only requirements for shelf-life of a product is the actual expiration date and manufacturing date. The DIGESVA requires a country of origin certificate for all products that are imported to El Salvador.

The GOES does not grant any exceptions under the labeling law. However, in extreme cases the MPHSA can analyze a product in order to guarantee consumer health and decide whether that particular product can be imported for human consumption.

Both Uniform Code Council (UCC) and EAN bar codes are acceptable in El Salvador. Bar coding is rapidly becoming an important instrument in the food business. All local supermarket chains signed an agreement to have all of their products coded. The process was handled by the Salvadoran Chamber of Commerce through its Strategic Commercialization Department (DIESCO) and was completed in 1996.

C. FOOD ADDITIVE REGULATIONS

The list of food additives allowed by the MPHSA is based on the additive lists of the Central American Institution for Industrial Research and Technology (ICAITI), the Codex Alimentarius norms and in certain cases those of the FDA.

The MPHSA allows the use of the following colorants in foodstuffs: Yellow #5, Yellow #6, Blue #1, Blue #2, Red #2, Red #3 and Red #40.

D. PESTICIDE AND OTHER CONTAMINANTS

DIGESVA through the Fiscalization and Registration Division is the agency in charge of enforcing all regulations regarding pesticides and their use. In law, no pesticide can be manufactured, formulated, imported or distributed in El Salvador if it hasn't been properly registered. There is no positive or negative residue list at this time. DIGESVA takes into consideration maximum tolerances for most pesticides based on Codex tolerances for registration purposes. Currently, a commission for Codex Alimentarius matters is being created by the GOES. The initiative to control residues has been pushed forward by the private sector using the quality Control Lab of the Salvador Foundation for Economic and Social Development (FUSADES) to carry out all necessary tests.

In El Salvador pesticides are regulated by the following:

- 1- Law for pesticide, fertilizer and agricultural products control. Legislative Decree # 315, 04/28/73.
- 2- Regulation for the application of the pesticide control law. Executive Decree # 28, 05/21/80.

In addition, the following accords, norms and international agreements are taken into consideration for pesticide registration and control:

- 1- International Behavior Code for the distribution and use of pesticides (amended in 1989) of FAO.
- 2- Regional accords for the harmonization of pesticide labeling and required procedures for registration and fiscalization.
- 3- FAO specifications for pesticide quality control.
- 4- Tolerance (LMR's) specified in the Codex Alimentarius.

Pesticides must be registered by the Agricultural Safety Department of the MAG. In order to register a pesticide, the following information must be specified:

- a. Scientific and commercial name of the product, quantitative and qualitative formula, structural chemistry, and other necessary information for its complete identification.
- b. Name and address of the person or company that manufactures, imports, or distributes the product.
- c. Certificate of Origin and confirmation of Free Sale in

the country of origin.

E. OTHER REGULATIONS AND REQUIREMENTS

In general, most products are subject to lab tests when undergoing routine controls and when the product is registered. The GOES requires that importers be registered with the MPHSA. Importers must also register each product to be imported with the MPHSA to ensure the product is fit for human consumption. A product that is registered undergoes physical, chemical, microbiological and other related tests to determine that it meets minimum health and sanitary standards. Product registration usually takes two to four weeks. Registration of a product, once granted, is valid for five years.

Certificates of Free Sale are required for imported products. A certificate of free sale, ideally, is a certificate from an authorized public health agency that states that the product to be imported meets all health and sanitary requirements of that agency and it is freely sold and consumed in the country of origin. The certificate can include more than one product and is valid for one year. The certificate must be in Spanish or be accompanied by a copy of an official translation which can be provided by the importer. Radiation Certificates are required depending on a product's hazard to human health.

Food groups such as baby food, diet foods, and health foods undergo the same required regulations as the rest. In the case of meat, fulfillment of regulations is required. These regulations are enforced by DIGESVA through Law for Sanitary Inspection of Meat (Executive Decree # 39, 07/13/71). Meat and meat products can be imported from any country whose meat inspection system is equivalent and as efficient as the one established and maintained in El Salvador. Each shipment that contains meat and meat products from a foreign country, must include an official certificate of meat inspection from the country of origin in Spanish. There are no special packaging or container requirements in El Salvador.

While all of the above requirements are official government policy, few are actually enforced. Most products are not registered. Importers have been able to import the majority of all processed products with a notarized letter from the manufacturer stating the product is fit for human consumption. The MPHSA does not have the personnel to enforce the Free Sale Certificate requirement and in many cases custom officials do not even know to ask for them.

The following information is required for an exporter to register a product:

- 1- General specification of the label.
- 2- Name of the product.
- 3- Net content (In metric/decimal system).
- 4- Ingredients (In descending order according to the quantities used).
- 5- Additives (Specified by group for example: colorants, antioxidant, etc.; followed by specific name and concentration in final product).
- 6- Manufacturing date and Lot Identification number.
- 7- Expiration Date (When a product has a short shelf-life it must be specified in the label by adding: "Preferably consume before" followed by the expiration date. When a product's shelf-life is between 3 and 24 months, the month and year of expiration would suffice).
- 8- Preservation instructions.
- 9- Name of manufacturer (For imported products, the name of the agent or local distributor is required).
- 10- Name, age, marital status, nationality, occupation, identification document and address/phone/fax of local representative, importer or distributor.
- 11- Product origin.
- 12- Two label samples per product.
- 13- Three product samples for laboratory analysis.
- 14- Sanitary registration of the manufacturer (It must be accompanied by a Spanish translation legally authenticated).
- 15- Sanitary License for the importer/distributor warehouse.
- 16- Additional technical information:
 - a) Product Trademark
 - b) Packaging or container size
 - c) Net weight
 - d) Product classification according to food norms

F. OTHER SPECIFIC STANDARDS

The following table provides the name of the law/legislation and regulatory agencies with responsibility for certain regulations for imports of food products to the local market:

Regulations	Regulatory Agency	Law/Legislation
-Weight & Measures	Ministry of Economy/ Consumer Protection Agency	Consumer Protection Law
-Food Sanitation	MPHSA	Health Code
-Animal Quarantine	DIGESVA	Law for Agricultural Sanitation/1
-Marine Products	MPHSA	Health Code
-Meat & Meat Products	DIGESVA	Law for Inspection of Meat Sanitation
-Wine & Alcoholic Beverages	MPHSA/Ministry of Economy	Health Code
-Organic Foods & Health Foods	MPHSA	Health Code

1/ Decree of the Civil/Military Directorate, 02/09/61.
Law is being updated.

G. COPYRIGHT/TRADEMARK LAWS

In El Salvador, international trademarks and brand names are protected under the Law for Encouragement and Protection of Intellectual Property which became effective in October 1993. Trademarks are regulated by the Central American Convention for the Protection of Industrial Property which dates from 1968 and has recently been revised. El Salvador has also joined the Paris Convention and the Berne Convention; both became effective on February 1994. Additionally, El Salvador has approved the World Trade Organization (WTO) agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS).

An individual can acquire exclusive trademark rights by registering a

branded product with the Ministry of Economy. The individual can do this without demonstrating an association with the product or manufacturer, or an intention to introduce the product into the market. Consequently, in many cases global trade marks cannot be used without the negotiation with the person who first registered the brand name.

Trademarks are registered at the Ministry of Economy by class according to the international classification of goods and services. Trademark registrations are granted for a period of 10 years and can be renewed indefinitely for similar periods. It is mandatory to record any changes of name and address of the registrant or changes in assignment of trademark rights.

El Salvador's legal system provides a series of effective actions to combat any illegal procedures regarding trademarks. In order to stop an infringing trademark application from being registered, opposition may be filed. Actions may be taken to cancel infringing registrations either within five years after registration or at any time if the mark is not used during three consecutive years. Unfair competition actions can be taken against those who attempt to take unauthorized advantage of trademarks owned by third parties. In addition, preventive seizure of infringing goods is provided as preliminary relief.

The following information is required to register a trademark or brand name:

- a) Name of product manufacturer.
- b) Address.
- c) List of products that are manufactured under each specific brand.
- d) Brand Logo.
- e) Power of Attorney legally notarized by the nearest Salvadorean Consulate.
- f) Registration Certificate from the country of origin legally notarized by the nearest Salvadoran Consulate.
- g) Once the Power of Attorney has been duly registered in the Salvadoran Product Registration Office, a sworn declaration of adoption for each registered brand is also requested.

H. IMPORT PROCEDURE

Usually when clearing a product through customs, a Customs inspector, Customs Policeman, and a MPHSA inspector are involved in the process. English is the commercial language used for import documents. On average, it takes approximately 3 to 5 days to clear a product through customs. Most importers use a customs agent to expedite the clearing procedures. At this time, there is no appeals system in place for disputed product rejections.

The steps in custom clearance for a prepackaged foodstuff are:

1. Request Import Permit from DIGESVA.
2. Once the import permit has been granted by DIGESVA, the importer must take the sanitary registration, packing list, bill of lading, insurance policy, airway bill, shipping information and product invoices to the Revenue Department at the Ministry of Finance (Ministerio de Hacienda) to get the policy for payment of import tariff.
3. The import policy has to be cleared by Customs, Customs Police and OIRSA (Regional Organization for Agricultural Sanitation).
4. Customs Police conducts an inspection of the product.
5. When product has been cleared by customs police, it can be withdrawn by the importer.

The Ministry of Hacienda is currently using a system to expedite customs procedures. This system is using satellite technology to allow importers/exporters to send their product invoices through an electronic link or web to the Salvadoran customs office. All customs agents have access to this satellite system through an individual code which will enable them to be in contact with customs. This system will also be available to import/export companies that have offices outside El Salvador. These companies can purchase from customs the software that will enable them to get hooked-up to the customs satellite system to send their product invoices.

I. APPENDIX A - MAJOR REGULATORY AGENCIES

- 1- Agency: Ministerio de Salud Pública y Asistencia Social (MPHSA)
Departamento de Saneamiento Ambiental (DSA).
- Contact: Dr. Santiago Ghiringhello
- Address: Alameda Roosevelt, Edificio Laboratorio Central Dr. M.
Bloch, San Salvador.
- Phone: (503) 221-0966 Ext. # 105, 271-1300
Fax: (503) 228-9029
e-mail: dpsanamb@es.com.sv
- 2- Agency: Ministerio de Agricultura y Ganadería.
Dirección General de Sanidad Animal y Vegetal (DIGESVA)
- Contact: Ing. Luis Rafael Arevalo
- Address: Final 1 Ave. Norte, Santa Tecla,
La Libertad, El Salvador.
- Phone: (503) 294-0600
Fax: (503) 294-0600

APPENDIX B - LOCAL CONTACTS

- 1- Agency: Ministerio de Economía. Dirección
General de Protección al Consumidor (DGPC).
- Contact: Ing. Salvador Rosales
- Address: Plan Maestro, Centro de Gobierno entre
Calle Guadalupe y Avenida Juan Pablo II,
San Salvador.
- Phone: (503) 221-3584/281-1122
Fax: (503) 221-3586
- 2- Agency: Centro para la Defensa del Consumidor
- Contact: Lic. José Armando Flores
- Address: Urbanización La Florida, Pasaje Las
Palmeras y final Pasaje Los Pinos # 8

San Salvador.

Phone: (503) 260-8612/260-8613

Fax: (503) 260-2621

- 3- Agency: Camara de Comercio e Industria de El Salvador.

Contact: Maria del Rosario de Barriere

Address: 9 Avenida Norte y 5 Calle Poniente,
San Salvador.

Phone: (503) 271-2055/281-6622

Fax: (503) 271-4461

- 4- Agency: Dirección General de Sanidad Animal y Vegetal. Division de Cuarentena.

Contact: Dr. Oscar Luis Meléndez

Address: Final 1 Ave. Norte, Santa Tecla,
La Libertad, El Salvador.

Phone: (503) 228-5220/228-4443 Ext. 3153

Fax: (503) 228-9029

- 5- Agency: Dirección de General Sanidad Animal y Vegetal. Division de Inspección de Productos de Origen Animal (IPOA).

Contact: Dr. Mario Cromeyer Milla

Address: Cantón El Matazano, Soyapango,
San Salvador.

Phone: (503) 294-0580

Fax: (503) 294-0592

- 6- Agency: Regional Organization for Agricultural Sanitation (OIRSA)

Contact: Ing. Edwin Mauricio Aragón

Address: Calle Ramón Belloso y Avenida República
Federal de Alemania, Pasaje Isolde,

Edificio OIRSA, Colonia Escalón,
San Salvador.

Phone: (503) 263-1123/263-1135

Fax: (503) 263-1128

7- Agency: National Council for Science and
Technology (CONACYT)

Contact: Ing. Evelyn de Vanegas

Address: Urbanización Isidro Menéndez, Pasaje
San Antonio # 51, San Salvador.

Phone: (503) 226-2800/226-1623

Fax: (503) 225-6255

APPENDIX C - FOOD ADDITIVES LIST

Information not available. Food additives and tolerance levels that be used are based on Codex Alimentarius norms. Additional information can obtained from the Central American Institution for Industrial Research and Technology (ICAITI).