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Guatemala

Food and Agricultural Import Regulations and Standards Report 1998

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Report Highlights:

This is an update of the Food and Agricultural Import Regulations and Standards, which contains:

Food laws, labeling requirements, pesticide and other contaminants, copyright and trademarks laws, import procedures, tariffs and quotas.

Includes PSD changes: No
Includes Trade Matrix: No

Annual Report
Guatemala, Guatemala

**GUATEMALA: FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS
(FAIRS)****Last Updated: July 31 1998****Section(s) Last Updated: ALL**

DISCLAIMER: This report has been prepared by the Office of Agricultural of the USDA/Foreign Agricultural Service in (Guatemala City, Guatemala) 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.

A.	FOOD LAWS	2
B.	LABELING REQUIREMENTS	2
	Sample of label	3
D.	PESTICIDES AND OTHER CONTAMINANTS	3
E.	OTHER REGULATIONS AND REQUIREMENTS	4
F.	OTHER SPECIFIC STANDARDS	4
G.	COPYRIGHT/TRADEMARK LAWS	5
H.	IMPORT PROCEDURE	5
I.	TARIFFS / QUOTAS	5
APPENDIX A	MAJOR REGULATORY AGENCIES	7
APPENDIX B	OTHER CONTACTS	8
APPENDIX C	GUATEMALAN CONSULAR OFFICES	10
	EMBASSY OF GUATEMALA IN THE UNITED STATES	10

A. FOOD LAWS

All food products legally imported or manufactured in Guatemala are regulated by the Division of Registration and Control of Medicines and Foodstuffs of the Ministry of Health, hereafter referred to as Food Control. Food Control, under authority of Ministerial Decree 132-85, is responsible for upholding food product norms set by the Guatemalan Ministry of Economy's Commission of Standards (COGUANOR). The Commission of Standards is governed by the Executive Advisory Committee which is made up of representatives from the Ministry of Health, Ministry of Economy, Ministry of Labor, School of Engineers and Chambers of Agriculture, Industry and Commerce.

The Health Code which regulates Food Control was established in 1979 by Government Decree # 45-79. Title II Chapter Two of the Health Code refers to food products. In addition, all imported foods of animal or vegetable origin require a sanitary import certificate from the Ministry of Agriculture. Only packaged foods are regulated by Food Control.

There are many specifications, rules, legislation and other requirements regulating food products. These requirements are quite complicated and often subject to different interpretations. However, there is a considerable lack of resources in Food Control to effectively enforce the Health Code. As a result, currently, some imported food products are marketed in Guatemala without a registration number or a Spanish-language label as the food-law requires. This trend is changing and more importing companies are complying with the law in anticipation of more strict enforcement by the Ministry of Health. A retailer who violates the food laws as interpreted by Food Control can be fined up to half the value of the previous day's total sales.

Recently, the Ministry of Agriculture established a department of Rules and Regulations with the purpose of having more rigorous control. This office will be in charge of regulating the import of agricultural products.

Product Registration is required for all packaged food products in Guatemala. Food Control is responsible for all registrations. Food Control issues a registration number after a laboratory test has been performed on the product. This registration number is valid for five years and takes between four and six weeks to obtain. In addition to the Laboratory analysis done to the product at the time of registration, the law requires inspections at the point of entry, wholesale and retail level for the wholesomeness of the product. There is no environmental legislation that affects the importation of food products.

The cost of registration and analysis of a product is about \$100 U.S. Dollars.

B. LABELING REQUIREMENTS

Labeling requirements are set by COGUANOR'S labeling standard #34039. It sets 40 requirements with respect to the appearance of the label, what information should be on the label and that it be written in Spanish. However, importers negotiated with COGUANOR and reached an agreement for a stick-on label to be used with the following information written in Spanish:

1. Product definition/description
2. Name of the product(*This should be the official name as noted on the U.S. Certificate of free sale*)
3. Physical characteristics, Including ingredients (This has to be a qualitative composition, which was

- indicated in the back of the registration form). If this information is in English, please translate literally.
4. Net weight/volume
 5. List of ingredients and additives and the percentage of total for each
 6. Name, address and telephone number of Guatemalan distributor
 7. Food Control registration number (D.G.S.S.-D.R.C.A. _____) --*Sanitary license; obtained at a Center of Sanitation; the original license has to be presented. Cost of about Q.630.00 for each product).*
 8. Expiration date
 9. If applicable "Keep Frozen"
 10. If applicable "Form of Preparation"

Sample of label

Nombre del Producto: Pure para bebes; postre, sabor chocolate
Ingredientes: Harina de trigo, leche entera reconstruida,
azúcar, vitaminas, colorantes naturales; cocoa.
12 oz. Netas
Distribuidor: Importaciones Guatemala, S.A.
Dirección: Avenida Las Estrellas, 0-01, Zona 24,
Guatemala, Ciudad
Teléfono: (502) 555-1212 y (502) 555-2121
D.G.S.S.-D.R.C.A. 123-456-789
Fecha de vencimiento: 31-02-99

It is recommended that importers comply with food product registrations and labeling requirements. Imported sample-size products, under current law, must comply with existing labeling laws. Bulk-packed food products do not require labeling, unless they are to be sold at the retail level as an individual unit. Nutritional labeling in Guatemala is not required nor are there special shelf-life requirements. All use-by dates are set by the industry. However, there have been problems with distributors importing goods with the use-by date removed or already expired. The law on use-by date is ambiguous and leaves room for interpretation. U.S. exporters are strongly encouraged to not ship product with a nearing expiration date. This problem has led to poor relationships for more than one U.S. company.

C. FOOD ADDITIVE REGULATIONS

COGUANOR maintains a list of additives that are permitted for use in food products. The Codex Alimentarius food additives list was used in creating the Guatemalan norm. However, all new additives accepted by the Codex are not automatically accepted by COGUANOR. COGUANOR requires a vote by the Executive Advisory Committee to add a new additive to the list. This process takes approximately six months.

D. PESTICIDES AND OTHER CONTAMINANTS

Pesticides are regulated by the Technical Directorate of Vegetable Health of the Ministry of Agriculture hereafter referred to as Vegetable Health. Vegetable Health was established by Government Decree # 43-74 and regulates all agriculturally related chemical use by Authority of Ministerial decree 377-90. There are no Guatemalan standards for tolerance levels of pesticides in food products. The GOG uses the tolerance-level standards developed by Codex Alimentarius. Vegetable Health maintains a list of pesticides that are not permitted to be used in Guatemala. This list is based on publications by EPA, Codex Alimentarius and FAO among others. All pesticides must be registered at Vegetable Health.

E. OTHER REGULATIONS AND REQUIREMENTS

All packaged food products that are sold at the retail level need to be registered at Food Control. The requirements to register food products are as follows:

1. Application for registration of food products
2. Certificate of free sale
3. Receipt of payment for laboratory analysis (\$110.00)
4. Provide the applicable amount of samples
5. Example of label design as it will appear on the product
6. All paper work must be translated by an official translator. Documents from foreign countries must be authenticated by a Guatemalan consular official.

It takes approximately six weeks for Food Control to provide applicants with a registration number. The registration must be done by the importer or a Guatemalan legal representative of the exporter.

There are a number of regulations for special food groups. Decree 66-83 regulates the commercialization of substitutes for maternal milk. Beer, wine and other liquors do not need a registration number. Products labeled as “diet” must be registered as medicinal products. All products that apply for registration must be tested by LUCAM, the Ministry of Health’s only laboratory. Product samples must be provided at time of registration.

F. OTHER SPECIFIC STANDARDS

The Ministry of Agriculture requires that all food products of either plant or animal origin obtain a sanitary import certificate as provided in Government Decrees # 34-84 and 479-84. Decree 34-84 mandates that manufacturing facilities of products of animal origin must be inspected by Ministry officials prior to issuance of a sanitary import certificate at the expense of the importer. However, enforcement of this requirement has been dropped by the current administration because of charges of corruption.

The requirements to obtain a sanitary import certificate from the Technical Director of Sanitary Inspection and Control of Food Products are as follow:

1. Complete an application for Sanitary Import Certificate
2. Present food handler’s license
3. Be registered at Sanitary Inspection as an importer

4. Certificate of free sale
5. Certificate of origin
6. Proof of purchase
7. Product specific laboratory testing for pathogens
8. All documents translated into Spanish and authenticated by the Guatemalan consulate in the country of origin.
9. Prior to first import, manufacturing plant must be inspected by Ministry of Agriculture officials at importer's expense.

G. COPYRIGHT/TRADEMARK LAWS

No international trademarks and brand names are protected under Guatemalan law. However, Guatemala, as a signatory to the Uruguay Round agreement of the WTO, has accepted the new Trade-Related Aspects of Intellectual Property Rights (TRIPS). Trade marks and brand names should be registered at "Registro de la Propiedad Industrial" at the Ministry of Economy. Some individuals register trade marks and brand names with no desire to actually import the product and then sell the registration to whomever wants to import the product into Guatemala. This practice of registering "well known brands" has created problems for a few importers and U.S. companies. Technically, importers wanting to import a food product that has been registered by another person may have to pay royalties to that person. All product registrations can be contested in the Guatemalan court system, however, this process can be time consuming and costly.

H. IMPORT PROCEDURE

Food products are first inspected by officials from the Ministry of Agriculture and must have a sanitary import certificate previously issued by the Director of Animal Health. Then a customs official checks the customs clearance certificate and approves the withdrawal of product from customs. On occasion, police from the Ministry of Finance will further check that all paper work is in order to insure proper payment of tariffs and taxes. All information pertaining to the import of food products should preferably be in Spanish in order to expedite customs clearance. Products can clear customs without having a registration number, however it is required that products are registered with the Ministry of Health and comply with the labeling requirements to sell them to the public.

I. TARIFFS / QUOTAS

Tariffs and quotas vary depending on the product. Tariffs could be anywhere from 1 percent for raw materials, up to 30 percent in some products, 17 percent being the usual tariff on finished products. Guatemala, along with other Central American countries, has made a tariff reduction agreement. The agreement is intended to maintain lower costs of imported products.

Tariff rate quotas are in place for the following products as of 1998

Description	QUOTA (Metric Tons)	Tariff
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Poultry meat and edible poultry meat byproducts, fresh, frozen, or refrigerated (with some exceptions)	7,000	15%
	Outside quota	45%
Apples and pears	7,500	12%
	Outside quota	25%
Wheat Hard Wheat Other	341,054	1.20%
	Outside quota	6%
Corn	336,820	5%
Yellow corn	Outside quota	35%
Rice	25,784 paddy	4%
	milled	22.5%
	Outside quota	45%
Wheat flour	15,674	8.28%
	Outside quota	15%

* Information from the Bank of Guatemala

Tariffs for 1998

Complying with the tariff reduction agreement, and the Governmental Agreement 483-96, the Ministry of Economy of Guatemala has reduced the tariffs as follows:

In 1998	For products with a tariff of:	the tariff was reduced to:
	9 %	7 %
	14 %	12 %
	19 %	17 %
Any product marked with a tariff 1 a, which had a tariff of 1% ("1 a" was for products from El Salvador, Honduras and Nicaragua.)		0 %
Any product marked with a tariff 1 b, which had a tariff of 1%		0 %
	20 %	no change (1)

(1) The Ministry Council is still working on this tariff adjustment to comply with the Governmental Agreement 483-96.

The tariff for textiles and manufacture of textiles, which currently has tariffs up to 30 percent will be reduced to 15 percent for finished goods and 10 percent for unfinished goods.

Shoes tariff went from 30 percent to 29 percent with a goal of a 15 percent tariff, which will probably be reduced one percent every year. If the tariff is 30 percent in 1998; in 1999, 29 percent; in 2000, 28 percent, etc.

APPENDIX A MAJOR REGULATORY AGENCIES

List of Major Regulatory Agencies

1. Name: M.V. Marco Tulio Cueva López
 Title: Director
 Institution: Departamento de Registro y Control de Alimentos
 Address: 9 Avenida 14-65, Zona 1
 Guatemala, Guatemala 01001
 Telefax: (502) 230-2082

2. Name: Dr. Mario Roberto Gudiel Lemus
 Title: Director
 Institution: Dirección General de Servicios de Salud, Ministerio de Salud Pública
 (Health Services General Office, Ministry of Public Health)
 Address: 9 Avenida 14-65, Zona 1, 2 Nivel, Oficina 202
 Guatemala, Guatemala 01001
 Telephone: (502) 251-8277
 Fax: (502) 253-2053

3. Name: Licda. Azucena Lizama de Zúñiga
 Title: Director
 Institution: Laboratorio Unificado de Control de Alimentos y Medicamentos (LUCAM)
 Address: Calzada Roosevelt Zona 11, Edificio Icap
 Guatemala City, Guatemala
 Telephone: (502) 471-7336 / 472-3762 to 67, ext. 457

APPENDIX B OTHER CONTACTS

1. Name: Mariano Ventura
 Title: Minister
 Institution: Ministry of Agriculture, Livestock and Food
 Address: 7 Avenida 3-67 Zona 13
 Guatemala City, Guatemala
 Telephone: (502) 332-4756 / 362-4758
 Fax: (502) 332-8302

2. Name: Lic. Carlos Illescas
 Title: Director
 Institution: Registro de la Propiedad Industrial
 Address: 5 Calle 4-33, Zona 1
 Edificio Plaza Rabi, 7o. Niv. Oficina 701
 Guatemala City, Guatemala
 Telephone: (502) 230-1822 / 230-1693 to 5
 Fax: (502) 230-1694

3. Name: Ing. Hector Herrera
 Hilda de Gutierrez
 Institution: Comision Guatemalteca de Normas (COGUANOR)
 Address: 8 Avenida 10-43, Zona 1
 Guatemala City, Guatemala
 Telephone: (502) 253-3547 / 251-7593
 Fax: (502) 253-3547

4. Name: Lic. Bernardo Lopez
 Title: Director
 Institution: Direccion de Normas y Regulaciones
 Address: 7 Avenida 3-67 Zona 13
 Guatemala City, Guatemala
 Telephone: (502) 475-3054 / 68 / 74 / 84

5. Name: Licda. Rosa Elena Ruiz
 Title: Public Relations
 Institution: Ministry of Public Health
 Address: 8 Avenida 10-43, Zona 1
 Guatemala City, Guatemala
 Telephone: (502) 475-2121 to 25 and 440-9812 / 440-9822
 Fax: (502) 475-2168

6. Name: Lic. Joaquin Valdez

Title: Registrador
Institution: Valuables and Merchandise Registry (From the Ministry of Economy)
Address: 6 Avenida 10-43 Zona 1
Guatemala City, Guatemala
Telephone: (502) 221-4988, Ext. 236
Fax: (502) 232-9388

7. Name: Licda. Maura de Muralles
Institution: Ventanilla Unica para Inversiones
Address: 8 Avenida 10-43 Zona 1
Guatemala City, Guatemala
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Fax: (502) 251-5055

8. Name: Licda. Victoria Meza
Institution: Direccion de Integracion Economica (Economic Integration Office)
Address: 8 Avenida 10-43 Zona 1, Nivel 3
Guatemala City, Guatemala
Telephone: (502) 238-4181 / 238-3330 to 39, Ext. 212 and 256
Fax: (502) 251-6708

9. Name: Maria Elena Galvez
Title: Marketing Department
Institution: Instituto de Comercializacion Agricola (INDECA)
Address: Avenida del Ferrocarril, 17-13, Zona 12
Guatemala City, Guatemala
Telephone: (502) 473-0609 / 473-0255
Fax: (502) 473-0007

10. Name: Lic. Raul Trejo
Title: Director
Institution: International Trade Negotiation Office (Ministry of Economy)
Address: 8 Avenida 10-43, Zona 1
Guatemala City, Guatemala
Telephone: (502) 221-4983
Fax: (502) 221-4989

11. Name: Noemi Salxot
Title: Departamento de Valoraciones
Institution: Direccion General de Aduanas
Address: 12 Avenida y 10 Calle, Zona 1
Guatemala City, Guatemala
Telephone: (502) 238-0651 to 53
Fax: (502) 221-4668

APPENDIX C GUATEMALAN CONSULAR OFFICES

EMBASSY OF GUATEMALA IN THE UNITED STATES

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Washington D.C. 20008
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(202) 462-3152
(202) 745-3873
Fax. (202) 745-1908

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4772 East Conway Drive, N.W.
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Phone (404) 255-0023

CHICAGO, ILLINOIS

(General Consulate for Illinois, North Dakota, South Dakota, Wisconsin, Michigan, Indiana, Iowa, Ohio, Minnesota and Missouri)
Mrs. Rosa María Mérida de Mora, Consul General
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Chicago, Illinois 60601
Phone (312) 332-3504 / 1587 / 3170 / 2609 / 3410 / 3504
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FORT LAUDERDALE, FLORIDA

Mr. John P. Bauer, Consul
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3600 South Gessner, Suite 200
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Mr. Jorge Erdmenger Pérez, Attached General Consul
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Fax. (213) 365- 9245

LEAVENWORTH, KANSAS

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409 Delaware Street,
Leavenworth, Kansas 66048
Phone (913) 682-0342

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Mr. George E. Withworth, Consul
Jefferson Plaza, Suite 900, 147
Jefferson Avenue, Memphis, Tennessee 38103
Phone (901) 527-8466

MONTGOMERY, ALABAMA

Mr. Jose Ortega, Consul
2153 Meadowlane Drive,
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MIAMI, FLORIDA

(General Consulate for Florida, Alabama, Georgia, North Carolina and South Carolina)
Mr. Maximo Augusto Santa Cruz Anchissi, Consul General
Lic. Dunia Miranda Morales, Commercial Attache
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