

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Required Report - public distribution

Date: 12/23/2016

GAIN Report Number:

Peru

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report 2016

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Report Highlights:

This report outlines Peru's regulatory requirements for food and agricultural product imports and updates the 2015 FAIRS Country Report's on the following sections: Section I: General Food Laws item 1.8; 1.10 and 1.13; Section V: Pesticide and Other Contaminants; Section III: Packaging and Container Requirements; Section VII: Other Specific Standards: Item 7.1; Section VI. Other Regulations and Requirements item 6.3 and Appendix I: Government Regulatory Agency Contacts. Hyperlinks to ministries, agencies, and legal documents are provided throughout.

Section I. Food Laws:

Peru has a thorough, well-developed food safety and regulatory system. Regulations are generally science-based, though the risk assessment and rule-making process is time-consuming and arduous. The Ministry of Health's Directorate General for Environmental Health ([Dirección General de Salud Ambiental](#) - DIGESA) is the U.S. Food and Drug Administration's (FDA) counterpart; DIGESA regulates the registration and supervision of processed foods and beverages. The Ministry of Agriculture's National Food Safety and Quality Service ([Servicio Nacional de Sanidad y Calidad Agroalimentaria](#) - SENASA) develops and implements Peru's sanitary and phyto-sanitary regulations. This agency's U.S. counterparts are the Animal and Plant Health Inspection Service (APHIS) and the Food Safety and Inspection Service (FSIS).

Peruvian standards and input requirements do not impede imports of U.S. food and agricultural products. In general market access issues are associated with customs clearance procedures, harmonized-tariff-system (HS) classification errors and inadequate or improperly completed export-import documentation.

1.1. General Health Law – Law 26,842 (July 20, 1997)

Peru's General Health Law provides the legal framework for sanitary supervision regulations and oversight of food and beverage products. The provisions are implemented through rules, decrees and supreme resolutions published in the official gazette ([El Peruano](#)).

DIGESA is responsible for implementing Peru's food product regulations. Regulations establish:

- The production and trade of food and beverage products for human consumption is subject to sanitary standards.
- The import, manufacture, trade, distribution or storage of food and beverage products that have been adulterated, contaminated, altered or declared unfit for human consumption is prohibited.
- Food and beverage products manufactured locally, as well as in a foreign country, can only be traded if they possess the corresponding certificate of sanitary registration.
- The import of food and beverage products is forbidden from countries where distribution or consumption of the product due to associated health risks is prohibited.
- Personnel involved in the production, handling, transportation, conservation, storage, and supply of food and beverage products must comply with sanitary standards to avoid product contamination.
- Facilities manufacturing, processing and supplying food and beverage products must control sanitary quality and food safety in accordance with the Ministry of Health's requirements.

1.2. Regulations for the Sanitary Inspection and Control of Food and Beverages – Supreme Decree 007-98-SA (September 25, 1998)

The Regulations for the Sanitary Inspection and Control of Food and Beverages implements the provisions of the General Health Law and the General Principles of Food Safety included in the *Codex alimentarius* (CODEX). This regulation sets general hygiene standards, health conditions and

requirements for the production, transportation, manufacture, storage, marketing, preparation, and sale of food and beverage products for human consumption. It establishes:

- The conditions, requirements and procedures for the registration, modification and cancellation of food and beverage products' sanitary registration.
- The regulations for the inspection of the activities and services related to the production and distribution of food products.
- Food safety measures and sanctions.
- The organoleptic characteristics, chemical composition, and microbiological conditions that apply to food and beverage products.
- Food quality and safety standards for food and beverage manufacturers; based on the Hazard Analysis and Critical Control Points (HACCP) system.

1.3. New Administrative procedures and streamline of food safety and sanitary surveillance of processed and seafood products for human consumption - [Legislative Decree 1,222](#)

[Legislative Decree No. 1,222](#) (September 25, 2015) establishes new administrative procedures for streamlining food safety and sanitary surveillance of processed and seafood products destined for human consumption. The decree applies to both public and private entities. The Ministries of Health and Production are drafting the implementing regulation necessary for enforcing the legislation. This decree establishes Certification of General Hygiene Principles or the Technical Validation of a HACCP Plan as the standard reference for commercial entities involved in processed food production, import, fractioning, storage, retail or commercialization. SENASA is responsible for issuing this certification. Imports additionally must enter Peru with the sanitary authorization, or its equivalent, from the country of export.

Sanitary Supervision Agencies (Title II, Supreme Decree 007-98-SA)

- **Ministry of Health/DIGESA:** Responsible for the sanitary supervision of food and beverage manufacturing, distributing and marketing.
- **Ministry of Agriculture/SENASA:** Responsible for the sanitary supervision of fresh fruits and vegetables and animal products (e.g., dairy and meats) for human consumption.
- **Ministry of Production/National Fisheries Health Service (SANIPES):** Responsible for the sanitary supervision for the capture, transport, and processing of seafood products, as well as sanitary conditions at ports.
- **Local Municipalities:** Responsible for the sanitary supervision of establishments trading and manufacturing food and beverages operating within their jurisdictions. Municipalities work closely with DIGESA.

Sanitary Registration of Processed Food and Beverages (Title VIII, Supreme Decree 007-98-SA)

DIGESA is responsible for registering, re-registering, modifying, suspending and canceling the sanitary registration of food and beverage products in Peru.

- Oversees the sanitary registration of all processed food and beverage products in Peru.
- Defines industrial food and beverages as finished products for human consumption that result from the physical, chemical or biological processing of animal, plant or mineral inputs. Food additives are also included.
- Establishes which food and beverages are not subject to health registration, including: a) those in natural conditions, packed or not (e.g., grains, fruits, vegetables, meats and eggs); b) free samples; and c) products donated by foreign charities.
- Establishes that a product's sanitary registration permits its manufacture, import or sale by the registration holder. Said entity is responsible for the sanitary quality and safety of the food or beverage being sold in Peru.
- Establishes product groups for sanitary registration purposes using a qualitatively similar mix of basic ingredients and food additives that identify the group as such.

1.4. Food Safety Law – Legislative Decree 1,062 (June 28, 2008)

This regulation establishes the legal framework that ensures the application of food safety standards throughout the food chain. Animal feed is also included within the law's range. Suppliers of food products must comply with the sanitary and quality regulations approved by Peru's sanitary authority. All imported agricultural products (i.e., fresh or processed) must be accompanied by an official certificate issued by the country-of-origin's health authority.

The Food Safety Law establishes the Sectorial Food Safety Commission (COMPIAL). The purpose is to coordinate public-private sector activity ensuring compliance with the provisions of the Food Safety Law. The Ministries of Agriculture, Health and Production form the Sectorial Food Safety Commission.

The Food Safety Law establishes specific functions for the participating agencies. DIGESA, as Peru's food safety authority, establishes the general food and beverage hygiene standards for products in the human consumption chain. SENASA monitors and supervises food safety standards applicable to agricultural products (i.e., primary products and animal feed). The Technological Fishing Institute (ITP) is the fishery sector's sanitary authority; it monitors the capture, extraction, transport, surveillance, and processing of aquatic products, as well as issues sanitary certificates for fish and fish products.

The Food Safety Regulation, approved by Supreme Decree 004-2011-AG (April 27, 2011), comes with the endorsement of the Ministries of Agriculture and Health; it establishes guidelines for ensuring the food safety of primary and feed products within Peru and abroad.

1.5. Ministry of Agriculture – Legislative Decree 997 (March 13, 2008)

The Ministry of Agriculture is responsible for promoting and developing Peru's agricultural sector.

- **National Food Safety and Quality Service (SENASA):** Responsible for developing and promoting the adherence of the private sector in the implementation, prevention, control, and

eradication of animal diseases and plant pests.

- **National Institute for Agricultural Innovation (INIA):** Responsible for designing and executing the national strategy for agricultural innovation.
- **National Water Authority (ANA):** Responsible for carrying out the necessary actions for the sustainable use of water resources in river basins.
- **National Forest and Wildlife Service (SERFOR):** Responsible for the sustainable use and conservation of forest and wildlife resources.

1.6. The National Service of Agricultural Health (SENASA)

SENASA is responsible for enforcing regulations that govern domestic and imported animals, plants, and products and by-products. It is responsible for preventing the introduction of foreign and exotic animal and plant diseases.

- **Animal Health Office:** Responsible for enforcing regulations governing the import and the export of live animals, semen, embryos and by-products of animal origin, as well as the registration of veterinary products. In cooperation with Peru's state governments, SENASA enforces laws and regulations to protect and improve animal health, control and eradicate animal diseases (e.g., foot-and-mouth disease) and prevent the introduction of foreign and exotic animal diseases. SENASA's regulatory responsibilities for live animals and animal genetics similar to those of APHIS/Veterinary Services.
- **Plant Health Office:** Responsible for protecting plant health and preventing the introduction and spread of foreign pests. Its functions are similar to those of APHIS/Plant Protection and Quarantine. All U.S.-origin unprocessed plant products (e.g., bulk grains, fresh fruits and vegetables, nuts, or seeds) exported to Peru must be accompanied by an APHIS phyto-sanitary certificate. SENASA inspects products as part of customs clearance procedures.
- **Farming, Livestock and Food Safety Inputs Office:** Responsible for supervising seed quality, control, and registration for agricultural chemical pesticides, pharmaceuticals, and food and biological products for animals. It is also responsible for the organic certification and supervision in addition to agricultural production safety.
- **Callao Port and Airport Inspection Stations:** These stations enforce agricultural health regulations involving the trade of domestic and imported agricultural products.

1.7. The Ministry of Health – Legislative Decree 584 (April 18, 1990)

The Ministry of Health oversees Peru's national health system.

- **Directorate General of Environmental Health (DIGESA):** Responsible for drafting and supervising regulations. It is divided into three sections which oversee basic health services (water and drainage), ecological and environmental protection and food safety. The latter of these sections is equivalent to the U.S. Food and Drug Administration (FDA).
- **Directorate General of Pharmaceutical Products and Drugs (DIGEMID):** Responsible for registering, modifying, discontinuing and canceling the sanitary registration of sweeteners and of diet and health products.

1.8. Ministry of Production (PRODUCE) – Law 27779 (July, 2002).

The Ministry of Production is responsible to design, establish, execute and supervise policies applicable to the Fishery, Small and Medium Size Industry (MYPE) and industry subsectors. PRODUCE establishes the regulatory framework for the extractive, productive and transformation activities of the fishery and industry subsectors. The Fish Health Service (SANIPES) and National Quality Control Institute (INACAL) are under PRODUCE's jurisdiction.

1.9. National Fish Health Service (SANIPES) – Law 30063 (July 7, 2013)

The Ministry of Production's National Fish Health Service is responsible for regulating the food safety of fishery products, aquaculture, and fish feed inputs in order to guarantee public health.

1.10 National Quality Control Institute (INACAL) – Law 30224

The law creates the National Quality Control System to promote and guarantee the fulfillment of National Policy for Quality Control aiming to increase competitiveness and consumer protection. In addition, the law also creates the National Quality Control Institute (INACAL) which is a technical entity attached to the Ministry of Production. INACAL adopted part of INDECOPI's functions and became the competent authority regarding standardization, accreditation and metrology.

1.11. Peru's Customs (SUNAT) – Law 24,829 (June 8, 1998)

Peru's Customs Authority (ADUANAS) was incorporated into the Ministry of the Economy and Finance's Tax Agency (SUNAT) on July 12, 2002. Supreme Decree 061-2002-PCM is the implementing regulation for Law 24,829. SUNAT-Customs monitors and enforces the collection of customs duties and fines, as well as combats smuggling. It is divided into six offices, four of which focus on import procedures and regulations. SUNAT-Customs operates throughout Peru's ports and airports, working in tandem with private customs agencies.

1.12. Ministry of Foreign Trade and Tourism (MINCETUR) – Law 27,790 (July 23, 2002)

The Ministry of Foreign Trade and Tourism is responsible for defining, leading, coordinating, regulating and supervising foreign trade and tourism. The Ministry is the lead trade agency of Peru, responsible for negotiating trade agreements in coordination with the country's other ministries (i.e., the Ministries of Foreign Affairs and Economy and Finance).

1.13. National Institute for the Defense of Competition and for the Protection of the Intellectual Property (INDECOPI) – Law Decree 25,868 (November 24, 1992)

INDECOPI promotes competition, protects intellectual property, and quality.

- **Office of Consumer Protection:** Protects consumer rights, including consumers' right to be properly informed about goods and services.
- **Office of Repression of Unfair Competition:** Enforces advertising regulations to protect

- consumers; penalizes unfair practices.
- **Office of Dumping and Subsidies:** Regulates market distortions caused by subsidized or below market value imports.
- **Office of Market Access:** Monitors the activities of the public administration to prevent market access barriers.

1.14. Ministry of the Environment – Legislative Decree 1,013 (May 13, 2008)

The Ministry of the Environment was created by merging the Environment National Council (CONAM) and the Natural Resources Service (INRENA). This ministry is responsible for designing, implementing, and supervising national and sectorial environmental policies. It furthers sustainable use of natural resources, as well as promotes compliance with conservation efforts to prevent the degradation of the natural resources.

Section II. Labeling Requirements:

INACAL's Metrology Office oversees food and beverage product labeling, inspection and advertising (Supreme Decree 007-98-SA). Penalties are levied based on the offense and intent.

2.1 General Requirements

All food and beverage products packaged for sale must be labeled in accordance with the provisions established in INDECOPI's Peruvian Metrological Standards NMP 001:2014 – PACKED PRODUCTS LABELING, as well as per article 117 of Supreme Decree 007-98-SA. An adhesive Spanish language label needs to be applied before an imported product reaches the point-of-sale. The information should include:

- Name of the product.
- Food additives and ingredients, as well as instructions for use.
- Manufacturer's name and address.
- Importer's name, commercial name and address, phone, taxpayer's identification (RUC). Note this information may appear on a separate adhesive label.
- Sanitary registration number.
- Expiration Date (shelf life, established by the manufacturer) as stipulated by Codex or the applicable Peruvian sanitary standard.
- Production lot code and special conservation conditions (if any).
- Net weight or volume of the content.
- Country of origin.

Law 28,405 (November 30, 2004) pertains to the labeling requirements of value-added products. Labeling is mandatory for all value-added products consumed, imported or manufactured and sold in Peru. Supreme Decree 020-2005-PRODUCE lists the products subject to this law; the list is subject to periodic revision. Labels must include the name of the product, its country of manufacture, and product validity (including date of expiration, conditions for storage, and additional observations). Should an imported product not meet these requirements, the importer is authorized to re-label the product prior to clearing customs. INDECOPI monitors compliance with labeling requirements at the retail/wholesale level.

Supreme Decree 007-2015-SA (April 18, 2015), establishes technical parameters for labeling sugar, salt, and saturated fats contained in food and non-alcoholic beverage products. The following are the parameters established for 100 grams of solid food or 100 milliliters of liquid.

Content	Beverages	Solid Food
Sugar	Equal or lower than 2.5 grams	Equal or lower than 5 grams
Salt	Equal or lower than 300 milligrams (equivalent to 120 milligrams of sodium)	Equal or lower than 300 milligrams (equivalent to 120 milligrams of sodium)
Saturated Fats	Equal or lower than 0.75 grams	Equal or lower than 1.5 grams

This decree tasks the Ministry of Health with updating technical parameters based on studies, scientific information, and national and international practices. The following food categories are exempted from these parameters:

- Non-industrialized food and non-alcoholic beverage products.
- Foods with minimal processing (cut, sliced, deboned, peeled, cleaned, milled, pasteurized, refrigerated, frost, defrost).
- Prepared food products for immediate consumption.

Section III. Packaging and Container Regulations:

3.1 Packaging

(Title VIII, Supreme Decree 007-98-SA)

Packaging material must be free from substances that could affect the food safety of the food product. Packaging must ensure the product’s sanitary quality and composition. The Ministry of Health determines sanitary standards, setting maximum allowed limits for impurities and residues.

Packaging made of metals, alloys and or of plastic should not:

- Contain impurities consisting of lead, antimony, copper, zinc, chromium, iron, tin, mercury, cadmium, arsenic or other metals or metalloids deemed hazardous to human health in quantities or at levels above the maximum permissible limits.
- Contain residual styrene, vinyl chloride, acrylonitrile monomers or any other residual monomers or substances that can be considered hazardous to human health in quantities or at levels above the maximum permissible limits.

Laminates, varnishes, films, coatings and other parts of the package that come into contact with food and beverage products are subject to the provisions of this decree. The use of packages is prohibited that are used for non-food products or products that are not fit for human consumption. Packages manufactured from previously used recycled paper, cardboard or plastic are prohibited, except, packages made of PET containers (polyethylene terephthalate) for food industry and certified by a local Conformity Assessment Body accredited by INACAL or any other foreign entity accredited by the International Laboratory Accreditation Cooperation (ILAC) or the Inter American Accreditation

Cooperation (IAAC).

Returnable containers can be recycled for beverage production if they are washed and disinfected or treated with any other process that guarantees the food safety standards of the containers under the manufacturer responsibility.

Section IV. Food Additives Regulations:

4.1 Food Additives

(Title VII, Supreme Decree 007-98-SA)

- **Sanitary Quality of Inputs and Food Additives:** These must meet DIGESA's sanitary standards and health quality requirements. .
- **Allowed Additives:** Only [CODEX permissible food additives](#) are allowed and all others are forbidden and cannot be kept within food and beverage product manufacturing facilities. Flavorings accepted by the U.S. Food and Drug Administration and the Flavor and Extractive Manufacturing Association (FEMA) are permissible.

4.2 Sanitary Authorization for Food Additives – Directorial Resolution 0775/2003/ DIGESA/SA (July 10, 2003)

Food additives are any substance added to food and beverages that enhance organoleptic features and improves preservation conditions. Importers are required to follow [DIGESA procedures](#) when requesting sanitary authorizations. Issuing procedures will take approximately fifteen working days.

- Importers must sign the application form. Said form must include the importer's name, address, tax identification number (RUC), contact information of the manufacturer, and the list of products for which the sanitary authorization is being requested.
- For each additive the importer must include the composition (in mg/kg and the CODEX international numbering system), type of package, storage conditions, shelf life, and lot production code, as well as the physical/chemical and microbiological quality analysis issued by the manufacturer's laboratory (or authorized laboratory in Peru).
- A certificate of free sale and use is required issued by the health authority of the country of origin within the past year.
- Payment of administrative procedures and inspection.

Section V. Pesticides and Other Contaminants:

SENASA regulates pesticides, herbicides and fungicides used in the fumigation of agricultural products. Peru adheres to the Andean Community's (CAN) Decision No. 436 and resolution 630 regarding registrations and control of chemical pesticides for agricultural use. In 2014, the Peruvian Congress enacted the Law 30190 that modified the Legislative Decree 1059 related to the General Law of Agricultural Health. The law modified article 14 of the LD 1059 related to the Pesticides for agricultural use. SENASA drafted the implementing regulation for the Law 30190 that was approved by the Supreme Decree 001-2015-MINAGRI, establishing the Regulation of the National System of Pesticides for Agricultural Use. All the pesticides for agricultural use that are produced, formulated,

packed, imported, distributed or commercialized in the country must be registered in the National Service of Agricultural Health (SENASA). The pesticide for agricultural use registration is mandatory for the following products:

1. Chemical pesticides for agricultural use (PQUA)
2. Biological pesticides for agricultural use (PBUA)
3. Plant growth regulators (RCP)
4. Atypical pesticides

The procedures for the registration of each category vary depending on a precedent registration. For those products that do not have a precedent, the applicant first needs to request a permit at SENASA to carry out Efficacy Evaluations Trials prior registration of each product. SENASA's requirements to grant authorization for the aforementioned trials are listed and described in the Annex 2 of the Supreme Decree 015-2015-MINAGRI. They subsequently need to get a permit from SENASA to import samples for those trials. The Efficacy Evaluation Trial permit will have a validity of one year.

Section VI. Other Regulations and Requirements:

6.1 Endangered Species

The Natural Resources Service (INRENA) is responsible for promoting the sustainable use and conservation of natural resources and endangered species. IRENA regulates the export and import of endangered animal and plant species. Peru is a party to the Convention of the International Trade in Endangered Species of Wild Flora and Fauna (CITES).

6.2 Marine Products

The [Ministry of Production's](#) Vice-Ministry of Fisheries (PRODUCE) regulates commercial fishing along with the transport and processing of landed catch, as well as ensures sanitary conditions within ports. PRODUCE also issues research import permits. Resolution 409-98-PE (August 25, 1998) regulates inspection programs for canned, frozen, and cured fish. DIGESA is responsible however for issuing sanitary registration certificate for imported seafood products.

6.3 Biotechnology Products

On December 9, 2011, the Government of Peru approved Law 29,811, establishing a ten-year moratorium on genetically modified organisms. The law designates the Ministry of Environment as the lead agency for biotechnology. The moratorium includes three exceptions: 1) laboratory research; 2) use in pharmaceuticals and veterinary products; and 3) use in food, animal feed and in food processing.

On November 14, 2012, Peru passed Supreme Decree 008-2012-MINAM establishing the implementing regulation for enforcing a ten-year moratorium on the planting of biotechnology crops. The Ministry of Agriculture and Irrigation and its dependent agencies SENASA (Peru's sanitary and phytosanitary authority) and INIA (the National Agricultural Research Service) are relegated to a secondary regulatory enforcement and research role.

In 2016, Peru issued the [Executive Decree N° 006-2016-MINAM](#) with a procedure and plan for surveillance and early detection of genetically engineered organisms, by which Peru's Departments of

Agriculture (MINAGRI), Environment (MINAM), and Production will enforce the ten year moratorium on biotechnology. Several days later on July 24, [Executive Decree N° 011-2016-MINAM](#) listed specific commodities restricted under the biotechnology moratorium. These regulations do not change any requirements for producers.

Section VII. Other Specific Standards:

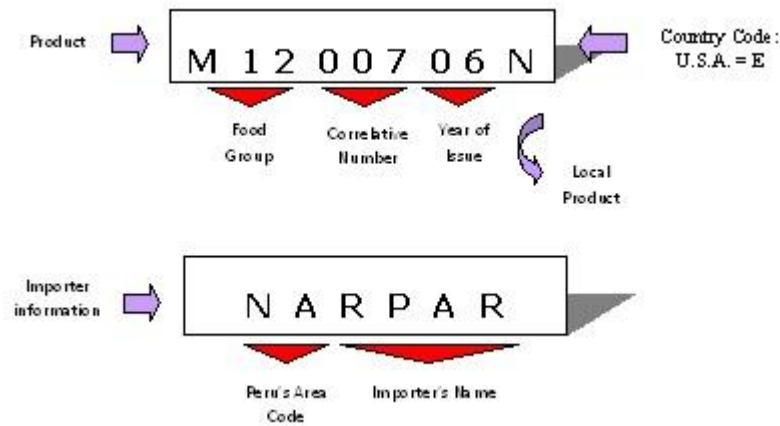
7.1 Food and Beverage Sanitary Registration Law 26,842 (July 20, 1997) – Title VIII of Supreme Decree 007-98-SA (September 25, 1998)

The registration process must be initiated by a SUNAT registered company, in possession of a valid tax identification number (RUC). DIGESA registration information must be uploaded to the VUCE website (*Ventanilla Unica de Comercio Exterior*). This site handles formalities for goods transiting, entering or leaving Peru. Requirements include:

- Simplified Trade System Form (SUCE - *Solicitud Unica de Comercio Exterior*) must be filled out on the [VUCE website](#)
- A physical/chemical and microbiological quality analysis from the manufacturer's quality control laboratory or by a laboratory in Peru accredited by INACAL or any other international accreditation entity recognized by the International Laboratory Accreditation Cooperation or the Inter-American Accreditation Cooperation
- Bromatological analysis results issued by a laboratory accredited by INACAL or any other international accreditation entity recognized by the International Laboratory Accreditation Cooperation or the Inter American Accreditation Cooperation
- List of ingredients and quantitative compositional analysis of food additives, identified by their generic name and international numeric reference (SIN Code)
- Conservation and storing conditions
- Information about the packaging indicating the type and material used
- Lifetime information of the product under normal conservation and storing conditions
- Identification system of the production batch
- Labeling information
- Payment of administrative fees

Along with the signed application form, the importer needs to present the certificate of free sale and use. The certificate is requested by the supplier; normally it is issued by a state's Department of Agriculture or a local chamber of commerce. The label must comply with local regulations (see Section II - Labeling Requirements) and the registration receipt must be presented. All documentation must not be older than one year. A Spanish language translation of the documentation must be attached.

Product sanitary registration is issued per product or group of products, as well as per manufacturer. A product group consists of those products elaborated by the same manufacturer and with the same qualitative composition of basic ingredients and food additives.



The code numbering of the sanitary registration is based on the certificate of free sale and use. DIGESA regulates processed food products and their manufacture in accordance with CODEX.

Table 1: Sanitary Registration, Classification by Product Groups

Food and Beverage Category	Food and Beverage Category
<ul style="list-style-type: none"> • Milk and dairy products • Ice cream and Ice cream mixtures • Oil and fats • Freeze-dried, dehydrated or concentrated products • Cereals, pulses and by-products • Sugars, honey and by-products • Confectionery • Bakery and pastries • Special diet food 	<ul style="list-style-type: none"> • Meat and meat products • Hydro biological products (seafood) • Eggs and egg products • Salt, species, condiments and sauces • Fruits and other vegetables (including tubers and mushrooms) • Prepared food • Beverages • Stimulant and spirit beverages • Canned food • Food additives

Sanitary registration, or renewal, occurs only if the application complies with all established requirements. This procedure should take no more than seven working days. Verification of the product's sanitary quality is carried out after sanitary registration or renewal. Sanitary registration of food and beverages are valid for five years from date of issue. Renewals must occur between seven and sixty days of the registration's date of expiry.

7.2 Certificate for Sanitary Registration of Current Registered Food and Beverages

- Registered food and beverage products can be imported and sold by anyone. DIGESA will issue a sanitary registration certificate on behalf of the interested party.
- The product's importer and seller have the same responsibilities as the original sanitary registration's holder. The importer's name, address, and RUC must be printed or labeled for each individual package sold to consumers.

The sworn affidavit must include the requesting company's contact information, the products

(commercial) name, the product's original sanitary registration holder and registration number, and the payment receipt.

Section VIII. Copyright and/or Trademark Laws:

INDECOPI ensures trademark, copyright and intellectual property protection.

8.1 Trademarks

[INDECOPI's](#) Distinctive Marks Office is responsible for the registration of trademarks, brands, commercial names, slogans and *appellation d'origine* (i.e. designation of origin). Its procedures are guided by CAN Decision 486 – Industrial Property for Andean Countries – and [Legislative Decree 823](#) for Intellectual Property Rights. Peru is a signatory of the [Paris Convention for the Protection of Industrial Property](#); in compliance with the WTO agreements on trade-related aspects of Intellectual Property Rights.

Section IX. Import Procedures:

9.1 Import Procedures – Supreme Decree 011-2005-EF (January 26, 2005)

The [U.S.-Peru Trade Promotion Agreement](#) (PTPA) provides duty-free access for two-thirds of U.S. food and agricultural products. Customs clearance procedures require:

- A paid SUNAT Customs Unique Declaration (DUA) filed by a customs agent
- An authenticated copy of the airway bill or bill of lading
- Authenticated copy of the commercial invoice and a packing list
- An authenticated photocopy of the insurance document
- Processed food products require an authenticated copy of the DIGESA RSA
- Animals, plants and by-products thereof require a SENASA sanitary certificate
- Dispatch authorization (if requested)

SUNAT channels imports along a green, orange, or red lane. The green lane permits entry of the product upon payment of duties. The orange lane requires additional documentation review, while the red lane requires both a document review and physical inspection.

Anticipated Dispatch Customs Clearance Procedures

Anticipated dispatch clearance is a pre-arrival procedure. An importer is required to submit all customs clearance paperwork, as well as their RUC and a list of ten previous DUAs from within the past 12-months. The importer must not have incurred customs fines in excess of \$3,300.

9.2 Simplified Import Customs Clearance Procedures for Samples

Simplified import custom clearance procedures apply to samples with no commercial value (i.e., gifts that do not exceed \$1,000 FOB or products less than \$2,000 FOB), as well as to samples with a commercial value that do not exceed \$2,000 FOB. Alcoholic beverages samples always have a commercial value and are subject to import taxes and tariffs. Samples however should be made unsaleable by means of cuts, perforations, inscriptions or unsealing. Once the Simple Declaration (DS) is processed, the merchandise is subject to inspection. The owner of the merchandise, the consignee or

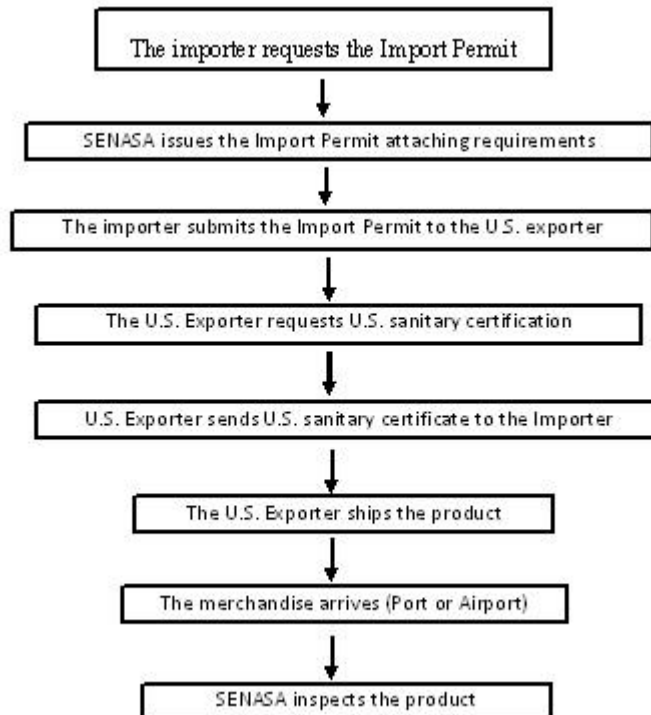
the customs agent must submit:

- A SUNAT's Simple Declaration form
- Airway bill, bill of lading, or postal notification letter
- Commercial invoice and insurance letter
- Identification card, passport, or RUC number
- Processed food products require an authenticated copy of DIGESA's RSA
- Animal and plant and their by-products require a SENASA sanitary certificate

9.3 Import Procedures for Animal and Plant Products

Prior to shipment, an import permit must be opened with SENASA. A copy of the permit must be forwarded to the exporter. The exporter must provide the importer with an official health certificate from the country of origin. SENASA port inspectors verify compliance with import requirements. For new to market animal and plant products, a risk assessment must be carried out in accordance with the Andean Community, World Trade Organization, CODEX or World Organization for Animal Health recommendations, as well as per the sanitary requirements of the exporting country.

Certificates for animal and plant and their by-products must be error free, contain no pen or ink changes, or have any other type of amendments. If applicable the product must be packaged in food safe packaging, labeled in accordance with U.S. regulations. The product must identify its content, net weight and the facility where it was produced.



a. Fresh, Chilled and Frozen Products or By-products of Animal Origin

Tariff (HS) codes for animals and their by-products are subject to SENASA import requirements as per Supreme Decree 051-2000-AG and Resolution 191-2000.

Table 2: Chapter/ HS Codes, Subject to SENASA Import Requirements

Chapter/ HS Code	Description
Chapter 1	Live Animals
Chapter 2	Meat and Edible Meat Offal
Chapter 4	Milk, Dairy and Egg Products
Chapter 5 – HS 0504	Sausage Casings
Chapter 5 – HS 0511	Bovine Semen and Embryos
Chapter 41	Raw Hides, Skins and Leathers
Chapter 51	Wool and Animal Hair

b. Fruits and Vegetables, Commodities and Raw Agricultural Products

Tariff (HS) codes for plants and their products subject to SENASA import requirements as per Supreme Decree 032-2003-AG and Resolution 299-2003.

Table 3: Chapter/ HS Codes, Subject to SENASA Import Requirements

Chapter/HS Code	Description
Chapter 6	Live Trees and Plants, Bulbs, Roots and Flowers
Chapter 7	Edible Vegetables and Tubers
Chapter 8	Edible Fruits and Nuts
Chapter 9	Coffee, Tea and Spices
Chapter 10	Cereals
Chapter 11	Products of the Milling Industry, Malt and Starches
Chapter 12	Oilseeds, Miscellaneous, Grains, Hay and Straw
Chapter 14	Other Vegetable Products
Chapter 17 – HS 1701 and 1702	Sugars and Syrups
Chapter 18 – HS 1801 and 1802	Cocoa, Grains and Waste
Chapter 21 – HS 2101 and 2103	Miscellaneous and Edible Preparations
Chapter 23 – HS 2302, 2306, 2308, and 2309	Food Industry Waste, Prepared Animal Feed
Chapter 24 – HS 2401	Tobacco, Not manufactured
Chapter 44 – HS 4401, 4403-4409, 4411-4413, and 4415	Wood
Chapter 52 – HS 5201-5203	Cotton and Cotton Waste

SENASA, on January 4, 2003, issued phyto-sanitary risk requirements for seeds and vegetables. Quarantine procedures along with risk categories were issued on August 24 and October 3, 2003. On July 18, 2005, SENASA issued specific plant health requirements for imported botanical seeds. On October 26, 2005, SENASA published its pest quarantine list.

Table 4: SENASA's U.S. Counterparts, Products of Animal and Plant Origin

U.S. Agency	Health Certificate Required
Animal Health Inspection Service (APHIS)	Fresh fruits and vegetables; live animals and animal by-products (including biological genetic material)
Food Safety and Inspection Service (FSIS)	Meats and by-products, for human consumption
Agricultural Marketing Service (AMS)	Milk and dairy products

SENASA, on February 28, 2005, issued Directorial Resolution 0105-2005 approving the Phyto-Sanitary Procedures Manual for wood packaging material.

c. Processed Food Products

DIGESA's RSA certificate must accompany all processed food product, alcoholic, and non-alcoholic beverage import documents.

d. Appeals System for Disputed or Rejected Product

Customs General Law – Supreme Decree 129-2004-EF (September 12, 2004) regulates SUNAT procedures and sanction mechanisms. SUNAT notifies import infringements in writing, permitting the importer a 20-day period to rectify and fulfill all import requirements. Appeals are filed with Peru's National Customs Office and the Ministries of Economy and Justice.

Appendix I. Government Regulatory Agency Contacts:

Ministry of Agriculture and Irrigation

Minister: Jose Manuel Hernandez
 Av. La Universidad 200, La Molina, Lima 12.
 Tel: (511) 209-8800 | www.minag.gob.pe

National Food Safety and Quality Service (SENASA)

Director General: Jorge Barrenechea
 Av. La Molina 1915, La Molina, Lima 12.
 Tel: (511) 313-3300 | Fax: (511) 313-1486 | www.senasa.gob.pe

- Plant Health: Moises Pacheco | Tel: (511) 313-3300
- Animal Health: Dr. Miguel Quevedo | Tel: (511) 313-3300
- Food Safety: Josue Carrasco | Tel: (511) 313-3323
- Port Callao: Dr. Erasmo Justiniano | Tel: (511) 429-0367
- Airport Callao: Ademar Quiñonez | Tel: (511) 575-1599

Ministry of Health

Minister: Patricia Garcia
 Av. Salaverry 801, Jesús María, Lima 11.
 Tel: (511) 315-6600 | Fax: (511) 431-0093 | www.minsa.gob.pe

General Environmental Health Bureau (DIGESA)

Director General: Mirtha Trujillo

Las Amapolas 350, Urbanización San Eugenio, Lince, Lima 14.

Tel: (511) 442-8353/8356 l Fax: (511) 422-6404 l www.digesa.minsa.gob.pe

Food safety and Sanitary Registration. Director: Maria Eugenia Nieva l Tel: (511) 442-8353

Directorate General of Pharmaceutical Products and Drugs (DIGEMID)

Director General: Vicky Flores

Av. Parque de las Leyendas cdra. 1 s/n, San Miguel, Lima 33.

Tel: (511) 631-4300 l Fax: (511) 555-5760 l <http://www.digemid.minsa.gob.pe/>

Ministry of Foreign Trade and Tourism (MINCETUR)

Minister: Eduardo Ferreyros

Calle Uno Oeste 50-60, Urb. Corpac, San Isidro, Lima 27

Tel: (511) 513-6100 l www.mincetur.gob.pe

Ministry of Environment

Minister: Elsa Galarza

Av. Javier Prado Oeste 1440, San Isidro, Lima 27.

Tel: (511) 611-6000 l Fax: (511) 611-6000 Annex: 1634 l www.minam.gob.pe

National Institute for the Defense of Competition and for the Protection of the Intellectual Property (INDECOPI)

President: Ivo Gagliuffi

Calle de la Prosa 138, San Borja

Tel: (511) 224-7777 l www.indecopi.gob.pe

Ministry of Production\National Fisheries Health Service (SANIPES)

Director: Diana García

Location: Carretera a Ventanilla Km. 5.2, Callao.

Tel: (511) 715-0180

Surquillo Location: Domingo Orue 165, Piso 7, Surquillo. Tel: (511) 213-8570 l www.sanipes.gob.pe

Appendix II. Other Import Specialist Contacts:

U.S. Embassy Lima – USDA\Foreign Agricultural Service

Av. La Encalada cdra. 17, Monterrico, Lima 33 l U.S. Mailing Address: Foreign Agricultural Service, 3230 Lima Place, Washington, DC 20521-3230

Tel: (511) 434-3042 l Fax: (511) 434-3043 l E-mail: Aglima@usda.gov

For a list of authorized laboratories in Peru, please refer to [INACAL](http://www.inacal.gob.pe)