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Bahamas - The

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

Section(s) Updated: Sections I, II, VIII, IX, and Appendices I & II.

As part of the process to accede to the World Trade Organization (WTO), The Bahamas is in the midst of reforming much of its legislation and regulatory structures on food and agricultural products. New and more detailed labeling requirements, among other changes, are expected to be enacted in 2011.

Still, these changes are not expected to alter the fact that The Bahamas is very receptive to U.S. products. With 95 percent of food and agricultural product imports traditionally coming from the United States, The Bahamas recognizes and accepts U.S. standards for nearly all farm products.

Section I. Food Laws:

NOTE: This report was prepared by the Caribbean Basin Agricultural Trade Office of the USDA/ Foreign Agricultural Service in Miami, Florida for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Approximately, 95 percent of all agricultural, fish and forestry products imported by The Bahamas come from the United States. The Bahamas recognizes and accepts the U.S. standards for practically all food and agricultural products. The Bahamian Food Act of 1985 is the principal legislative piece governing food products. The law itself is not very extensive, but it provides the basic framework for the regulation of both domestically produced and imported foods and their use. Newer, more comprehensive food legislation is currently in the process of being developed with the aim of enacting a new Food Act in 2011. Other legal instruments governing imports of food and agricultural products include the Animal Contagious Diseases Act (also known as the Animal Protection Act) and the Plant Protection Act. The Animal Protection Act is also in the process of being amended. These legislative changes are due in part to The Bahamas' need to bring its sanitary and phytosanitary, and its technical measures into conformity with WTO obligations as part of its accession to that organization.

Most of the regulatory responsibility for food safety falls under the Department of Agriculture, a dependency of the Ministry of Agriculture and Marine Resources. However, there are some areas of shared responsibility with the Ministry of Health and to a lesser extent with the Ministry of the Environment's Department of Environmental Health Services. These areas of shared responsibility are still in the process of being worked out by the different agencies involved. However, the Department of Agriculture remains the lead regulatory agency when it comes to imported food products. The Department of Agriculture regulates imports of certain products by requiring importers to obtain an import permit for each shipment of the following products: fresh produce and plants (fruits, vegetables, plants, flowers, sod, propagative material), live animals, fresh milk, eggs and fresh, frozen and unprocessed meat of poultry, pork and mutton. The Department of Marine Resources issues the import permits for seafood products. Import permits can usually be obtained within 48 hours.

Phytosanitary certificates from the country of origin must accompany imported fresh produce and plants. Live animals must be accompanied by health certificates. The Bahamas has no quarantine facilities. The Bahamas Department of Agriculture is the main regulating agency for meat and dairy products. However, the Department of Environmental Health Services also has some shared responsibilities in this area. However, because of their confidence in the meat inspection procedures in the United States, U.S. meat products are usually not subject to inspection. When food-related health threats arise, the regulating agencies will monitor imports and work with local distributors to ensure that

affected products are removed from the distribution system. Certain items may be restricted if the government decides they pose a risk to food safety or plant and animal health. For example, The Bahamas restricts citrus from Florida due to the 2005 outbreak of citrus canker in Florida.

Section II. Labeling Requirements:

Bahamian labeling requirements are quite broad and deal mainly in general terms with protecting consumers from false product descriptions and misleading information regarding the nature, substance or quantity of foods. New, more specific labeling requirements should be implemented in 2011 when the new Food Act is expected to be enacted. Until now, The Bahamas fully accepts all standard U.S. labeling including the standard U.S. nutritional fact panel. This is expected to remain the case even with new Bahamian labeling requirements being implemented in 2011. Meat and poultry products from the United States must have the USDA inspection seal and must be from a federally inspected U.S. facility.

Section III. Packaging and Container Regulations:

No special packaging or container sizes are required or preferred. Packaging materials which meet U.S. standards are accepted.

Section IV. Food Additives Regulations:

The Bahamas accepts the U.S. standards for food additives and the internationally accepted Codex list of approved additives. The Bahamas does not maintain its own positive or negative list of additives.

Section V. Pesticides and Other Contaminants:

Local authorities do not really have their own regulations on pesticide and other contaminant residues in foods. Instead, they rely on U.S. maximum residue limits (MRL's) and tolerance levels for pesticides as well as on Codex MRL's. Pesticide registration is not required. For the most part, authorities will follow U.S. standards, particularly those relating to pesticide use in the state of Florida.

Section VI. Other Regulations and Requirements:

Products are not required to be registered or laboratory tested. Retail prices are monitored by the Prices Commission. Although no duties are normally assessed on product samples, a value must be shown on the export documentation. Import permits are required for samples of meat products.

Section VII. Other Specific Standards:

No other major standards currently impact U.S. food and agricultural products. The Bahamas follows U.S. standards for organic foods, food and feed ingredients, dietetic and special use foods, infant formula and baby foods.

A formal Customs entry is required for clearance of commercial shipments imported via parcel post, air

or sea. Commercial goods imported by parcel post with a value of less than \$500 require no Customs entry.

Section VIII. Copyright and/or Trademark Laws:

The Bahamas' Trade Marks Act and supplementary regulations protect trademarks and brand names. Trademarks can be registered with the Intellectual Properties Section of the Office of the Registrar General (see Appendix I for contact information) for a period of 14 years on a renewable basis. . Registration must be made through a local agent (attorney). The cost of a trademark registration is \$50 per class, but it can also depend on the size of the logo.

Section IX. Import Procedures:

All importers must possess a valid business license issued by the Ministry of Finance. Bahamian importers are very knowledgeable of the import requirements and clearance procedures and are essential in guiding U.S. exporters through the process. The customs clearance procedure is generally efficient and focused on customer service. Bahamian law allows the importer to begin the import clearance of goods before arrival in the Bahamas using standard shipping documents. Depending on the size and nature of the shipment, the clearance process can take as little as an hour and normally no longer than 24 hours.

When a shipment arrives into The Bahamas, the importer or licensed Customs broker designated by the owner or consignee, will file entry documents for the goods with the Customs Department at the port of entry. The importer/broker is required to present a completed customs declaration form. The majority of goods imported in The Bahamas are entered on form C-13 (Home Consumption Entry). The goods are not legally entered until after the shipment has arrived at the port of entry, delivery of the merchandise has been authorized by Customs, and estimated duties have been paid. It is the responsibility of the importer/broker to arrange for the proper declaration and payment of the proper amount of duty prior to the examination and release of goods.

For most food items, three important documents are generally required: a) the commercial invoice; b) the sanitary or phytosanitary health certificate from the country of origin; and c) the import permit issued by the Bahamas Department of Agriculture or other relevant Bahamian authority. In some cases, the import permit will specify additional documentation required for import. With all relevant documents attached, the customs declaration entry form is prepared and presented to the Customs Officer for review and entry. The Customs Officer may require the importer to produce further information or documentation relevant to the shipment before the duty is collected.

Where proper security has been lodged and agreement for random check of the importer's records has been made, a security bond can be executed to permit immediate release of the goods. In fact, importers of perishables usually establish a "security bond" through their bank from which Customs can automatically deduct duties, further expediting the clearance process.

The Bahamas has no formal Customs appeals process per se, but a new appeal process is being developed and expected to be implemented soon as part of The Bahamas' WTO accession process. In the interim, any disputes or discrepancies are generally resolved directly with Customs Department at

the time of entry. See Appendix I for contact information.

Appendix I. Government Regulatory Agency Contacts:

A. Key Regulatory Contacts

FOR GENERAL FOOD IMPORT REGULATIONS, CONTACT:

Department of Agriculture
Ministry of Agriculture & Marine Resources
Levy Building, East Bay Street
P.O. Box N 3028
Nassau, The Bahamas
Tel: 1 (242) 325-7502/9, (242) 325-7438
Fax: 1 (242) 325-3960, (242) 356-3919

FOR INFORMATION ON LIVE ANIMAL AND ANIMAL PRODUCT IMPORTS, CONTACT:

Veterinary Service
Department of Agriculture
Ministry of Agriculture & Marine Resources
Levy Building, East Bay Street
P.O. Box N 3028
Nassau, The Bahamas Tel: 1 (242) 325-7502/9, 325-7438
Fax: 242-325-3960

Department of Environmental Health Services
Ministry of the Environment
Farrington Road
P. O. Box SS 19048
Nassau, The Bahamas
Tel: 1 (242) 322-8037
Fax: 1 (242) 322-8118 / 8120

FOR INFORMATION ON LIVE PLANT AND PLANT PRODUCT IMPORTS, CONTACT:

Plant Inspectorate Unit
The Department of Agriculture
Ministry of Agriculture & Marine Resources
Levy Building, East Bay Street
P.O. Box N 3028
Nassau, The Bahamas
Tel: 1 (242) 325-7502/9, (242) 325-7438
Fax: 1 (242) 356-4263

FOR INFORMATION ON SEAFOOD IMPORTS, CONTACT:

Department of Marine Resources
Ministry of Agriculture & Marine Resources
East Bay Street, east of intersection with Okra Hill
P.O. Box N 3028
Nassau, The Bahamas Tel: (242) 393-1777, 393-1014
Fax: (242) 393-0238
E-mail: fisheries@bahamas.gov.bs

FOR INFORMATION ON CUSTOMS PROCEDURES & DUTIES, CONTACT:

The Bahamas Customs Department
Customs House
Thompson Blvd., P.O. Box N-155
Nassau, The Bahamas
Tel: 1 (242) 302-3317, 325-6551 thru 5
Fax: 1 (242) 325-7409, 322-6223
E-mail: customsgeneral@bahamas.gov.bs

FOR INFORMATION ON TRADEMARK REGISTRATION, CONTACT:

Intellectual Properties Section
The Registrar General's Department
Office of the Attorney General and Ministry of Legal Affairs

#50 Shirley Street, P.O. Box N-532
Nassau, The Bahamas
Tel: 1 (242) 397-9114, 397-9119, 397-8950
Fax: 1 (242) 323-7908, 322-5553
E-mail: registrargeneral@bahamas.gov.bs

B. Useful Bahamian Government Websites

The websites below are provided for the readers' convenience; USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in such websites.

1. <http://laws.bahamas.gov.bs/>

The Bahamas Laws On-line database contains consolidated laws which are current up to April, 2002 as well as selected Acts and Statutory Instruments from 2002 onwards.

2. <http://www.bahamas.gov.bs/customs>

The Bahamas Customs Department website contains information on Customs clearance procedures and provides access to the on-line tariff schedule.

3.<http://www.bahamas.gov.bs/bahamasweb2/home.nsf/vContentW/7647F9142A05BB8F8525700D0050CFE1>

This site provides information on intellectual property protection in The Bahamas, including answers to frequently asked questions regarding trademark registration.

Appendix II. Other Import Specialist Contacts:

Caribbean Basin Agricultural Trade Office
Foreign Agricultural Service
U.S. Department of Agriculture
909 SE 1st Avenue, Suite 720
Miami, FL 33131
Tel: (305) 536-5300
Fax: (305) 536-7577
E-mail: atocaribbeanbasin@fas.usda.gov
Website: www.cbato.fas.usda.gov

Katherine Nishiura, Director
E-mail: Katherine.Nishiura@fas.usda.gov

Mark Ford, Deputy Director
E-mail: Mark.Ford@fas.usda.gov

Omar González, Ag. Marketing Specialist
E-mail: Omar.Gonzalez@fas.usda.gov

Graciela Juelle, Ag. Mktg. Assistant
E-mail: Grace.Juelle@fas.usda.gov