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Colombia

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

Approved By:

Joe Lopez, Agricultural Counselor

Prepared By:

Juan Sebastian Diaz, Agricultural Specialist

Report Highlights:

This report is an annual update of the food and agricultural imports regulations and governmental enforcement mechanisms in Colombia. The following sections were updated: I. SECTION II.LABELING REQUIREMENTS, B. Requirements for other specific labeling requirements: Biotechnology, Nutritional Labeling and Additives Labeling; SECTION VI. OTHER REGULATIONS AND REQUIREMENTS: Import Duties; SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAWS: Patents and Trademarks; SECTION IX. IMPORT PROCEDURES: Beef and Pork, Not-Transformed (Fresh, Chilled or Frozen), Beef and Pork, Transformed (fresh, chilled or frozen), Import Requirements for Poultry Meat (whole birds), not transformed, Poultry Parts (fresh, chilled or frozen), Milk.

Section I. Food Laws:

The basic piece of legislation dealing with food products and human health in Colombia is Law 9 of January 24, 1979 (see text of law on: www.invima.gov.co/normatividad/alimentos). All decrees and regulations produced since then are based on the above-mentioned Law.

Congressional Law 1122 of January 9, 2007 in article 34 establishes the areas of responsibilities for The National Institute for the Surveillance of Food and Medicines –INVIMA–, The Colombian sanitary regulatory agency (ICA) which is the Ministry of Agriculture’s agency responsible for sanitary and phyto-sanitary issues, State and Regional authorities.

The Colombian Government maintains control over imports through the Ministry of Commerce, Industry and Tourism (MOCIT). All responsibilities in dealing with Colombian foreign trade have been transferred to the MOCIT including the issuance of import licenses and the registration of imports. The Government of Colombia (GOC) has increased INVIMA and ICA’s inspection and food safety policy making role. GOC wants to create more specific rules for products or groups of products as well as to facilitate trade.

Section II. Labeling Requirements:

General Requirements

The current prevailing labeling regulation for food products in Colombia is mandated by Resolution 5109 of December 29, 2005 issued by the Ministry of Social Protection. The regulation establishes labeling technical standards for domestic and imported packaged food products and raw materials for food for human consumption (including sample-size and institutional packed products). The basic reason for labels is to provide comprehensive and clear information to allow consumers to make an informed decision. The information must be factual and true and it should not lead to consumer error or mistake.

Therefore, the information must be provided in Spanish either on the label or on a sticker authorized to be placed on the product. Whenever the imported product label is written in a language other than Spanish, a sticker or complementary label can be used to provide the information required by Resolution 5109. These labels can be stuck on the product during or after the nationalization process in warehouses or storage facilities inspected, surveyed and controlled by the sanitary authorities. When food products or food raw materials originate in countries where information on expiration date and/or minimum shelf-life (best before...) is not required, the importer must get INVIMA’s prior approval to provide that information in a document issued by the producer. Expiration date currently constitutes misleading information for Colombian authorities. US data is registered by MM/DD/YYYY whereas in Colombia the data is registered DD/MM/YYYY. Importer can amend requirement during or after nationalization.

Labeling regulations apply to products in chapters 2 through 21 (except chapter 13 and 14) of the tariff schedule. The Spanish text of resolution 5109 can be downloaded from www.invima.gov.co/invima///normatividad/doc. The technical annex to resolution 5109 follows the recommendations of the U.S. Conference on Weights and Measures (handbook NBS 130 of 1992, page 60) for the size of letters and numbers on the labels, and those of the European Union about the relationship between net content and the minimum size of characters on labels.

The following information must appear on food product labels:

1. Name of the product.
2. List of ingredients in decreasing order of weight content.
3. Net content and drained weight in metric units (i.e., grams, kilograms).
4. Name and address of producer or processor.
5. Name and address of importer (in the case of imported products).
6. Lot identification or “L” to identify production date, expiration date, minimum shelf-life, etc. This information could be in numbers, numbers and letters, bars, punched data or grooves.
7. Each package must carry the expiration date and/or the minimum shelf-life in a legible, visible and indelible way. Also, labels must include information on product preservation.
8. Instructions for product use.
9. Sanitary registration number issued by INVIMA.

When the individual package for sale is smaller than 10 square centimeters (about 1.6 square inches), the label may not

contain the ingredient list, lot identification, expiration date, and conservation and use instructions.

Labels for raw materials for food product must contain the following information:

1. Name of the raw material.
2. List of ingredients.
3. Net content.
4. Name and address of the producer or importer.
5. Country of origin.
6. Lot identification.
7. Expiration date or minimum useful life.
8. Conditions for product conservation.

The above required information must be provided by the producer and can be consigned on the product by the producer, the importer or the distributor. In order to facilitate the issuance of the entry sanitary certificate, the coded or ciphered information on lot identification and expiration dates on the packages of raw materials can be interpreted with a document issued by the producer and validated by the Colombian authorities. No sticker use is allowed for expiration date and/or minimum shelf-life ("Best before...").

When the product consists of or contains any of the listed food products or ingredients that may cause allergy, they must be declared with their specific names as follows:

- Breakfast cereals containing grain gluten (wheat, rye, oats, barley, spelt or any grain hybrid or product).
- Crustacean and their products.
- Eggs and by-products.
- Fish and fishery products.
- Peanuts, soybeans and their products.
- Milk and dairy products, including lactose.
- Nuts and derived products.
- Sulphites in concentration of 10 milligrams per kilogram or higher.

A. Requirements for other specific labeling requirements

Radiated Food Products and/or Food Raw Materials

When a product has been subject to ionizing radiation, this condition has to be declared just after the name of the product in a visible way. A brief description of the radiation process after the product name is also required. The use of the international symbol for radiated products is discretionary, but whenever it is used, it has to be visible after the product name.

Biotechnology

Regulated through the Resolution 4254 published on September 22, 2011. The resolution enters into force on June 26, 2012, and states that importers of raw materials that are genetically modified organisms (GMOs), or may contain GMOs, shall declare in the commercial invoice that each shipment contains GMOs intended for direct use as food for humans or for further processing, only in those cases where the identity of GMOs is known. In cases where the identity of GMOs is not known, it should be identified as "may contain one or more GMOs" for direct use as food for humans or for further processing.

Food additives, food prepared at point of sale (restaurants), foods containing one single ingredient or additive produced by Genetically Modified Microorganisms (GMMs) or food containing ingredients processed by enzymes produced by means of GMMs, are exceptions for the application of Resolution 4254.

Dietary Supplements

Regulated via Decree 3249 published on September 18, 2006. In relation to labeling for imported dietary supplements, labels will be accepted from the country of origin as long as they contain the information required in Article 21 of Decree 3249 in Spanish. The use of a sticker containing the Spanish information is also acceptable and it can be placed over the original label. The label and/or sticker for dietary supplements must contain basically the same information as labels for food products in addition to warnings such as "*this product is not useful for the diagnosis, treatment, healing or prevention*

of any disease and it does not meet the requirements of a balanced nutrition"; *"keep this product out of the reach of children"*. When the diet supplement contains artificial sweeteners, a warning should appear on the package to prevent its consumption by people with kidney problems. A warning should also be written in a clear way when the product contains substances that may cause allergies.

Nutritional Labeling

Colombian nutritional labeling requirements are established by Resolution 333 of February 10, 2011 by which the technical ruling on nutritional labeling is outlined for packaged and/or bottled food products; both domestically produced and imported. The resolution does not cover nutritional labeling for products destined to infants, which will be outlined by the Resolution 11488 of 1984. The nutritional labeling must be written in Spanish although another language may appear. A sticker may be used, but must provide the required information in a prominent way. For imported food products, the sticker may be used to indicate the percentages of daily intake per the above resolution. The portion size declared on the label must be determined from the reference quantities established by the Resolution 333.

The following nutrients are of obligatory declaration: energy content (total calories, fat calories); protein content, total fat, saturated fat, trans fats, cholesterol, sodium, carbohydrates, dietary fiber and sugars; vitamin content (A and C), iron and calcium; content of vitamins and minerals other than those mentioned above when they have been included into the product; saturated fat proteins, monounsaturated fat, polyunsaturated, soluble and insoluble fiber, polyalcohol's, potassium, and content of other nutrients when there is a declaration of nutritional or healthy properties including food for infants. Whenever there is an issue regarding nutrition values in food products not considered in resolution 333, Colombia follows the Codex Alimentarius.

Colombia's food labeling law also regulates a label's physical presentation and wording which should avoid comments and illustrations that may induce confusion or error to consumers.

Health claims are specifically forbidden in Article 272 of the basic Law 9 of January 24, 1979. A translation of this short article reads as follows: *"It is forbidden to allude to medical, preventative or healing proprieties or any false specifications about the real nature, origin, composition or quality of food and beverages, on labels or any other publicity"*. Resolution 288 of January 31, 2008 only permits these references when the properties contribute to reduce diseases risks.

Additives Labeling

Colombia established the regulation for additives used in the processing of food for human consumption by Resolution 1506 of May 6, 2011. The Resolution establishes the general labeling requirements for additives used in the processing of food for human consumption and the specific mandatory and optional information to be displayed on labels. The labeling must be written in Spanish although another language may appear. These labels can be stuck on the product during or after the nationalization process in warehouses or storage facilities inspected, surveyed and controlled by the sanitary authorities and the information provided must be according with the original label.

Section III. Packaging and Container Regulations:

Colombia does not have legislation on food packaging and containers. The main concern with respect to food packaging and containers is to preserve the sanitary integrity of the food product by establishing requirements for containers that are in direct contact with the product. The current legislation on food packaging is contained in Decree 3075 of 1997.

Colombia's legislation on municipal waste disposal is contained in Decree 1713 of August 06, 2002; issued by the Ministry of Economic Development and the Ministry of Environment. The decree provides the legislation for solid residues disposal but do not have information regarding product recycling regulation. Decree 1713 currently is being reviewed to introduce modifications about solid waste management and the use of biodegradable packaging.

Section IV. Food Additives Regulations:

The basic piece of legislation on food additives is in Decree 2106 of July 26, 1983 issued by the Ministry of Social Protection. See Colombian decree on INVIMA's website (www.invima.gov.co/normatividad/alimentos/decretos). As in the prevailing decree 2106, the rule of thumb is to accept those food additives accepted by the Codex Alimentarius and FAO/WHO.

Resolution 2606 of July 27, 2009, provides general requirements for food additives and establishes the Food Additives Committee which is in charge to authorize additives for foodstuff. Additives can be used only if it produces benefits for foodstuff, does not represent health risks, maintain nutritional facts, and provides nutritional composition recommended for specific group of consumers (e.g infants). Food additives for groups of Preservatives, acidulates, buffers, pH regulators and antioxidants are authorized by Resolutions 4125, 4126 and 4124 of April 5th, 1991. GOC is working on a positive additive list document. The generic additive names listed below can be used in food followed by the substance specific name and optionally the international identification number:

Flavor enhancer, acid, agglutinating agent, anti-agglutinating agent, anti-compacting agent, anti-foaming agent, anti-oxidizing, aroma agent, bleaching, natural or artificial dye, clarifying agent, natural or artificial sweetener, emulsifier, enzymes, thickener, foaming, stabilizing agent, gasifying agent, gelling agent, moisture agent, anti-moisture agent, volume enhancer, propelling substances, acidity regulators or alkalifiers, emulsifying salts, preservatives, color retaining substances, substances for flour treatment, glossy agent.

When a product is declared as being 100% natural, it cannot contain additives.

Section V. Pesticides and Other Contaminants:

Colombia used to have its own regulations on pesticides and their agricultural applications under the responsibilities of ICA (Colombian Agricultural Institute) which is the sanitary and phyto-sanitary regulatory agency under the Ministry of Agriculture. The rules were dictated by Decree 1843 of 1991 and ICA resolutions. The GOC's established regulations on pesticides are used under the surveillance of the Andean Community of Nations (CAN). These regulations can be found in CAN Decision 436 and the CAN adoption of the Andean Technical Handbook for Registration and Control of Chemical Pesticides for Agricultural Use.

The Government of Colombia, through the Ministry of Social Protection, issued Resolution 2906 on August 22, 2007, establishing national standards for MRL (pesticide Maximum Residue Limits). The long list of admitted pesticides can be found on INVIMA's web site at: www.invima.gov.co : Normatividad/Alimentos/Resoluciones. If for some reason there is no Codex MRL information for a specific product (either imported or domestically produced) or there are serious doubts about its pesticide content, a sample is taken and analyzed by the National Laboratory for Farming Inputs (known by the Spanish acronym LANIA) or the National Laboratory for Livestock Inputs (known by the Spanish acronym LANIP) which are administered by the ICA. The interested party must pay an analysis fee (i.e., producer and/or importer/exporter).

Section VI. Other Regulations and Requirements:

Product Health Registration

All processed retail food items, including products imported in bulk for repackaging for retail use without further processing, must be registered and approved by INVIMA. According to Decree 3075 of 1997, product registration is NOT required for:

- Products that are not subject to any transformation, such as grains, fruits, fresh vegetable, honey, etc.
- Products of animal origin not subject to any transformation process.
- Products used as raw materials by the food industry or HRI sector in food preparation.

A transformed product is defined by the GOC as having been subjected to processing that resulted in a change in its internal structure.

After the submission of all required documentation, product registration by INVIMA takes about three working days. Internet can carry out most of the product registration process. After issuing the product registration, INVIMA analyzes the documents provided by the importer and may request additional information. Product samples may also be taken from the shelf to conduct laboratory tests.

INVIMA registration is valid for 10 years but only for the applicant (exporter or importer) and the manufacturer specified in it. Whenever the U.S. exporter wants to change its Colombian importer, there are two possibilities:

- (a) If the U.S. exporter is the applicant for the INVIMA registration, he must submit an application for registration modification to INVIMA.

(b) If the Colombian importer is the applicant, the U.S. exporter must initiate a new registration process, specifying his new importer(s). Afterwards, he may change his importer(s) whenever he deems is necessary. The U.S. exporter must apply through a legal representative in Colombia.

INVIMA registration is valid only for the specifications (e.g., product description and size) mentioned in the registration. If another presentation of the same product is to be imported, the registering company needs to inform INVIMA in writing of the new product.

INVIMA registration of processed foods requires: (1) fill the registration form (2) Certificate of legal representation; (3) a certificate of free sale stating that the products are approved for human consumption in the United States. This certificate needs to be issued by a U.S. government (state, local or federal) health authority. Although not strictly required, INVIMA registration is facilitated if a description of the manufacturing process and a list of the ingredients is submitted, including any additives, preservatives, and colorings (dyes).

Since Colombia implemented The Hague Convention of October 5, 1961 with Law 455 of August 4, 1998, facilitating import documentation, the above listed documents must carry an “apostille” stamp. The “apostille” stamp is produced by different authorities in each State, i.e. a Notary or a State Secretary or Under Secretary. This procedure replaced the notarization by the Colombian Embassy or a Consulate in the United States and by the Ministry of Foreign Affairs in Bogota. A translator approved by the Ministry of Foreign Affairs must translate these documents into Spanish.

Importer Registration, Import Registration and Import Licensing

Every Colombian importer must be registered with the Ministry of Commerce, Industry and Tourism (MOCIT). U.S. exporters seeking to sell to a Colombian firm should ascertain that the Colombian importer has obtained the legal authority to import agricultural products by completing the Ministry of Commerce, Industry and Tourism (MOCIT) registration process. Once registered, the importer or importing company enjoys the legal right to import any agricultural product. Every importer (company or person) must buy an electronic signature from the Ministry of Finance. All of these procedures can be accomplished by accessing: www.vuce.gov.co. VUCE are the Spanish acronym for “Unique Window for Foreign Trade”.

Sanitary Permit

Products used as raw materials by the food industry or HRI sector in food preparation do not need an INVIMA registration, but they do need a sanitary permit from the Ministry of Agriculture’s Colombian Agricultural Institute (ICA) and comply with the labeling regulations explained above. ICA is responsible for the issuance of import sanitary permits for animal products, vegetables, fruits, grains, pet food, dairy products and agricultural inputs, including seeds and organic food. Genetically modified organisms (GMO’s) for plantings have to be approved by the National Technical Committee (CTN-Bio) in which ICA is a member. The permit details the zoo-sanitary or phyto-sanitary (SPS) import requirements for the specific product. The Colombian importer must first obtain the import permit from ICA, before requesting an import license from the MOCIT. The importer should supply the exporter with the ICA import permit so USDA can compare it to its compliance agreements. USDA then issues a sanitary export certificate referencing the requirements in ICA’s import permit. No shipments should be loaded and transported without the submission of the sanitary permit. Whenever ICA issues new import health requirements, Colombia must notify the WTO and allow a period for comment. Once implemented both FSIS and APHIS place the Colombian sanitary requirements on their respective web pages.

INVIMA has indicated its intention to implement a sanitary certificate for imports of processed food products which contains basically the same information INVIMA provides for exported food products. The certificate requires general information on the importer, product origin and destination, product identification (type of product, units, quantity, and temperature in Celsius, lot number and expiration date). The certificate must be signed by an inspector.

For ICA approval, the product must: (1) come from a USDA inspected facility that is registered at INVIMA (however, ICA maintains the approved list). When facilities are not for meat and dairy processing,(e.g eggs, genetics) requires an ICA facility registration ; (2) be free of disease; (3) be inspected by USDA prior to its shipment and be accompanied by a USDA health export certificate; and (4) be inspected by an ICA veterinarian upon arrival in Colombia. Usually the shipment is inspected at port by both INVIMA and ICA to verify the compliance with the import regulations and sanitary requirements.

Pre-Shipment Certification

Since July 1, 1999, the Colombian Government eliminated prior inspection and certification of imported food products at the

port of origin as part of an effort to facilitate trade.

Import Duties

Colombia reduced import duties on November 5, 2010 regulated via Decree 4114 and 4115.

As part of a concerted effort to stimulate the economy and address the effects of massive flooding, additional reductions were enacted by Decree 492 of May, 2011. The additional reductions affected directly wheat and wheat byproducts.

However, some high-value food product imports, such as fresh/chilled and frozen pork and chicken parts, are subject to the Andean Community's price band and reference price system, which can increase the Colombian import duty. Colombian processed food imports from country members of the Andean Community (Peru, Ecuador, and Bolivia) and Mercosur enter duty-free. This provides a significant cost incentive for local importers to turn to regional suppliers rather than to purchase from the United States. This is particularly true for fresh and processed fruit, wine, and at times for meat.

For those U.S. products subject to the price band system, import duties are calculated based upon the CIF adjusted floor, ceiling, and reference price levels determined by the Andean Board of Directors. The Andean Community establishes annual ceiling and floor prices every April. The Andean Community adjusts the reference prices every two weeks, per prices recorded by indicative markets for each product. The total import duty on reference price is updated and published on the web page of the Andean Community (http://www.comunidadandina.org/comercio/franja_circular.htm).

Value-added Tax (VAT)

The basic piece of legislation dealing with Value-added tax for food is Decree 624 of March 30, 1989; issued by Ministry of Finance. Most imports are subject to the VAT (value-added tax) which is assessed on the CIF value plus import duties. The VAT fluctuates between 10 percent and 16 percent.

Law 111 of 2006 aimed to reform the tax system, modified the VAT for a number of food and agriculture products:

Imports of several agricultural products, including some feed grains, beet & sugar cane, cocoa powder, glucose, cocoa preparations, bakery products, non-filled pastas and cotton fibers are levied a 10 percent VAT.

Exempted from VAT fresh, chilled or frozen meats; fresh, chilled or frozen fish; some milk and skim, fresh cheese, milk preparations for infant use, eggs in shell and eggs for hatching.

VAT for liquors and wine is applied on the customs value plus a 35 percent markup, to a specific levy based on the degree of alcohol.

Section VII. Other Specific Standards:

Food samples: can be sent to Colombia for market testing purposes with a previous notification to INVIMA's Deputy Director for Food and Alcoholic Beverages (invimasal@invima.gov.co). The request to INVIMA must establish the type of food product, purpose for its introduction, producer name and address, expiration date and number of units. The sample commercial value cannot exceed FOB US\$1,000. However, the importer has to get approval by the Ministry of Commerce, Industry and Tourism (MOCIT) through the special foreign trade outlet called VUCE, an acronym for the Unique Window for Foreign Trade (<http://www.vuce.gov.co>). All these procedures have to be done before the samples are shipped. When the samples arrive in Colombia, they have to be nationalized following the procedures of a normal import. Samples shipped via express mail or Post parcel are subject to the Colombian import regulations, especially those related to sanitary certificates.

After a product is registered and imported into Colombia, INVIMA inspectors may take product samples at random from the shelf to conduct laboratory tests.

Enriched Wheat Flour: Resolution 1944 of 1996, states that wheat flour sold in Colombia must be fortified with vitamin B1, vitamin B2, niacin, folic acid and iron, addition of calcium may be an option. The quality of the micronutrient shall comply with the technical specifications of Codex, FCC, and INVIMA.

Micronutrient	Minimum Amount (mg/Kg)	Presentation
Vitamin B1 or Thiamin	6 mg	Thiamine mononitrate
Vitamin B2 or Riboflavin	4 mg	Vitamin B2 Riboflavin
Niacin	55 mg	Niacin Nicotinamide
Folic acid or foliate	1.54 mg	Folic Acid Folic Acid

Iron	44 mg	Ferrous Fumarate Iron, Reduced Iron, Ferrous Sulfate
Calcium (Optional)	1.280 mg	Calcium Carbonate, Monocalcium Phosphate

Section VIII. Copyright and/or Trademark Laws:

Protection of Property Rights. Colombia has been on the Special 301 “Watch List” every year since 1991. Key concerns include lax customs enforcement and the inability to conclude legal cases against traffickers or counterfeiters. Colombia, a WTO member, has ratified legislation to meet its obligations under the Uruguay Round Agreement on Trade-Related Aspects of Intellectual Property Rights. Colombia is a member of the World Intellectual Property Organization (WIPO), the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works, the Treaty on the International Registration of Audiovisual Works, and the 1978 Union for the Protection of New Plant Varieties, and is a signatory to the Patent Cooperation Treaty.

In Colombia, the granting, registration, and administration of intellectual property rights (industrial property and copyright) are carried out by four separate government entities. Colombia currently lacks a unified IPR registration system. The Superintendence of Industry and Commerce (SIC), under the MOCIT, acts as the Colombian patent and trademark office (www.sic.gov.co). The Colombian Agricultural Institute (ICA) is in charge of the issuance of plant variety protection-related and agro-chemical patents. The Ministry of Social Protection is in charge of the issuance of pharmaceutical patents, while the Ministry of Interior is in charge of the issuance of literary copyrights. Each of these entities suffers from significant financial and technical resource constraints. Moreover, the lack of uniformity and consistency in IPR registration and oversight procedures limits the transparency and predictability of the IPR enforcement regime.

Patents and Trademarks. The patent regime in Colombia currently provides a 20-year protection period for patents. Provisions covering protection of trade secrets and new plant varieties have improved Colombia’s compliance with its TRIPS obligations. However, U.S. companies are concerned that the Colombian government does not provide patent protection for new uses of previously known or patented products.

Lately, the industry has reported that there seems to be an issue with patents for LMO (living modified organisms) technologies. Apparently, the Superintendence of Industry and Commerce takes extremely long to grant patents causing the biotechnology industry to slow down on the introduction of new technologies to the country. In addition to the lengthy process, the Colombian law pertaining intellectual property rights, Law 1032 of June 22, 2006, Article 306 for usurpation of intellectual property, is not being fully enforced.

Copyrights. Andean Community Decision 351 on the protection of copyrights has been in effect in Colombia since January 1, 1994. Law 44/1993 and Colombia’s civil code include some provisions for IPR enforcement and have been used to combat infringement and protect rights. Colombia is a member of the Berne and Universal Copyright Conventions, the Buenos Aires and Washington Conventions, the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the Geneva Convention for Phonograms, the WIPO Copyright Treaty, and the WIPO Performances and Phonograms Treaty. Colombia is not a member of the Brussels Convention relating to the Distribution of Program-Carrying Signals Transmitted by Satellite.

Andean Community Decision 351 on the protection of copyrights has been in effect in Colombia since January 1, 1994. Andean Community Decision 351/94 and Colombian Law 44/93 regulate protection of copyrights in this country. Law 44/93 extends computer software protection to 50 years, but does not classify it as a literary work. Colombia belongs to both the Berne and the Universal Copyright Conventions. This decision provides a generally Berne-consistent system. The Colombian Agricultural Institute (ICA) is in charge of the issuance of plant variety protection-related and agro-chemical patents.

Law 44/93 significantly increased penalties for copyright infringement, specifically empowering the Attorney General’s office to combat piracy. Ineffective anti-piracy enforcement in Colombia adversely affects employment, job creation and revenues, both in the United States and Colombia. U.S. companies suffered trade losses due to copyright piracy and intellectual property violations.

Section IX. Import Procedures:

High-Value, Consumer-ready Food Products for Retail Sale

The Ministry of Commerce, Industry and Tourism (MOCIT) has replaced the registration of importers by the electronic application for import licenses. The whole import procedures such as forms to fill out and fee payments can now be carried out by internet by accessing the VUCE website. Vuce is the initials of “Ventanilla Unica de Comercio Exterior” or Unique Window for Foreign Trade (www.vuce.gov.co).

The product must be registered with INVIMA, the National Institute for the Surveillance of Food and Medicines. See section above on Product Health Registration. A sample label may be submitted to help the registration process.

If the food is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients, INVIMA (Ministry of Social Protection) registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

Processed food items for institutional use

Processed products used as raw materials by the food industry or HRI sector in food preparation do not require an INVIMA product registration (decree 3075 of 1997), but they must be labeled as described above and state that they are not for direct consumption.

Beef and Pork, Not-Transformed (Fresh, Chilled or Frozen) HS: 02.01-/02-/03

A transformed product is defined by the GOC as having been subjected to processing that resulted in a change in its internal structure.

The importer applies for an ICA animal health import permit that is issued normally after 48 hours. The import permit lists the sanitary statements that the exporting country’s official sanitary authority must certify for the specific product. No product should be shipped without an export sanitary certificate issued by the exporting country’s sanitary authority with a date after the Colombian import permit was issued by ICA. Detailed information about sanitary requirements can be obtained at (http://www.fsis.usda.gov/regulations/colombia_Requirements/index.asp)

Beef and Pork, Transformed (fresh, chilled or frozen) HS: 02.10-

The current regulation for meat products in Colombia is mandated by Decree 1500 of May 4, 2007 issued by the Ministry of Social Protection. The Chapter IX in the mentioned Decree establishes the import requirements, considering Colombian authorities ICA and INVIMA for issuing the import authorization.

The product must be registered with INVIMA, the National Institute for the Surveillance of Food and Medicines. See previous section on Product Health Registration. Steps to follow by importers are explained above in the section “Importer Registration, Import Registration and Import Licensing”. Before importing the meat product, the importer must fill out an import request through the VUCE. Also it’s necessary to obtain a zoo sanitary certificate issued by ICA and a plant approval and if the plant makes part of the AMS (Export Verification program EV); Colombia through its agencies (ICA and INVIMA) recognizes the plant approval processes realized by FSIS.

If the meat is sold in retail packages, it must be considered labeling and nutritional labeling (see previous section). Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients (if any), INVIMA registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

Import Requirements for Poultry Meat (whole birds), not transformed HS: 02.07-

The current regulation in Colombia is mandated by Decree 1500 of May 4, 2007 issued by the Ministry of Social Protection. The Chapter IX in the mentioned Decree establishes the import requirements, considering Colombian authorities ICA and INVIMA for issuing the import authorization.

An ICA veterinarian inspects the imported poultry meat product upon arrival in Colombia and ensures that the product comes from U.S. inspected production facilities previously registered with INVIMA, is free of disease, has been inspected by USDA prior to its shipment, and is accompanied by a USDA export certificate stating what was required in the ICA’s sanitary import permit. Simultaneously, there is an INVIMA inspector to verify that the imported product meets INVIMA

conditions for a product for human consumption.

If the meat is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients, INVIMA (Ministry of Social Protection) registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

Poultry Parts (fresh, chilled or frozen)

HS: 02.07-13./14./26./27.35./36. and 16.02-31.00.10/32.00.10/39.00.10

The plants exporting these products need to be registered at INVIMA although it is ICA that keeps the list of approved plants. The Colombian sanitary agencies do recognize the U.S. sanitary inspection system for meat products, but they insist to register only those plants listed in the FSIS meat plant inspection list. When registering a meat processing plant, the GOC is requesting the plant location, the products that may be exported from that plant to Colombia and a contact name, usually the sanitary control officer.

Import procedures are explained above.

If the meat is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients, INVIMA registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

Mechanically Deboned Chicken or Pork (HS: 16.02.39-)

The product must be registered with INVIMA, the National Institute for the Surveillance of Food and Medicines, following the indications given above.

Fresh Fruit and Vegetables (HS: 07./08).

The import procedures are explained above under Sanitary Permits issued by ICA. An ICA official will inspect the imported produce upon arrival in Colombia. The ICA official ensures that the product meets the wholesomeness conditions and is free of disease/pest (especially *Cydia pomonella*), has been inspected by USDA prior to its shipment, and is accompanied by a USDA export certificate that complies with the sanitary requirements listed in the import permit.

Processed Fruit and Vegetables (HS: 20).

Processed produce products are assessed a 15 percent import duty. The GOC, however, does not classify frozen vegetables as a processed food and, therefore, no country of origin labeling is required. The import procedures are explained above under Sanitary Permits issued by ICA. An ICA official will inspect the imported produce upon arrival in Colombia.

Milk (HS:0402.10)

In the process to update the legislation on different food sectors, the Government of Colombia issued Decree 616 of February 28, 2006, establishing the technical norms for the conditions to be met by milk for human consumption at production, processing, bottling, transportation, commercialization, imports and exports.

Imported milk used as raw material for the food industry must carry the following labeling information in Spanish:

1. Milk brand and type of milk (whole, skimmed, semi-skimmed)
2. Country of origin
3. Production date and/or production lot number
4. Expiration date (that must be longer than 6 months since the product arrives in the country)
5. Storage recommendations
6. Total and net weight in grams or kilograms

Note: Milk production date and/or production lot number and expiration date must be printed on the original packaging at the country of origin. The use of stickers for production date and/or production lot number and expiration date is forbidden.

Whenever milk is imported in hermetic packages ready to be sold to the public, the product should meet the requirements established by Resolution 5109 of December 29, 2005, and the country of origin and the number of sanitary registration must

be shown in Spanish.

Powdered milk imported in bags or hermetic packages ready to be sold to the public must meet the requirements established by Decree 3075 of 1997. Besides, it's necessary to fulfill labeling requirements for powdered milk set by Decree 1673 of May 13, 2010.

In order to control the entry of imported milk contaminated with radiation, the Ministry of Social Protection will follow the recommendations of the International Atomic Energy Agency (IAEA) under the International Commission on Radiological Protection (ICRP) and the World Health Organization. Imported milk found not apt because of radiation will be re-exported to the country of origin and this cost will be paid by the importer.

The imported powdered milk will follow the import procedures described for any processed food product.

Wine (HS: 22.04)

The Colombian importer must register his company with the local Chamber of Commerce. This grants the legal recognition for the importing company as a subject of protection and taxing.

The product must be registered by either the exporter or the importer with INVIMA, (National Institute for the Surveillance of Food and Medicines). The registration number can cover a type of wines for different presentations as long as they are produced by the same winery and under the same technical process, i.e, burgundy wines in bottles (750 cubic centimeters) or half bottles.

Wine must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, place of production, percentage of alcohol, net contents and a statement indicating that excessive consumption of alcohol is harmful to health. The warning should occupy at least 10 percent of total label. All of this information must be printed on the label prepared by the wine producer/exporter. Imported bottled wine is permitted in containers not exceeding two liters.

Appendix I. Government Regulatory Agency Contacts:

Juan Ricardo Ortega, General Director
Dirección de Impuestos y Aduanas
Nacionales (DIAN).
(Customs and Tax Direction)
Carrera 8 No. 6-64, Piso 6
Bogotá, Colombia
Tel: (57-1) 607-9999/382-1351
Fax: (57-1) 286-5789
E-mail: jortegal@dian.gov.co
Web site: www.dian.gov.co

Cesar Jauregui, Deputy Director
Food and Alcoholic Beverages
INVIMA
Carrera 68D No. 17-21
Bogotá, Colombia
Tel: (57-1) 294-8700 Ext. 3922/3923
Fax: (57-1) 294-8700 Ext. 3845
E-mail: cjauregui@invima.gov.co
Web site: www.invima.gov.co

Myriam Luz Gallego, Director
Deputy Manager for Animal Health
ICA
Carrera 41 No. 17-81
Bogotá, Colombia
Tel: (57-1) 332-3700 ext 1250
Fax: (57-1) 287-2128
E-mail: control.zoosanitario@ica.gov.co
Web site: www.ica.gov.co

Carlos Soto
Deputy Manager for Plant Health
ICA
Carrera 41 No. 17-81
Bogotá, Colombia
Tel: (57-1) 332-3700
Fax: (57-1) 287-2128
E-mail: carlos.soto@ica.gov.co
Web site: www.ica.gov.co

Appendix II. Other Import Specialist Contacts:

Office of Agricultural Affairs

Carolina Lorduy, Executive Director

U.S. Embassy – Bogota
Unit 5119
APO AA 34038
Tel: (57-1) 275-4623/22
Fax: (57-1) 275-4525
E-mail: agbogota@fas.usda.gov

Luz S. Kuratomi, Executive Director
Cámara de Alimentos Balanceados (Feed)
ANDI
Calle 73 No. 8-13, Torre A, Piso 6
Bogota, Colombia
Tel. (57-1) 326-8500 Ext. 2419
Fax (57-1) 347-3196/98
E-mail: lkuratomi@andi.com.co

Cámara Industria Alimentos (Food Industry Chamber)
ANDI
Calle 73 No. 8-13, Torre A, Piso 6
Tel: (57-1) 326-8521/40
Fax: (57-1) 347-3198
E-mail : mlorduy@andi.com.co
Web site : www.andi.com

Jaime Jimenez, Executive Director
Cámara Fedemol (wheat Millers Chamber)
ANDI
Calle 73 No. 8-13, Torre A, Piso 6
Bogota, Colombia
Tel. (57-1) 326-8500 ext 2420
Fax (57-1) 347-3196/98
E-mail: jjimenez@andi.com.co