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Dominican Republic

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

Sections updated: I Food Laws and Government regulatory agency contacts. Appendix V Import Procedures.

Section I. Food Laws:

Overall, the food laws in the Dominican Republic have not restricted trade for U.S. products. There are four government Ministries involved in setting food policy for the country: the Ministry of Health (Secretaría de Estado de Salud Pública y Asistencia Social - SESPAS), the Ministry of Industry and Commerce (Secretaría de Estado de Industria y Comercio -SEI&C), the Ministry of Agriculture (Secretaría de Estado de Agricultura – SEA) and the Ministry of the Environment and Natural Resources (ME&NR). Nonetheless SESPAS plays a leading role within the ministries.

The DR-CAFTA agreement implemented in March 1, 2007 provides the regulatory environment and philosophy to help the country update its public laws, regulations, procedures and administrative rulings of general application respecting any matter covered by the Agreement (CAFTA-DR Layman's Guide, USAID). It is believed that the Agreement will help the country to streamline procedures and update legislation which should facilitate trade for all partners.

The Environment and Food Control Division of Ministry of Public Health (SESPAS) is responsible for implementing the General Health Law 42-01. This is a general food safety law and has limited impact on U.S. food products exports. This law includes that all or imported products must be registered. Product samples shipped via express mail or parcel post are not subject to the registration process although they are subject to sanitary regulations and normal customs procedures.

The specific sections in 42-01 which relate to food products are: Decree 2430 from 1984, Ruling for meats and meat products for Export; Order 528-01, General Ruling for Risk Control of Foods and Drinks in the Dominican Republic; and Order 2332, ruling for Hotels, Bars and Restaurants. Currently, the Ministry is drafting degrees to cover an update on the meat law, a second on poultry and poultry products, good manufacturing practices, and a third one on fish and fish products. The update and the other two new draft laws have been sponsored by a USAID contractor and are currently being submitted to the Congress.

SESPAS requires imported foodstuffs for consumer-ready foods and beverages sector to be registered by domestically established companies. Their regulatory system implementation mechanism is somewhat weak and is in the process of being improved, in order to expedite registration procedure and to have more effective control on the new products being marketed. SEI&C, DIGENOR in their implementation role in food labeling law, is moving along to fully apply their labeling standard (NORDOM 53). Currently the focus has been mainly in registration number of products and the Spanish language component within the labeling requirement.

According to DIGENOR the basic labeling information must be in Spanish. This requirement has created some marketing problems with labeled products from the United States with just an English language label. More and more the multi language label has helped to overcome this requirement. In the meantime, importers and distributors are using self adhesive labels (stick-on labels) in Spanish at additional costs, to meet the Dominican Government labeling requirement when the products from the United States do not arrive with Spanish labels.

The Biodiversity and Wildlife Division from ME&NR and the Ministry of Agriculture (SEA), Food Safety Division play a minor role in rulemaking, although they are part of the "commission" reviewing the scientific aspects as they relate to policy recommendations. The Ministry of Agriculture is responsible for animal and plant health and also has a section for food safety. Most of the challenges experienced by U.S. exporters relate to phytosanitary and zoo sanitary issues.

Section II. Labeling Requirements:

A. General Requirements:

There is a general prepackaged food law which applies to local and imported food products

required prior to retail sale called NORDOM 53. It contains the labeling requirements of the country. U.S. labels in food products can enter the country for relabeling before distribution. The U.S. Labeling Standard meets most of the local ruling except for the language, weight units and registration number. Stick-on labels are acceptable. There are no special labeling requirements for sample-size products or institutional packed product destined for the food service sector. The "best use before date" is required (day, month, year) is required but, month, day year is readily acceptable. This ruling does not pertain to bulk commodities or industrial packaged products.

The SEI&C, Norms and Standards Directorate currently have limited personnel resources to assist the entity in fully implementing the labeling requirements throughout the country. They have focused mainly in working at the primary source of entry (importers and distributors) to supply products with labels in Spanish to their costumers. Importers and distributors are already meeting this requirement to the wholesalers and supermarket chains in major cities. With their resources, DIGENOR inspectors are not focused further down in the distribution chain. With time, they will focus with other aspects of the labeling standard in order to have all product labels of foodstuff for the consumer-ready food and beverage sector meet the standard for both: imported and locally produced. This will be a slow process and it is not anticipated to occur in the near future. The ruling gives the authority to DIGENOR to seize products at the retail level when the products do not meet the requirements, but this action rarely takes place.

- Scope of the labeling law

The office of the Norms and Standards Directorate (DIGENOR) of the Ministry of Industry and Commerce and SESPAS are responsible for regulating this law. The regulation establishes the mandatory requirements for labels of prepackaged individual and boxed foods. The label must contain the following information: name, ingredients' list, net & dry weights (in International Units, such as: kg, ml, etc.), manufacturer name and address (manufacturer, processor, importer, exporter or retailer), industrial and sanitary registration numbers (see Sanitary Registration Procedure in Appendix IV), country of origin, lot number, and instructions for use. The full text of NORDOM 53 is included in Appendix VI. The label must be in SPANISH – stickers or multilingual labels are accepted. Please note U.S. labeling standards have been accepted but the text should be reviewed as it basically follows the *Codex Alimentarius* standard.

English labels have been accepted since the regulation was established about 10 years ago. However, in November 2007, DIGENOR announced strict enforcement of NORDOM 53 where the label must be in Spanish. This label must be applied prior to the point of sale at the retail level. Bulk commodities, cosmetics, tobacco products, wine, and distilled spirits are exempted from the Spanish labeling requirement.

U.S. standards of labeling have not being considered false or misleading in the Dominican Republic. The DR generally shares and accepts the U.S. "Recommended Daily Intake (RDIs)" standards from the United States. Shelf-life requirement have been occasionally questioned in the past by Customs (yogurt's short life), but accepted and shelf life information must be on the label.

B. Requirements Specific to Nutritional Labeling:

The standard U.S. nutritional fact panel is accepted and often used as a valid reference. Ingredients are required but nutritional labeling table is preferred. It is a voluntary regulation, but it is not mandatory. The details, such as saturated fats, fiber content, sodium content,

"light", as the new necessities in health foods, etc., are not considered nor included in the current requirement. The local authorities have informed us that they are considering reviewing the current status and content of the standard for labeling. No tentative date has been set nor programmed for this revision with the Ministries of Health and Industry and Commerce.

The Government, within the Ministry of Public Health (SESPAS) has a Food Control Division and it is responsible for claims at their legal department. These claims could be included as part of the labeling when the product registration takes place. Nonetheless a new Division from the Ministry of Industry and Commerce was recently created to deal with consumer protection issues.

Section III. Packaging and Container Regulations:

There are no special packaging requirements or preferences under the current ruling. As a general rule, packing and container materials must be made of harmless material, free from substances that could affect product safety. Likewise, packages must be manufactured to preserve the product's sanitation and composition throughout its useful life.

Specific container size is not regulated nor controlled by government authorities, the market dictates preferences. Under the current regime, City Hall does not have any municipal waste disposal laws in place, which impact imported products. In addition, there are no restrictions in the use of any type of plastic, such as polyethylene, polypropylene, polyvinyl chloride nor any other type of single or multi component synthetic packing material, although the contamination level of this material in dumps, rivers and oceans is very high.

Section IV. Food Additives Regulations:

The Dominican Food regulation defines a "Food Additive" as any substance that is not consumed normally for nutritional value, nor used as a typical ingredient in food, and does not have any intrinsic nutritional value. The additive's purpose in the product is to reach a state or characteristic that the food does not naturally possess (such as enhanced color, taste, or shelf life). Said additive could be included in the processing of the product or in the treatment of the packaging. Also, if there is something in the manner of transporting or storing the product that changes the chemical integrity of the product, it must be noted. This term does not refer to contaminants or substances added to maintain or improve the nutritional value of the products.

The DR recognizes and accepts as safe the list from the CODEX and U.S. Standards approved food additives and natural aromas for imported foodstuff. If a new additive is to be added to the local additive list, DIGENOR at the corresponding technical committee has public forums, defines a preliminary standard, and develops a norm.

DIGENOR, is engaged in the preparation of two new standards, NORDOM 622: Food Additives and Contaminants which refers to labeling food additives for free sale and, NORDOM 623: Food Additives and Contaminants on natural aromas. These refer to the general requirements and do not include the authorized nor restricted natural aromas used as food ingredients. Therefore tolerance levels for additives or aromas are included (Post has copies of both proposals and are available in Spanish).

Section V. Pesticides and Other Contaminants:

Dominican pesticide regulations are based primarily on U.S. EPA regulations and CODEX, and,

in general, the Dominican Republic accepts US and EU standards. Nonetheless, the Ministry of Agriculture is in charge of regulating pesticide uses and residues in foodstuffs. Every chemical, biological, biochemical, or related substance for agricultural use must be registered at the Ministry of Agriculture. Pesticide registration must be addressed by a Dominican registered firm to: Pesticide Registration Office, Plant Health Department, Ministry of Agriculture in Santo Domingo.

Registration requirements may be waived for products in transit, products used in research, and products used to combat specific phytosanitary problems. The requirements and procedures for registration, importation, exportation, production, storage, distribution, transportation, repackaging, mixing, research, sale and use of these substances are described in the *Technical Regulations* for each type of agricultural input, including pesticides, fertilizers, biological and biochemical substances, and related agricultural substances (see registration procedure in Appendix III).

The following laws, acts and decrees, which are the most important regulations concerning pesticide use. They are contained in Law 311-68, SEA Regulation 322-88, Decree 217-91 with prohibited products, and SEA Resolutions 10-97 and 11-97 as well as the General Health Law 42-01 and its orders. There are also a number of pesticides in a list of "probable restricted pesticide use list" being debated at the Ministry. A list of approved pesticides can be obtained from the Department of Plant Health (for address, see the contact section of this report).

Pesticide uses on agricultural products are contained under the Decree 52-08 on Good Agricultural and Livestock and Manufacturing Practices. This decree is administered by the Animal and Plant Food Safety Department (DIA) at the Ministry of Agriculture. This decree is available upon request.

Section VI. Other Regulations and Requirements:

For most livestock, poultry and dairy products, grains and legumes the Livestock Directorate or Plant Health Department of the Ministry of Agriculture (SEA) issues a zoo-or phytosanitary certificate. This is also called a "non-objection phytosanitary certificate" (See Appendix V).

All companies and imported products are required to register with the Ministry of Industry and Commerce and the Ministry of Public Health. The industrial registration number is required per the labeling law (NORDOM 53). If forms are approved, registration should be completed within 5-20 days.

The Environmental Health Directorate of the Ministry of Public Health, orders that foreign commercial food products in the country must be registered as required by Health Law 42-01 and Order 528-01: Food and Beverage Risk Control Unit. In addition to Certificate of Free sale from the country of origin, the company must have a legal representative to which the certificate will be issued. After all the required documentation is in place and a US\$ 120 fee is paid, a sanitary certificate will be issued within 30-90 days.

The Livestock Department of the Ministry of Agriculture (SEA/DIGEGA) is responsible for promoting the rational use and conservation of natural resources and endangered species. DIGEGA regulates the import and export of endangered species, animals and plants, under the Convention of the International Trade in Endangered Species of Wild Flora and Fauna (CITES).

Section VII. Other Specific Standards:

Weights and Measures

International Units are required. Nonetheless, units and measures used in the Dominican Republic have not been standardized. Weight measures use pounds at the retail level, and quintals (hundred weight – 100 lbs.) are frequently used as a wholesale unit. Metric tons and kilos are used, but short tons (2,000 lbs.) are standard for sugar related use. Volume units, such as gallons (3.8 liters), botellas (one quart), and cuartillos (pint) are often used. At the same time, liters and cubic meters are found frequently. For linear measurements, although the Dominican Republic uses metric system, it uses meters and feet units in construction.

Radiated Foods

Under the general labeling regulation (NORDOM 53), labels of products that have been irradiated must indicate such treatment in a place near the product name. The use of the international sign is optional, but whenever it is used, it must be placed near the product name. When an irradiated product is used as an ingredient, it must be declared in the list of ingredients. Also, when a product is made of only one ingredient and this is prepared with irradiated raw materials, the undergone treatment must be specified on the label.

Novel Foods: Genetically Modified Organisms (GMOs)

GMOs are accepted. Currently, there are no provisions in Dominican laws for genetically modified products, although the Dominican Republic became signatory of the Cartagena Protocol in early 2006. There are no regulations in place regarding Genetically Modified Organisms (GMOs) neither from the Ministry of Environment nor from the Ministry of Public Health.

A draft of the environmental law following CODEX standards is being considered for further discussion.

Section VIII. Copyright and/or Trademark Laws:

Trade names and trademark registration is regulated in the Dominican Republic by Law No. 20 of 2000. This law establishes the requirements for registration, the time limits, and taxes to which the petitioner is subject.

Anyone who wishes to register a trade name or trademark must determine the availability of the name or mark in the desired class with the Ministry of Industry and Commerce. If the name is available, the Ministry will issue a certificate of availability, valid for 30 days, during which the petitioner must apply for the desired registration. The applicant must submit an application letter for registration to the Ministry. It must contain the petitioner's name, profession, address, and nationality. If the petitioner resides in the Dominican Republic, identification card number or passport number is required. If the petitioner is a corporation, this information must be submitted with respect to an official of the company.

When a legal representative submits the request, the information must be given for the legal representative. If the power of attorney was granted abroad, a copy of the power of attorney must accompany the application, duly certified by the authorities (nearest Dominican Consulate).

The application, furthermore, must contain a detailed description of the following: (1) all the

elements that characterize the trademark or trade name being registered; (2) the type of business for which the trademark or trade name will be used; (3) the products, goods or business to which the mark or name will be applied; (4) the period of time for which the petitioner wishes to register the mark or name. For registration of a trademark, the petitioner must indicate the class corresponding to the product, according to the classification prescribed in Law 20-00. This classification does not necessarily conform to the international classification established by the Convention of Trademarks and Trade names.

The petition must be accompanied by four or more samples of facsimiles of the mark or name being registered, together with a detailed explanation of what the mark or name is requested. The petitioner cannot include in one registration application a name or mark that protects different products.

Brand or name may be registered for ten years. Once a trade name or trademark is registered, the petitioner is guaranteed the exclusive right to use the mark or name for the requested period of time. This registration period can be extended or renewed for equal periods. There are cases in which the name or trademark can be contested if improperly registered.

Section IX. Import Procedures:

The importer contacts a Customs Agent or Broker, since according to the General Customs Law, the customs agent is the recommended person authorized by the Customs Department (DGA) to provide customs services. Procedure generally takes 3-5, or up to 20 days. Import-related procedures can be summarized as follows:

- The Custom Agent fills a "merchandise product list" on a form 3480. If more than nine items, an additional form 3480a is added.
- The importer provides the customs agent with the following documents: Commercial invoice, bill of lading or airway bill depending on the transportation means to be used, Certificate of Origin and copy of the importer's identification documents (passport, cédula or legal identification in the case of a business entity) to request Custom Verification.
- Custom Verification: an inspector, a verifier and a supervisor, and the Customs Agent do the actual inspection.
- The customs agent classifies the imported product list and determines the type of no-objection certificate (zoo, phytosanitary, etc.), if any, are required. There is a fee for verifying SEA documentation.
- Once the necessary permits have been processed and inspected, the Customs Agent submits the documentation to the Customs Office for duty payment.
- Payment is made.
- Shipping agents require a DEPOSIT from the Customs Agent paid to Despacho Portuario Hispaniola to assure containers are returned to port within 7 days.
- Port Authority Service Charge for port services. Based on the BL, there is a service charge, which is between RD\$ 700-1200/container.
- Finally, an additional service charge for DGA of US\$ 100/40-foot container or half for a 20-foot container.
- Port Authorities release the product.

Wine import details are specifically described in Appendix VII.

Appendix I. Government Regulatory Agency Contacts:

Industry and Commerce Secretariat,

Industrial Property Office (ONAPI)

Av. Mexico esq. Leopoldo Navarro
Ed. Gubernamental J.P. Duarte, 1er. Piso
Santo Domingo, Dominican Republic
Phone: (809) 567-7474; Fax:809-683-1820
Contact: Lic. Enrique Ramirez, Director
e-mail: b.fabian@onapi.gob.do

Dirección Industria y Comercio Interno

Av. México esq. Leopoldo Navarro
Ed. Gubernamental J.P. Duarte, 7mo. Piso
Santo Domingo, Dominican Republic
Phone: 809-685-5171 x260/255/253 Fax: 809-686-1973
Contact :Lic. Rosy Fondeur, Director
e-mail: Rossy.fondeur@seic.gov.do

Norms and Standards Bureau (DIGENOR)

Edificio Oficinas Gubernamentales, 11th Floor
Avenida Mexico
Santo Domingo, Dominican Republic
Phone: (809) 686-2205/06/07; Fax: (809) 688-3843
Contact: Dr. Julio Santana de León, Director
e-mail: Digenor@codetel.net.do

General Customs Directorate

Av. Abraham Lincoln #1101
Santo Domingo, Dominican Republic
Phone: (809) 547-7070 ext. 2201 and 2204
Fax: (809) 687-3486
Contact: Rafael Camilo, General Director
Web: www.dga.gov.do

Investment and Promotion Center [Centro de Promoción e Inversión (CEI-RD)]

Plaza Independencia,
Santo Domingo, Dominican Republic
Phone: (809) 530-5505 Ext.504; Fax: (809) 530-8208
Contact: Acelis Angeles, Deputy Director
e-mail: Acelis.angeles@cei.gov.do

Secretariat of Agriculture,**Livestock Department** (Dirección General de Ganadería)

Ciudad Ganadera, Ave. George Washington
Santo Domingo, Dominican Republic
Phone: (809) 535-9689, ext. 223,
Fax: (809) 533-5863
Contact: Dr. Octavio de la Maza, Deputy Director
e-mail: Oct_maza@hotmail.com

Animal Health Division, Livestock Department (Sanidad Animal)

Ciudad Ganadera, Avenida George Washington
Santo Domingo, Dominican Republic
Phone: (809) 535-9689, ext. 223; Fax: (809) 533-5863
Contact: Dr. Ramon Quiñones

Plant Health Division (Sanidad Vegetal)

Autopista Duarte Km. 6 ½, Jardines del Norte
Santo Domingo, Dominican Republic
Phone: (809) 547-3888, ext. 3786; Fax: (809) 227-1268
Contact: Luis Garrido, Director

Secretariat of Public Health Secretariat (SESPAS)

Quality Control and Risks for Food and Beverages (Control de Alimentos)
Avenida San Cristobal, esquina Avenida Tiradentes
Santo Domingo, Dominican Republic
Phone: (809) 541-3121, ext. 2204; Fax: (809) 544-2083
Contact: Dr. Salvador Hiciano
e-mail: Salvadorhiciano@yahoo.es

Dominican Sugar Institute (INAZUCAR)

Avenida Jimenez Moya #39
Santo Domingo, Dominican Republic
Phone: (809) 532-5571
Fax: (809) 533-2402
Contact: Faustino Jimenez, Director, Adalgisa Perez, Assistant
e-mail: Padalgisa@hotmail.com

National Commission for Livestock Production (CONAPROPE)

Edificio B, Ciudad Ganadera, Avenida George Washington
Santo Domingo, Dominican Republic
Tel: (809) 535-6866
Fax: (809) 227-1268
Contact: Dr. Rhadamés Silverio, Director

Appendix II. Other Import Specialist Contacts:

Foreign Agricultural Service (FAS), U.S. Embassy

Ave. Pedro Henríquez Ureña #133, 4th floor
Edificio Empresarial Reyna I
Santo Domingo, Dominican Republic
Tel: (809) 227-0112, x275
Fax: (809) 732-9454
E-mail: agsantodomingo@usda.gov
Website: www.usemb.gov.do/fas

For further information, check the FAS web site www.fas.usda.gov or our web site www.usemb.gov.do/FAS. Please, also check other food market related reports for the

Dominican Republic including: the Exporter Guide; Food Processing Ingredients Sector; Retail Food Sector and Hotel, Restaurant and Institutional Sector.

Author Defined:

Appendix III – PESTICIDE REGISTRATION PROCEDURE

In general, the Dominican Republic accepts United States and the European Union Standards for Pesticides and other contaminants regulations. The Dominican Public Health Secretariat is responsible for assuring that the Maximum Residue Levels (MRL) in foodstuff remains at acceptable levels. Nonetheless, due to the limitations at the Secretariat and laboratories that can perform such analysis, the regulatory frame is very weak.

Outside the Ministry of Agriculture, there is very little information on pesticides registration in the Dominican Republic (only 5: Aldrin, Chlordane, Chlordimeform, Dieldrin and Heptachlor are registered in an international database such as PAN Pesticide database). Nonetheless, the Secretary of Agriculture (SEA) is responsible for registration of, manufacturing of, commercial sales of and distribution of pesticides in the country. SEA internal Ruling 322-1988 Regulates the Use and Control of pesticides contained in Law 311, which Regulates the Manufacturing, Packaging, Storing, Importing and Commercial Sales of Pesticides and Similar Products, issued on 22/05/1968. In 1995, the regulation was updated and resolution 4795 was effective regarding the costs of registration.

Commercial and local manufactured pesticides must be registered at Pesticide Registration Unit at the Plant Health Department, Secretary of Agriculture with appropriate documentation. The company registration procedure can move in two directions: as a representative (no warehouse) and as a distributor (warehouse and technical personnel).

A representation company must register for a fee (RD\$ 12,500 or US\$ 348 at an exchange rate of RD\$36/US\$) with an appropriate form (documents include copies of the Company's legal constitutional credentials, Commercial Name registration from the Ministry of Industry and Commerce and the represented Company information and affidavit and its legal representative information [lawyer]) and then register the products individually for a five-year term. This procedure requires 1-6 weeks. After the company's has been registered, each product file has to be deposited for a five-year period for a second fee a product fee of RD\$5,000 or US\$ 139 at an exchange rate of RD\$36/US, and half of this amount thereafter for the renewal of a five-year term. The product registration fee with all the appropriate documentation in place takes 3-6 months to process.

In case of a distribution company for Importing or manufacturing pesticides (documents include copies of the Company's legal constitutional credentials, Commercial Name registration from the Ministry of Industry and Commerce and the represented Company information and affidavit and its legal representative information [lawyer] an information of their technical director), again the company must register first as a pesticides supplier for a fee (US\$ 173). This procedure requires after all the required documentation, 3-6 weeks. After registering the company, each product has to be registered for a five-year period for a second fee (US\$ 139) and half of this amount thereafter for the renewal of a five-year term. The product registration fee with all the appropriate documentation in place takes 3-6 months to process.

All products for registration require laboratory testing. Due to local laboratory facilities limitations, documentation to ensure conformity to import standards and test results is generally sufficient to fulfill the requirements. For product sample shipments, upon company request, Pesticide Registration Unit must issue an import authorization before arrival. This document must be presented at customs before release of the samples.

In principle, the Pesticide Registration Unit should monitor the distribution at the

retail/wholesaler level, but due to infrastructure limitations, the ministry does it on a case-by-case basis.

Appendix IV. SANITARY REGISTRATION PROCEDURE

In order to commercialize food products and raw materials for the food industry in the Dominican Republic, they must be registered at the Food and Beverage Control Department, Environmental Health Directorate, Ministry of Health (SESPAS) (based on the General Health Law 42-01 and its General Rule on Risk Control for Food and Beverages 528-01).

The requirements are as follows:

- Correspondence addressed to the Minister of Public Health containing the following information:
 - Name and address of the established soliciting firm (copy of the company's certificate)
 - Type of product and trade mark (copy of trade mark certificate)
 - Name of the manufacturer
 - Country of origin
 - Product qualitative and quantitative formulation
 - Manufacturing process description for the product
 - Packing characteristics
- Three samples of the product.
- Sample of the label according to NORDOM 53.
- Every manufacturer, producer, packer, distributor or foreign trader must have a legal representative (fully notarized at the Dominican Consulate in the country of origin to whom the sanitary registry certificate will be issued in favor of).
- A certificate of free sale issued by the proper authorities, including sanitary analysis (A fully notarized at the Dominican consulate at the country of origin).
- The above documents must be authenticated by the Dominican Ministry of Foreign Affairs.
- The solicitor must pay the operating costs in order to obtain the sanitary certificate. This includes: inspection, sampling, laboratory analysis, document processing, etc. Cost per product registration is RD\$4,000 (at current exchange rate of RD\$34.5 per US\$ is US\$138) and it should be divided the following way: RD\$2,400 payable to the Ministry of Public Health and RD\$1,600 payable to the Environmental Health Directorate.

Appendix V – Animal and Plant Import Permits (Procedure) and Imports

1) Permits

Animal products: The Livestock Department (DIGEGA), within the Secretary of Agriculture, requires that the importer must request in writing a "non objection zoo certificate" (it would be different for each individual commodity), indicating product quantity and origin of the commodity to be imported. DIGEGA in turn classifies these products in "meats" and/or "dairy" products and charge a fee per category. After obtaining the zoo permit, an additional request must be made to the "Agricultural and Livestock Promotion Committee." This committee is headed by the Secretary of Agriculture who signs and issues this permit prior to the importation of the animal product in question. There is also a fee for this requirement.

The fees for animal products are as follows: zoo permit per category (RD\$2,000 or US\$55.55

[or twice that amount if the two categories are within a permit request] at current exchange of RD\$36/US\$) and an additional RD\$2,000 for the other part of the permit.

Plant products: The Plant Health Department (PHD), within the Secretary of Agriculture, requires that the importer must request in writing a "non objection phyto certificate" (it would be different for each individual commodity), indicating product quantity and origin of the commodity of products to be imported. The PHD charges a fee per request and points out the individual product requirements (ie. Free of specific pests and or any other restrictions that must be met prior to importation. After obtaining the phyto permit, an additional request must be made to the "Agricultural and Livestock Promotion Committee."

This committee is headed by the Secretary of Agriculture who signs and issues this permit prior to the importation of the plant product in question. There is also a fee for this requirement.

The fees for plant products are as follows: phyto permit per request (RD\$2,000 or US\$55.55 at current exchange of RD\$36/US\$) and an additional RD\$2,000 for the other part of the permit.

It is important to note that the non-phyto/zoo permit is inconsistent with the DR-CAFTA agreement. Nonetheless, for DR-CAFTA tariff rate quotas, a different permit is issued at the time of the allocation without charges.

2) Import procedure

After the documents are issued, importers must obtain from their suppliers a USDA certificate (APHIS VS 16-4 veterinary certificate) and it must include all the requirements stated in the "non objection phyto and/or zoo certificate" (it would be different for each individual commodity).

Occasionally the heat treatment statement has been required for new products in addition to the health certificate. If required, the certification can be provided by the manufacturer on company letterhead, and does not need to be certified by USDA.

The DR requires legalization at the DR Consulate of all documents except the Commercial Invoice, Packing List and Bill of Lading.

Appendix VI – Labeling Standard NORDOM 53

The current national standard (NORDOM 53) labeling requirement, which is in place and begun enforced on November 21, 2007, requires Spanish language and must include the following:

1. Food Name

a) The name of the product must indicate its true nature, and usually should be specific, not generic.

When, according to the Codex or to a national norm, there are several names for the same product, at least one of these names must be used.

In other cases, the name prescribed by the National Legislation must be used.

When the above names are not available a common name should be used, as long as it does not deceive the consumer.

In the label, any phrase or sentence needed to clarify the nature of the product, such as kind of covering, presentation of the product or any special treatment (like dehydration, reconstitution or smoked), must be placed close to the name of the product.

2. Ingredients list

In all cases, except when the product has only one ingredient, an ingredient list must appear in the label.

The list must have an appropriate title with the word "ingredient" included.

The ingredient list should be given, in a decreasing order, by the weight of the ingredient, when the food was manufactured.

When an ingredient is a combination of two or more product additives, this ingredient (compound ingredient) can be listed as one, as long as it goes with a list (in parenthesis) of its individual constituents in decreasing order of proportions. When a compound ingredient, which has a name from the Codex or from a national norm, has a 25 percent share (or less) of the total product, its ingredient list does not need to be specified, except for the food additives that have a technological function in the final product.

If water is added, it must be indicated in the list of ingredients, except when the water is part of ingredients, such as broth in a food product, and declared as such in the list of ingredients. It is not necessary to declare water or other volatile ingredients that may evaporate during the production process.

As an alternative to the general dispositions of this section, for dehydrated or condensed foods destined for reconstitution, the ingredients can be listed by order of proportions in the reconstituted product, as long as the list includes a sentence, such as "Product ingredients when prepared following the instructions on the label."

The following generic names for the ingredients that belong to the corresponding classes can be used (see standard).

As an exemption, the following products must be specified by their specific names: pork fat, butter and bovine fat.

When listing food additives belonging to different classes, the following generic names (together with the specific name according to the Codex or to the National Legislation) must be used: Agglutinant(s); Antioxidant(s); Dyes(s); Emulsifier(s); Aroma enhancer(s); Glossy agent(s); Preserving substance(s); Stabilizer(s); Thickener/gel agent(s); Antisparkling(s); Flour treatment agent(s); Artificial sweetener(s); Acidity regulator(s); Propellant(s); Yeast(s); and Emulsifier salt (Only in case of melted cheese and its by-products).

For food additives belonging to the same class, which are listed in the Codex and authorized for use, the following generic names can be used (a new norm is being drafted to include these products (NORDOM 622).

Aroma(s) Chemically modified starch. The "aromas" can be classified as: naturals, similar to naturals, artificial or a mix of them. A new norm is being drafted (NORDOM 623)

Food Preparation, cooperator and food additive transfer. Any food additive that has been used as a part of the ingredients of a compound ingredient or in the product's raw materials, and that has a technological effect in the final product, must be included in the list of ingredients.

The food additives transferred to the food in small quantities, and the elaboration should be completed properly.

3. Net weight and drained weight

The net weight must be in units of the International System.

The net weight must be declared as follows:

- i. Volume, for liquid foods

- ii. Weight, for solid foods
- iii. Weight, for semi-solid and viscous foods

In foods preserved in a liquid environment, in addition to the net weight, the drained weight must also be declared. Liquid environment will be understood as: water, sugar or salty water based solutions, fruit and vegetable juices and vegetables preserved in vinegar.

4. Name and Address

The name and address of the producer, wholesaler, importer, exporter or retailer must be written on the label.

5. Industrial and Sanitary Registration

(See Appendix IV)

6. Country of Origin

The country of origin must be printed on the label. When a product's nature is changed in a second country because of any process change, the second country must be reported as the country of origin.

7. Lot Identification

Each container must have a clear and distinct identification specifying the manufacturing company and a lot number.

8. Date and Preserving Instructions

Unless the Codex, or one individual national norm specifies it, the date declaration should include:

- 1) The "best before" date (minimum duration date) should be used.
- 2) This date must have at least the following:

Month and day for products with a minimum shelf life of less than three months.

Month and year for products with a minimum duration of more than three months. If the month is December use only the year.

- 3) The date declaration must have the words "Best if consumed before...", for cases other than the ones in 2.

- 4) The sentence must be accompanied by:

The date itself.

A reference to the place where the date is printed.

The day, month and year must be numbers not code. The month can be abbreviated using letters in countries where this practice does not confuse the consumers.

As an exception to 4.7.1 (I) the following products will not need the minimum duration date. These are:

Fresh fruits and vegetables, including fresh potatoes (not peeled or cut);

Wine, sparkling wines, fruit wines and sparkling fruit wines; Alcoholic beverages with more than 10 percent of alcohol by volume; Bakery products that must be consumed within 24 hours; Vinegar; Salt (for food); Solid sugar; Candy products; Bubble gum; Specific products, as determined by the Products Committees, national or Codex; Any special instructions in order to preserve the product until that date must be printed on the label.

9. User Instructions

Instructions on how to use the product must be printed on the label (especially if the product needs to be reconstituted).

10. Additional Requirements

a. Quantitative Labeling of the Ingredients

When an important ingredient is printed on the label, the percentage of this ingredient used in the elaboration of the product (wt./wt.) must be indicated. In addition, when the label indicates that a product has a low level of an ingredient, the percentage of this ingredient in the final product must be indicated. Also, it should include the percentage ingredients in the final product.

If the product name refers to an ingredient, this will not indicate (by itself) that the ingredient has special importance. This also applies for ingredients such as aromas (or used in small quantities) on the product label.

b. Exemptions to the Mandatory Labeling Requirements

Except for spices and aromatic herbs, units of product smaller than ten square centimeters (their largest surface) are exempted of the labeling requirements specified by the previous sections.

c. Optional Labeling

The labeling of products can have any desired information, as long as it does not violate the obligatory requisitions of this standard, including the requisitions regarding declaration of properties and fraud, as of Section 3 (General Principles).

d. Quality Designations

When quality designations are used, they must be easily understandable and not deceptive in any way.

The data on the label must be clear, so that consumers will be able to read all the information printed.

When a container is wrapped, the wrapping must have all the required information, or the container's label must be readable through the wrapping.

The food's name and net weight must be placed in a prominent place and at the same level.

All labels must be in Spanish. For cases when the label is not in this language, a complementary label containing the information translated into Spanish must be added.

When a new label (or a complementary label) is added to the container, the obligatory information must reflect the information printed on the original label.