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Prepared By: Karla Tay

Approved By: Rachel Nelson

Report Highlights:

The Ministry of Health issued three updates this year: a) Presidential Decree 53-2022 establishes new fees for services as of March 1, 2022 b) Technical Norm 001-2022 provides regulations for food supplements, and c) Communication dated June 1, 2022 establishes guidance for sampling processed food products in Guatemala as part of the routine surveillance.

DISCLAIMER: This report was prepared by FAS Guatemala, for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in preparing the 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 PRODUCTS IS SUBJECT TO THE IMPORTING COUNTRY´S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

All links to Guatemalan government websites, laws, regulations, and norms will display in Spanish only.

Contents

Executive Summary

Guatemala is part of the Dominican Republic and Central American Free Trade Agreement (CAFTA-DR), which took effect in 2006. Although tariff rate quotas (TRQs) for sensitive agricultural products like white corn, rice, and dairy remain, more than 99 percent of agricultural products are tariff free. The TRQ for rice phases out on January 1, 2023. Guatemala is the 19th largest U.S. agricultural export market. The United States continues to be the largest agricultural products supplier to Guatemala, accounting for 42 percent of the market. Major exports in year 2021 were corn, soybean meal, chicken cuts, soybean oil, wheat, and cotton. U.S. consumer-oriented products have continued to grow and in 2021 the value of these products reported a record high of $637 million.

Since our last report, the Ministry of Health of Guatemala published Presidential Decree 53-2022, which establishes new fees for services as of March 1, 2022. In general fees have not increased significantly for food products, although the registration fee has increased by $30. In addition, Technical Norm 001-2022 provides regulatory and labelling guidance for food supplements intended for populations above three years of age, establishing reference values and guidelines for health claims. Finally, a communication dated June 1, 2022 establishes guidance for the sampling of processed food products in Guatemala as part of routine surveillance procedures, specifying sampling numbers and volumes.

The pandemic and post pandemic years slowed down previous harmonization efforts in the region. Some of the Regional Technical Regulations (RTCAs) continue to be under review, such as the nutritional labeling harmonization with FDA (to include added sugars in the nutritional labeling and the elimination of low caloric polyalcohol in the carbohydrate count), with reference values proposed for saturated fats, added sugars, and sodium. The countries in the region hope to establish a harmonized technical regulation for the general labeling, taking into consideration health concerns related to processed food with high contents of saturated fats, added sugar, and sodium. Yogurt and dairy specifications are also under discussion, with proposed elimination of additives in their formulation. The region is also discussing a harmonized regulation to establish maximum residue limits for pesticides. The review processes for these proposed regulations may take several months or years to reach final consensus in the Central American region.

Section I. Food Laws:

Guatemalan food laws are comprised of a series of laws and presidential and ministerial decrees that establish frameworks and regulations to protect human, animal, and plant health. Generally fresh, refrigerated, or unprocessed frozen food products are under the authority of the Ministry of Agriculture, Livestock, and Food (MAGA). Processed food products are under the authority of the Ministry of Public Health and Social Assistance (MSPAS), except for pet food and treats which fall under MAGA. There are some food products that fall under the authority of both ministries (seeds used as ingredients, flours, and processed food of animal origin). Government Decree 90-97 regulates food safety in Guatemala.

MSPAS´s Division of Registration and Control of Foods (Food Control) is the main authority for processed food products legally imported or manufactured in Guatemala. The Food Control Division, under the authority of Government Decree 969-99, is responsible for upholding food product regulations and norms set by the Ministry of Economy's National Quality System. Under the National Quality System, the Commission of Standards (COGUANOR) is responsible for proposing standards for the food and industrial sectors. Standards issued before 2005 were mandatory, but afterwards COGUANOR standards became voluntary and become mandatory only if MAGA or MSPAS adopts them.

Standards for both local and imported products are the same, except for products sold in public markets and other food service locations, which just require a license of sanitary operation. U.S. exporters do not need to register their facilities with Guatemalan authorities, but the Guatemalan local producer, processor, packer, distributor, or transporter must operate under a sanitary license issued by MAGA if the food product is non-processed. This sanitary license is valid for one year only and its approval and renewal follows an inspection from MAGA.

The Vice Ministry of Animal and Plant Health (VISAR) - formerly known as the Direction of Norms and Regulations - of MAGA is the authority that issues import permits for all fresh food products and feed (in addition to some processed products: flour, seeds used as ingredients, and processed animal food products), including agricultural inputs. VISAR has five Directorates responsible for issuing import permits: Plant Health, Animal Health, Food Safety, Genetic Resources, and Fisheries and Aquaculture. VISAR Import Requirements must be met by U.S. exporters and Guatemalan importers. Food and feed fall entirely under Plant Health, Animal Health, and Food Safety Directorates. The Genetic Resources Directorates is responsible for seed registration and genetically engineered (GE) seeds or plant import permits. The Fisheries and Aquaculture Directorates is responsible only for domestic operations and is rarely involved with imports unless the traded products are on the list of endangered species.

Government Decree 36-98 is the law governing plant and animal health, through the regulation spelled out by Government Decree 745-99. The Plant Health Direction is responsible for verifying that the agricultural products comply with the country's phytosanitary requirements. Please verify that the attestations in the sanitary and phytosanitary certificates comply with the Government of Guatemala's requirements. If the certificate does not reference the relevant pests, it could be considered invalid and the shipment would not receive an import permit, and entry would be denied. Phytosanitary import requirements for new products are subject to a risk analysis process that must be approved by MAGA. This process is presently taking more than six months, and exporters must fill out a specific electronic form that can be requested from the Plant Health Direction at MAGA.

The Food Safety Directorate of MAGA is responsible for verifying that all food products comply with food safety norms and regulations, according to Government Decree 969-99. Government Decree 72-2003 establishes regulations for the production, transportation, importation, and exportation of non-processed food products. The regulation does not provide microbiological criteria, but the Food Safety Directorate abides by Codex or the Food and Drug Administration (FDA) food safety standards.

To receive an import permit from the Government of Guatemala, all imported food of animal or vegetable origin, processed or non-processed, and animal feed must comply with the following requirements:

a) Export Certificate for non-processed and processed meat products under MAGA authority (please refer to the Guatemala GAIN FAIRS Export Certificate Report, with more in-depth detail of the United States government agencies responsible for issuing the export certificates accepted by the Guatemalan government).

b) Certificate of Free Sale (CFS) if it is a processed food product that will be registered, including pet food; the Government of Guatemala accepts federal or state-issued certificates for processed food. For those states that are no longer issuing CFS, a Chamber of Commerce or Chamber of Agriculture's CFS is accepted, but there is a preference for FDA certificates. FDA issues two types of export certificates for food: a) Export Certificate for Foreign Country and b) Certificate of Exportability. The Export Certificate for Foreign Country certifies that the products were manufactured in a processing facility under the FDA inspection and are marketed in and legally exported from the United States. The Certificate of Exportability is issued for products manufactured outside of the United States, not intended for the U.S. domestic market but for foreign markets. For more detailed information of the certificates issued by the Government of Guatemala and accepted by the Guatemalan government, please refer to the Guatemala GAIN FAIRS Export Certificates Report.

c) Commercial invoice

d) Bill of lading

e) Certificate of origin for customs and tariff purposes: CAFTA-DR certification of origin fulfills customs requirements so that preferential tariffs can be applied. Under CAFTA-DR, the Certificate of Origin can be provided by the exporter or the importer. During importation, the certificate can be corrected multiple times if there are mistakes in any of the mandatory fields, including the Harmonized System (HS) classification. Exporters should be sure to include the right HS tariff code, so their partnering importers can access preferential tariffs.

f) Re-Export Certificate if the product is re-exported from the country, but please note that it still requires the original export certificate if it is a live plant or animal, or fresh produce.

Domestic regulations and standards may be superseded by Central American regulations if they have been published. As a result of Central American harmonization efforts, the Central American Secretariat of Economic Integration (SIECA) was established. SIECA is the technical and administrative institution that guides and coordinates the economic integration agenda, in which technical regulations are analyzed and resolved. The Central American Technical Regulations, (RTCAs) issued so far for processed food and beverages are:

- Sanitary Licenses and Product Registration, RTCA67.031:07
- Microbiological criteria, RTCA 67.04.50:17
- General labeling of food, RTCA 67.01.07:10
- Nutritional labeling of food, RTCA 67.01.60:10
- Fermented alcoholic beverages labeling, RTCA 67.01.05:11
- Distilled alcoholic beverages labeling, RTCA 67.01.06:11
- Food Additives, RTCA 67.04.54:10
- Fruit nectars, RTCA 67.04.48:08
- Pasteurized Milk, RTCA 67.04.66:12
- UHT Milk, RTCA 67.04.73:17
- Powder Milk and Powder Cream, RTCA 67.04.76:18
- Creams and Prepared Creams, RTCA 67.04.71:14
- Non-Cured Cheese, RTCA 67.04.72:7
- Cured Cheese, RTCA 67.04.75.17
- Butter, RTCA 67.04.77:20
- Oils and Fats, RTCA 67.04.40:07
- Fortified Wheat Flour, RTCA 67.01.15:07
- Food Enrichment, Decree 44-92
- Salt Iodizing and Fluorination, Presidential Decree 29-2004
- Nutrient fortification for “nixtamalizado” corn flour, Presidential Decree 298-2015, and its reforms, Presidential Decree 147-2017
- Vitamin A sugar fortification, Presidential Decree 021-2000

The RTCAs issued that affect non-processed food and feed, processed feed or agricultural inputs are:

- Pet Food, RTCA 65.05.52:11
- Biological Pesticides, RTCA 65.05.61:11

The RTCAs apply to all Central American countries, though the extent of the implementation and interpretation may vary from country to country.

Section II. Labeling Requirements:

Non processed food is exempt from labeling. Labeling of processed food products is required, and the same rules apply for domestic and imported food products. The RTCA 67.01.07:10 regulates general labeling and is based on the CODEX general rule for food labeling. The rule does not mandate Spanish labeling, and allows for complementary labels in Spanish, which can be stick-on labels, and can be applied by the exporter in the United States or the importer in Guatemala. Central America accepts FDA labeling.

The rule requires that labeling is informative, does not misguide the consumer, and does not present false claims. This rule provides definitions, labeling examples (depending on the size or package form), and complementary labeling information. Spices and herbs (cut in pieces less than 10 cm^2 are exempt), including broths, chewing gums, confectionery, and others individually packaged products small enough, require that the outside packaged is labeled.

For complete Spanish labels, the following information must be provided:

- **Name of the product**: This should be the official name as noted on the CFS.
- **Description of the product**: Should be specific rather than generic and should be based on the RTCA 67.01.07:10 food category if spelled out. Otherwise, it should be based on CODEX food categories and may not necessarily translate exactly as the name in English. On the front label, the type of presentation, condition, or treatment (such as dehydrated, concentrated, reconstituted, smoked, pasteurized, etc.) must be specified. If it is an imitation product, it should be named according to its main ingredients; imitation names are not permitted.
- **Net weight/volume**: Must be declared in metric units: o If liquid, in volume (milliliter or liter) o If solid, in weight (grams or kilograms) o If semisolid, in weight and volume if viscous
  o If solid or semisolid packed in a liquid medium (weight without the liquid)
- **List of ingredients** (including allergens) and additives: The ingredients need to appear from the highest to lowest content. If one of the ingredients shows on the front panel, or if the product is a mix or combination which characterizes the nature of the food, the ingredients must be declared in percentage composition (if such percentage in a mix supersedes the 100% of the composition, its percentage may be declared based on the total net weight or volume).

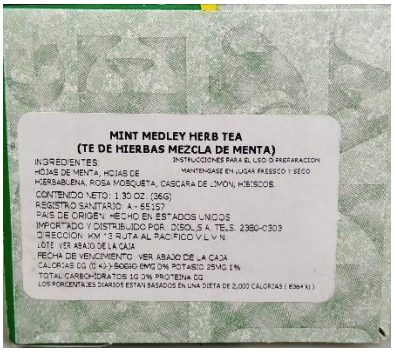
- **Form of preparation**: The label must provide the preparation instructions, including the need for reconstitution or cooking, or "keep refrigerated" or "keep frozen", if applicable.
- **Expiration date**: For less than 3-month expiration, the expiration date must be specified in Spanish format (day/month/year); the day/month can be interchanged if the month appears in letters (or its abbreviation). For expiration dates beyond 3-months, the month and year are enough, and should follow the Spanish format (month/year). Products exempt from expiration date are (please read alcoholic drinks and liqueur specific labeling later in the document):
    - Wine, liqueur wines, sparkling wine, flavored wines, flavored wines, fruit wines, fruit sparkling wine.
    - Alcoholic beverages with 10% or more alcohol per volume
    - Vinegar
    - Food grade salt
    - Solid sugar
    - Confectionery products consisting of flavored or colored sugars
    - Chewing gum
- Registration number (assigned by Food Control of the Ministry of Health of Guatemala)
- Country of origin
- Lot production identification (Lot, Lot Number, Lot date)
- Name and address of the importer or distributor
- **Radiation:** If the product has an irradiated ingredient, it must be spelled out in parenthesis after the listed ingredient. If the product is based on one ingredient only, from an irradiated raw material, it must be indicated in the front panel. The radiation symbol is optional.

Following are examples of complementary Spanish stickers and Spanish or bilingual approved labeling per Central American ruling.

Figure 1. Example of Spanish sticker label on original product

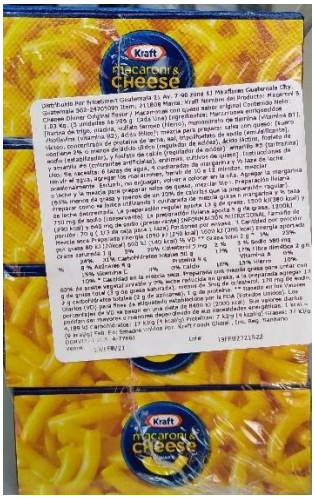
Source: FAS Guatemala

Figure 2. Example of Spanish sticker label on small package (tea box)



Source: FAS Guatemala

Figure 3. Example of a Spanish sticker label on the outside plastic of various packed products

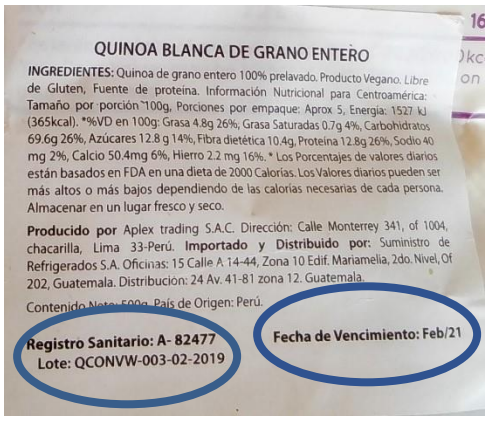


Source: FAS Guatemala

Figure 4. Example of a printed valid English/Spanish expiration date

Source: FAS Guatemala

Figure 5. Example of a Spanish sticker label highlighting the registry, lot information and expiration date



Source: FAS Guatemala

Figure 6. Example of a bilingual English/Spanish approved general and nutritional label

Source: FAS Guatemala

The Central American Technical Rule (RTCA) RTCA 67.01.60:10 regulates nutritional labeling and includes all needed terminology for that purpose, which informs the consumer about the nutritious content of the food product, and may include valid and accepted claims. Claims may include: comparative properties (example: reduced), nutritional properties or descriptors, relative properties according to the nutrient function, relative properties for the content of the nutrient (example: low fat), proven health claims, disease risk reduction, healthy diet declarations, and fortification or enrichment. The nutritional labeling must not misguide the consumer by making false claims or false comparisons with other products. There are several Annexes in the rule, providing labeling examples, nutrient calculation and conversions, as well as accepted claims. Stickers are also allowed for nutritional labeling, including the claims or health claims in the original labeling. FDA nutritional labeling is accepted, but must use the International Metric System (for energy and net volume), and must include:

- Energy value, which must be specified in kilo Jules (KJ) per 100 g or 100 ml or portion if provided; calories are optional
- Total fat
- Saturated fat (needs to be declared only if the content is above 0.5 g/portion; if below 0.5 g/portion, it may show as 0 g or below, and the nutritional table must declare “not a significant source of saturated fat”)
- Carbohydrates
- Protein
- Sodium (needs to be declared only if the content is above 5 mg/portion; if below 5 mg, it may show as 0 mg or below the nutritional table it must declare “not a significant source of sodium”)
- If a claim is made for the type of carbohydrate, the nutritional table must declare sugars and starches
- If a claim is made for the type of fat, the nutritional table must provide content of cholesterol, saturated, and non-saturated (mono- and poli-) fats
- If a claim is made for fiber, the label must declare if it is dietary fiber or soluble or insoluble fiber
- Vitamin and mineral content must be declared according to the international system or in Daily Reference Value (DRV), according to FAO/WHO; if another reference is used, the source must be spelled out (example, DRV based on FDA, 2019).

Declared macronutrients and sodium have a +/- 20% tolerance, and micronutrients need to have at least 80% of the declared content, except in the case of fortified products.

Other Specific Labeling requirement(s)

Milk Labeling

Central America has ruled on the use of milk approved terms under RTCA 67.04.65:12, which corresponds to CODEX Standard Norm 206-199. This RTCA prohibits the use of the word "milk" on products that are not cow or animal milk derived products, except for coconut milk. Other products with labels such as "soy milk", "almond milk", etc., have been prohibited for commercialization in Guatemala under the term "milk". U.S. exporters must label such products as "drinks" or "beverages" on the original packaging. If a milk product has been flavored or colored, it can still be called milk.

Pasteurized milk is governed by RTCA 67.04.66:12, which describes those types of milk that went through a pasteurization process and were exposed to heat within the approved parameters. According to the rule, the milk must have the following composition:

Table 1. Approved composition of milk either pasteurized or UHT

Parameter	Whole	Partly Skimmed	Skimmed
Fat content (%)	≥ 3.0	≥ 0.5 and < 3	< 0.5
Protein (N x 6.38) (%)	≥ 3.0	≥ 3.0	≥ 3.0
Non-fat dry milk extract	≥ 8.2	≥ 8.2	≥ 8.2
Acidity, expressed as lactic acid (%)	≥ 0.13 and ≤ 0.17	≥ 0.13 and ≤ 0.17	≥ 0.13 and ≤ 0.17
Freezing point (°C)	≤ -0.53 ≤ -0,53 °H	≤ -0.53 ≤ -0,53 °H	≤ -0.53 ≤ -0,53 °H

Source: RTCA 67.04.66:12 and RTCA 67.04.73:17

The above table also applies for the UHT process, and according to RTCA 67.04.73:17, specific to UHT, the milk must have been exposed to 135-145° for 2-4 minutes, in the different combinations that ensure the milk is safe for human consumption.

Powdered milk or cream are regulated by RTCA 67.04.76:18. According to this rule, milk, and cream in a powder form must specify it is a dehydrated milk or cream that might be reconstituted to its liquid form. The approved nutrient composition for milk and cream powder presentations is:

Table 2. Powder milk and cream composition

Parameters	Whole Milk **(weight %)**	Partially Skimmed **(weight %)**	Skimmed **(weight %)**	Powder Cream **(weight %)**
Grease	≥ 26 and < 42	≥ 1,5 and < 26	< 1,5	≥ 42
Protein	≥ 34	≥ 34	≥ 34	≥ 34
Moisture	≤ 5	≤ 5	≤ 5	≤ 5

Source: RTCA 67.04.76:18

Creams and Prepared Creams

Creams and prepared creams are governed by RTCA 67.04.71:14, which corresponds with CODEX standard norm 288-1976. According to the rule, creams, and sour cream, to be named creams must have above 10% fat content and be derived exclusively from milk.

Table 3. Milk Fat Content in Crams and Acid Cream

Type of Cream	≥ Fat (% w/w)
Cream or custard	18
Whipped or whipping cream	28
Rich whipped or whipping cream	35
Extra rich whipped or whipping cream	45

Source: RTCA 67.04.71:14

Approved ingredients in cream and custard are: non-fat milk solids (2% max), caseinate (0.1% max), powdered milk serum (1% max), food-safe cultured microorganisms (for fermented or acidified cream), milk-derived products originating from milk or serum (containing at least 35 % w/w of milk protein) which may be used as stabilizers or thickeners if they don´t exceed 2% content, starch and gelatin (only if added for stabilizing purposes). In addition, for the manufacturing of reconstituted or recombined cream, the use of butter, milk fat, powder milk or powder cream, and water are permitted.

Cheese

Products labeled as cheese must be derived exclusively from milk. The term imitation cheese is not allowed, and such products must be named according to their identity. Cheese may be processed, non-cured (fresh), or cured (dry). Non-cured cheese or fresh cheese is regulated by RTCA 67.04.72:17 and is based on CODEX standard norm 221-2001. Non-cured cheese is classified based on the fat content in the dry extract:

Table 4. Non-cured cheese names

Non-matured Cheese Description	Fat content in the dry extract (%)
Extra fat double cream	≥ 60
Fat	≥ 45 and < 60
Partially fat	≥ 25 and < 45
Low fat	≥ 10 y < 25
Skimmed	< 10

Source: RTCA 67.04.72:17

Approved ingredients for non-cured cheese are rennet or coagulant, acid lactic fermented bacteria culture and/or flavor or tasting modifiers, enzymes, water, condiments, spices, herbs, fruits, fresh or processed fruits or vegetables, and natural or artificial smokes, among others.

Cured cheese is regulated under RTCA 67.04.75:17, which does not correspond to another international rule. Cured cheese can be named according to its moisture content without fat (HSMG), which is calculated as the percentage of moisture over the total weight minus the fat. In these cheeses, the same ingredients listed above for the non-cured cheese are also allowed, as well as sodium or calcium chloride.

Table 5. Cured cheese names according to its moisture content without fat

Cured Cheese Name	Mositure percentage without fat HSMG (%)
Extra hard	< 51
Hard	≥ 49 and ≤ 56
Firm / Semifirm	≥ 54 and ≤ 69
Soft	≥ 67

Source: RTCA 67.04.75:17

The new Central American Technical Regulation RTCA 67.04.77:20, establishes specifications for butter. This technical rule is an adoption of Codex Norm CXS 279-1971 and defines butter as a fat product derived exclusively from milk and/or products obtained from milk, mainly in the form of emulsion of water in oil. Its permitted ingredients are food standard salt or other salt, water, fermentation bacteria cultures producing lactic acid or modifiers for flavor or smell, and other ingredients such as condiments or spices, natural or artificial smoke flavor, fruits or other fresh or processed vegetables, among others, that do not affect its food safety. Table 6 shows approved butter composition.

Table 6. Butter composition (expressed in % w/w)

Parameter	Butter
Minimum content of dairy fat	80
Maximum content of milk lean dry extract	2
Maximum content of water	16

Source: RTCA 67.04.77:20

Beer, wine, and other liquors require specific labels too. The RTCA 67.01.05:11 governs fermented alcoholic beverages. The same general labeling of any other food product or beverage applies, including the use of complementary labels if not in Spanish, with the following specifications:

a) The alcohol content must be specified in the International System, on % alcohol/volume or Gay Loussac (G.L.) measure.
b) If the product has more than 10% alcohol content, it does not require an expiration date; expiration date follows the same general labeling rule described at the beginning of Section II of this report.
c) If the product contains less than 10% alcoholic content, an expiration date should appear, especially when it includes other ingredients such as eggs or another perishable.
d) A list of ingredients is required if it has more than one ingredient and must also be listed in descending order of composition.
e) The front panel must have the following health warning “excessive consumption of alcoholic beverages represents a health risk”.
f) It can be considered light if it has 25% reduced energy from the same original product.

Distilled alcoholic beverages are governed by RTCA 67.01.06:11. The same general labeling rules described in the beginning of this Section apply. Complementary labels are permitted if the originals

are not in Spanish, which can be applied either by the U.S. exporter or Guatemalan importer. If aging is declared on the label, it must indicate complete full year aging only. As in fermented alcoholic beverages, an "excessive consumption of alcoholic beverages represents a health risk" claim must be shown on the front panel, and the same rules for listing of ingredients apply, if the product contains more than one ingredient. If the distilled alcoholic beverage has less than 10% alcoholic content, it needs an expiration date.

Fruit nectars and their labeling are regulated by RTCA 67.04.48:08. The minimum content of juice or pulp in fruit nectars is 25% (volume/volume) for all fruits, except for those whose acidity level cannot allow that percentage (minimum acidity allowed is 0.5% of the corresponding organic acid according to the fruit type). Litchi (Litchi chinensis Sonn.) is the only exception to the rule and must have 20% juice or pulp content. Other ingredients approved in fruit nectars are:

a. Sugars: saccharose, glucose, dextrose, and fructose.
b. Syrups: liquid saccharose, inverted sugar syrup, glucose or fructose syrup, high fructose content syrup, honey and/or fruit derived sugars.
c. Essential Nutrients: vitamins and minerals
d. Lime and/or lemon juice may be added up to 5 g/L equivalent anhydrous citric acid.

This RTCA also lists the approved additives that may be used as antioxidants, acid regulators, colors, stabilizers, colorants, and sweeteners; approved adjuvants are also listed. The rule includes a table with quality and microbiological criteria. The general labeling rule applies, with additional specifications:

a. Name: The product must have the name of the nectar accompanied by the name of the fruit or fruits (from major to minor on a weight basis) and if the product includes more than three fruits, it can be called a "mix", but all the fruits have to be listed in the ingredient's declaration.
b. Pasteurized nectars can be labeled as such.
c. The fruit variety may be named in the front panel if the common name accompanies it.
d. The fruit content must be labeled as a percentage (volume/volume) of the fruit.

The specifications and labeling for oil and fats are governed by RTCA 67.04.40:07. The identity of the oil or fat must be in accordance with its fatty acid composition, based on gas chromatography. The different profiles and types of oils and greases are listed in the rule, including the approved spices or condiments and additives. The following ingredients can be added to margarines and emulsified greases:

a. Milk, dairy solids, or mixtures
b. Vitamins (A, D, E, and others)
c. Salt (sodium chloride), potassium chloride for low sodium margarines (or without sodium) or a mix of the salts
d. Sugars

e. Edible proteins
f. Spices and condiments
g. Permitted additives (see rule)

The rule provides for microbiological criteria, coloring and flavors allowed in the oils and fats. Tolerance for heavy metals is 0.1 mg/kg of arsenic and 0.1 mg/kg of lead. For oils or margarines with added ingredients, the name of the secondary ingredient must show in the label (example, olive oil with garlic). If the margarine has 80% fat, it is a margarine; if less than 80% of fat/oil, it can still be called a margarine if the content fat/oil is spelled out. If the margarine has 25% less fat content than its original, it can be called "light". It can be labeled as cholesterol-free if in the nutritional label shows 0% cholesterol (less than 2 mg/portion of at least 14 grams; the same rule applies for trans-fats, if less than 0.5 g/portion of at least 14 grams).

Pet Food

Bulk pet food does not require labeling, and neither do packed pet meat bones or cuttlefish bones. Packed pet food is regulated by RTCA 65.05.52:11. Under this rule, pet food must be registered with MAGA. Presently, there is only one legal importer representative for the registry, which issues approval letters for other importers interested in bringing the product in Guatemala. The legal representative is responsible for registering the product and renovating the registry every 5 years; renewal needs to be done within 3 months of expiration, otherwise, the product will have to be fully registered again. Pet food also requires labeling and Spanish complementary labeling (stickers or adhesives) is accepted if the original is not in Spanish; the mandatory information is:

a. Registry number assigned by the MAGA
b. Product name
c. Physical presentation of the product (flour, pellet, extrude, powder or others)
d. Type of product, species of animal category intended for
e. Net weight of the product (mg, g, or kg)
f. Chemical composition analysis
g. List of ingredients, including carriers or fillers
h. Use directions
i. Precautions, alerts, restrictions, or limitations, which must be marked in bold j. Storage conditions
k. Name, address, telephone, and country of origin; if formulated or manufactured for others, the manufacturer or packager information must be provided
l. Name, address, and telephone of the importer
m. Lot number, production, and expiration date (day/month/year)

The product name must be indicative of its nature, the species or animal for which it was formulated, and its growth stage and ages; the name must not be deceptive. The name must comply with the

following: a) if the product was artificially dried, the term dehydrated must precede the name, b) the name protein cannot be used if the nitrogen content does not come from a protein source, c) the name vitamin can only be used if formulated with a premix or vitamin supplement, d) the name mineral may be used only if the mineral supplement contains trace minerals, and e) the term iodized can be used if the product has at least 0.007% iodine content and it is uniformly distributed.

The guaranteed analysis must be backed up with a laboratory certification, which includes: a) Maximum moisture content, b) Minimum percentage of crude protein or maximum percentage of crude protein equivalent to non-protein nitrogen when added to feed, or if present, c) Minimum percentage of either extract or crude fat, d) Maximum percentage of crude fiber, d) Minimum and maximum percentage of calcium (Ca), f) Minimum percentage of phosphorus (P), g) Minimum and maximum percentage of salt (NaCl) when present, h) Name and minimum concentration of vitamins A, D3, and E in IU/kg and for the rest of the vitamins, use mg/kg of product; the vitamin or mineral guarantee is not required for animal feed used as a supplement or premix, i) Name and minimum concentration of minerals as macro minerals (%) and micro minerals (mg/kg of product).

The total energy must be provided in kilo calories per kilogram of feed (kcal/kg) or mega calories for big species (Mcal/kg); the declared energy must be based on metabolic (avian or pet) or digestible energy (ruminants, swine, or pet). The minerals must not be expressed in their salt form but as the mineral itself. The raw material must not contain brand names and should use the generic or common names. If the raw material is from ruminant origin, the warning label must indicate “not approved for ruminants”. The ingredients must include the additives, drugs, and carriers or fillers used. The drugs must be printed in bold letters and should indicate the active ingredient and its concentration in the product, as well as its purpose. The rule includes a list of pet food categories, and a reference for approved additives and drugs.

Section III. Packaging and Container Requirements:

There are no special requirements for packaging or container size. Bulk-packed food products do not require labeling, unless they are to be sold at the retail level as individual units. Shelf-life requirements specify that the "use-by" date be printed on the package. There have been problems with distributors importing goods with the "use-by" date removed or already expired. The law regarding the "use-by" date is expiration date or best "use-by" date. If stickers will be used as complementary labeling, it is very important that the label does not cover the “use-by” date. U.S. exporters are strongly encouraged not to ship product that will reach its expiration date soon. In addition, there have been situations where products came stamped with the manufactured date, and entry was rejected as MAGA officials at port assumed that the product had expired. If stamping a manufactured date is already part of a company’s procedure, it is best to also add an expiration date to avoid problems.

Packaging Sustainability Measures:

The Ministry of Environment of Guatemala (MARN) issued Presidential Decree 164-2021 on August 9, 2021. The decree governs the integrated management for residues and common solid waste. Though most of the rule affects Guatemalan companies and municipalities, Chapter V promotes sustainable economies; Article 48 establishes progressive reduction of local and imported materials difficult to degrade, unless scientifically demonstrated that there is no viable substitute for such materials. MARN will issue corresponding measures in the first three years of the rule, and producers will have up to a maximum of seven years to comply.

Section IV. Food Additive Regulations:

Food Additives are regulated by RTCA 67.04.54:10, which is a partial adoption of CODEX standard norm 192-1995. This rule provides a positive additive list, which specifies tolerances of approved additives by food category and intended use. The rule provides descriptions of the food products and common manufacturing considerations; common ingredients and adjuvants are exempt from the additives list. Tolerances for additives are presented in a table format. All flavorings approved by the Joint FAO/WHO Expert Committee on Food Additives (JECFA) from Codex Alimentarius are automatically approved for the Central American region, including elimination of additives; in this last case, if CODEX eliminates an additive, that additive is also eliminated in Guatemalan regulations. Flavorings approved also include FDA, FEMA, and the European Union.

Based on CODEX, the additives permitted must comply with the following: a) will maintain the food quality and will not alter it, b) will modify the food composition if the ingredients or additions are intended for consumer groups with special dietary needs, c) will increase the shelf-life, stabilize the food, or improve its organoleptic properties, d) helps with manufacturing, elaboration, preparation, treatment, packaging, transporting or storage, and should not cover defective raw material or non-hygienic practices or non-desirable techniques during any of the operations.

According to good manufacturing practices (GMP), the amount of additive will be limited to the minimum dosage required to obtain the desired effect, the additive added as part of the food during its manufacturing will be reduced to its minimum content, and the additive must be food quality grade and should be handled as a food ingredient. If a food additive serves several functions, with one approved function, it will automatically be approved for the rest of the functions, and only needs to be listed once. Food additives are not allowed in infant food or food intended for infants.

Additives (other than flavorings) approved by the FDA or other regulatory agencies require a lengthy approval process and may delay registration of new products or renewal of registrations prior to the latest update (please see Annex B of the RTCA). Please review the list of the approved additives and request that your Central American importer submit a petition for approval of additives not included in the annex list. The approval of additional additives may take six months since the approval process

follows a harmonized procedure where all Central American countries need to approve the request. To approve additional additives, the interested party must provide Food Control or the importer the following information:

a. CODEX food category or category number
b. Additive denomination
c. International Numbering System (INS) for the additive
d. Maximum dosage allowed in mg or ml per kg or L, or expressed in the GMPs
e. The Code of Federal Regulations (CFR) referenced and its corresponding notes f. Functional class
g. Observations

The petition letter must be addressed to the Central American Commission on Additives (CCAA), and must include:

a. Date and country where the petition is presented
b. Contact information
c. Type of petition (inclusion, exclusion, modification of the maximum dosage of the additive)
d. Codex INS number or CFR reference for FDA approved additives not listed in the RTCA
e. Physicochemical specifications of the additive that indicate its identity and purity
f. Functional class according to CODEX Stand 182-195 or JECFA
g. Reference regulation to modify the maximum dosage
h. Maximum dosage for its use in mg or ml or kg or L or GMP
i. Attached documentation (method of analysis, toxicological evaluations performed by recognized organizations that can demonstrate its food safety such as EFSA, JECFA, FDA (GRAS), reference for its technological function, CODEX food category for which the uses and maximum dosage are approved, and a summary explaining the technological need for which the maximum dosage is required if it is the case.

Section V. Pesticide and Other Contaminants:

The Plant and Animal Health Directorate of VISAR regulates pesticides and veterinary drugs. Guatemala rules MRLs through Ministerial Decree 343-2019, which spells out that local tolerance levels of pesticides in basic grains, fruits, and vegetables will prevail, followed by those established through the Codex Alimentarius, followed by the standards set by the Environmental Protection Agency (EPA) of the United States, and lastly on those set by the European Union (in that hierarchy). So far, there are no Guatemalan standards for tolerance levels of pesticides in food products, but Plant Health/VISAR maintains a list of pesticides that are not permitted in Guatemala; Please consult the list of contacts provided in Appendix A to request the latest list of pesticides not approved in Guatemala.

In general, Guatemala has registration procedures for inorganic, organic, biochemical, botanic, biological controls, and similar types of functional biopesticides. Veterinary Drugs are regulated by Animal Health/VISAR from the Ministry of Agriculture, requiring their registration through RTCA 65.05.51:08.

The RTCA 67.04.50:17 contains rules for maximum residue limits of microbiological contaminants in packed non-processed food and processed food products. The rule provides a table for maximum residue limits of food borne pathogens for registration purposes (for animal derived and high-risk products) and another table for microbiological maximum approved limits for Food Control´s surveillance program under the Ministry of Health. All food is classified into high risk (A category), medium risk (B category), and low risk (C category). In addition, all food is divided into eighteen types of groups, with specific microbiological criteria for each group and specific subgroups. The main food groups are:

1) Milk and Dairy
2) Fats, Oils, and Emulsions
3) Ice and water-based desserts
4) Fruits and Vegetables
5) Confectionery
6) Cereals and derived products
7) Bread, Pastries, and Bakery
8) Meat and Products
9) Fish, seafood, aquaculture, and products
10) Eggs and products
11) Honey
12) Sauces, dressings, and spices
13) Special dietary food
14) Non-alcoholic beverages
15) Snacks, seeds, and nuts
16) Soups, soup creams and dehydrated broths
17) Ready-to-eat food
18) Ready-to-eat desserts

The Food Safety Directorate of VISAR may randomly sample non-processed food imports for surveillance purposes. The food must comply with international standards on food safety, including CODEX or FDA.

Section VI. Other Requirements, Regulations, and Registration Measures:

Sanitary Registration

Guatemalan government authorities do not require pre-inspection or inspection at origin for any food to be exported from the United States. Any facility under U.S. state or federal inspection is eligible to export to Guatemala if the requested certifications are issued. Sanitary licenses of operation and registration are the responsibility of the Guatemalan importer, processor, or distributor.

The Government of Guatemala recognizes poultry and red meat equivalence with the United States since CAFTA-DR implementation in 2006. All federally inspected poultry and red meat slaughterhouses and processing facilities are eligible to export to Guatemala. There is no need to pass an inspection or register facilities. The Food Safety Direction at MAGA maintains an updated list of companies and/or exporting facilities from the United States. Every time a new company or exporting facility sends its products to Guatemala, the list is automatically updated.

For fisheries and related products, NOAA will issue an export certificate for FDA registered establishments (processing facilities or warehouses) or NOAA approved establishments. The list of exporting companies or facilities is populated automatically as imports arrive in Guatemala.

For processed food products, Food Control does not carry facility pre-inspection or inspection in origin. If the facility operates under state or federal authority and can be granted a Certificate of Free Sale, the facilities are eligible. For pet food, the Certificate of Free Sale is good enough as well, and facilities are not required to be inspected by MAGA.

Processed Product Registration

For processed food products, only the Guatemalan importer must register. U.S. exporters do not need to register. The Guatemalan importer, being a processor, packer, or distributor, will also need to register with Food Control. All Guatemalan food processing facilities need to register with Food Control (for a five-year license of operations). All processed food products, domestic or imported, need to go through a product-by-product registration procedure. Therefore, foreign exporters must contact an importer to be able to register their products, unless they are doing the importation through an affiliate based in Guatemala. Product registration is a pre-requisite for any company interested in commercializing processed food products in Guatemala. Different registration numbers will be issued for each independent importer for the same product, unless there is an exclusive contract with the brand representative in Guatemala.

Section VII. Other Specific Standards:

At present, products labeled as "homeopathic", and "prophylactic" or "phyto-therapeutic", which contain excipients, must be registered as drugs. For registration, all products must be tested by the Health National Laboratory (LNS), which is the Ministry of Health's only laboratory. Product samples must be provided at the time of registration. For specific regulations and guidelines on registration of the above mentioned products, please consult the Guatemala Country Commercial Guide, issued by Commerce and updated on a yearly basis. MAGA has no samples regulation; all non-processed or animal-derived product must be accompanied by the official export documents, even if the samples are for registration purposes or for tasting and exhibition.

RTCA 67.01.32:06 regulates import requirements for tasting and exhibition purposes for processed food or packed food products. The rule provides a form for submitting the petition for importing samples to Guatemala and the Central America region. The form requires the name of the product, its brand, the quantity requested, and its origin. In Guatemala, the authorized quantity amount per sample is 20 kilograms, but if larger amounts are required, a cover letter explaining the purpose of such amount must accompany the request. Samples require a "not for sale" disclosure or stamp and cannot be commercialized.

Vitamin-Enrichment Requirements

Fortification in Central America is regulated by the Central American Institute for Nutrition (INCAP) and enforced by the regional Ministries of Health. INCAP is the only institute approved to evaluate and provide recommendations for fortifying food, including approved micronutrients, formulas, and processes. Legislative Decree 44-92 provides the general framework for food enrichment in Guatemala. At present there are three regulations that establish mandatory fortifications:

- Presidential Decree 021-2000: Establishes fortification of sugar with vitamin A; all sugar commercialized in Guatemala needs to be fortified with hydro dispensable retinol with enough stability during the shelf-life of the product so it doesn´t alter the sugar´s organoleptic properties. Fortification levels should average 15 mg ± 5 milligrams of retinol per kilogram of sugar.
- Presidential Decree 29-2004: Mandates the fortification of salt with iodine and fluoride. Imported salt must comply with the fortification requirement of 20-60 mg of iodine per kg of salt. Salt may also be fortified with fluor, within the range of 17 to 225 milligrams per kilogram of salt. The salt needs to be labeled as IODIZED SALT or IODIZED and FLUORIZED salt. If the salt is not intended for direct sale and will be further fortified in Guatemala or is intended for industrial purposes, it can be imported without fortification. In this last case, the Guatemalan importer will provide Food Control with a pre-approval issued letter for import purpose.
- Presidential Decrees 298-2015 and 147-2017: Mandates that all corn flour commercialized in Guatemala, intended for human consumption must go through a process called

"nixtamalization", consisting in the partial pre-cooking of the corn dough in water containing calcium hydroxide. The mix is later dehydrated to be sold as a dough. The "nixtamalized" corn dough should be fortified with the following nutrients: thiamin, niacin, riboflavin, vitamin B12, folic acid, iron, and zinc. The rule provides for fortification levels, pesticide residue limits, and microbiological criteria, with a special emphasis on mycotoxins.

- RTCA 67.01.15:07 regulates fortified wheat flour, providing specifications, approved additives, microbiological criteria, heavy metals limits, and levels of fortification for wheat flour for direct human consumption; fortification must include iron, thiamin, riboflavin, niacin, and folic acid. The rule only applies for soft wheat and not durum. It does not apply to the following wheat:
    - whole wheat or semolina o wheat used for the beer industry or wheat for starch/gluten manufacturing o wheat not intended for the food industry
    - flours in which protein content has been reduced or those which after the milling process have been subject to a special treatment different from drying or bleaching, or has been added other ingredients different from the minerals and micronutrients for enrichment purposes

Dietetic or Special Use Foods; Halal/Kosher; Food Sanitation Laws/Guidelines, Plant-Based Meat and/or Dairy Alternatives:

On August 24, 2022, Guatemala issued Technical Norm 001-2022 for food supplements. The norm entered in effect on September 24, 2022, but manufacturers have eleven months to comply with the new norm, as of June 24, 2023. The norm establishes that food complements are food sources with high concentration of vitamins and minerals, either isolated or combined, which are commercialized as capsules, tablets, powders, or solutions, intended for eventual intake in low quantity and not for daily intake as conventional food. Its intention is to complement vitamins and minerals in the diet, as an oral intake, that does not represent a health risk. The norm differentiates between supplements and complements, being supplements those food sources with high concentration of nutrients, proteins, amino acids, or other nutrients, but not intended for daily intake as conventional food. In addition, supplements must also comply with CODEX CAC/GL 55-205 directives and, for those products not listed under this directive, additional guidance is provided.

According to the new norm, food complements and supplements should be registered following similar guidance for food nutritional labeling and comply with the existing Central American Technical Regulations for registration, additives, microbiological criteria, and dairy standards. In addition, for the registration of the product, the following documents are required: a) Qualitative and quantitative formula, expressed in International System Measures, issued by the manufacturer, b) technical fact sheet containing, at least the name of the product, net content, ingredients' list, expected use of the product,

nutritional characterizes, shelf life, and storage conditions, and c) samples of the same lot and expiration date of those submitted for the registration.

Plant-based meat doesn´t need to comply with a specific standard. On the other hand, dairy alternatives do find significant marketing challenges as no milk or milk related terms can be applied and use of the word "imitation" is also prohibited. Substitutes for dairy must often use complex names that spell out the origin of the product, such as vegetable hydrogenated fat with flavor.

Section VIII. Trademarks, Brand Names, and Intellectual Property Rights:

Guatemalan legislation on Intellectual Property Rights (IPR) is modern and follows multilateral agreements such as the Paris, Berne, and Rome Conventions, and as a member of the World Trade Organization (WTO) has included TRIPS (Trade Related Intellectual Property) provisions. Legislative Decree 57-2000 published in August 2000 and Presidential Decree 89-2002 rule IPR in Guatemala, with its corresponding reforms under Presidential Decrees 95-2014 and 148-2014. Guatemala recognizes trademarks, brand names, patents, origin denomination, and author rights. The IPR Registry, under the Ministry of Economy, is responsible for all registrations. Registration of patents and trademarks is on a first-in-time, first-in-right basis, so it is highly recommended to apply for trademark and patent protection before starting business.

Trademarks and Brand Names: Guatemala IPR provides for 10-year protection for the following services or products' distinctive signs: a) Marks: denominative, figurative, mixed, tridimensional, olfactory, and sound, b) Brand Names, and c) Expressions or Publicity Signs (legends, phrases, or commercial advertisements). The 10-year protection can be renewed.

Geographic Indications (GI) and Origin Denominations (OD): For commercialization purposes, Guatemala protects all geographic expression, image or sign that designates a specific locality that identifies the product as original, after going through a GI or OD verification and registration process. This protection may be used only when the product qualities or characteristics are derived from the locality where it is produced. Protection is provided if no previous commercial use of the product can be demonstrated and the protection cannot be granted for generic names, just specific names.

Patents: Guatemala protects inventions through patents provided to the inventor, either for the invention (20-year protection) or utilization models for the invention (10-year protection).

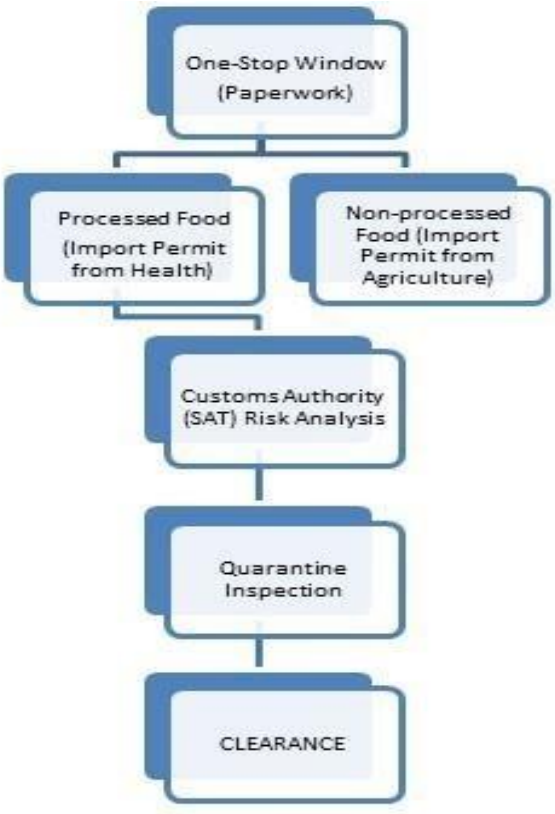
UPOV: Guatemala is member and signatory to UPOV but has failed to approve a related law. Presently, patents for seeds are not readily available, but MAGA is responsible for the registration of seeds and vegetative materials to be commercialized in agriculture. The Seeds' Law of 1961 governs the production, certification, and commercialization of agricultural and forestry seeds. Companies interested in certifying their seeds or vegetative materials must possess a license with MAGA;

vegetative materials are ruled through Ministerial Decree 012-2010, with specific prior testing quarantine requirements for some seeds like tomato. In addition, MAGA provides for genealogical registry of animals.

Section IX. Import Procedures:

1. The procedure will start at the import window of the Ministry of Agriculture, through the electronic platform VISAR on-line. The documents required are the phytosanitary-sanitary certificate or corresponding export certificate, commercial invoice, bill of lading, certificate of free sale, packing list, and certificate of origin (applied for re-export products). To receive an import permit, an application form with the above-mentioned forms must be submitted electronically along with a fee that ranges between US$ 1.25 and US$ 31.00, depending on the type of product. Before the e-platform was launched, import permits took 24 hours, now, it's a matter of 10-20 minutes.

Figure 7. Guatemala's Import Procedures´ Flow



Source: FAS/Guatemala, 2019

Present tariffs applying per import permits are:

- Animal origin products: $6.25
- Canned animal products: $6.25
- Plant origin products: $31.25
- Processed plant products: $1.25

2. For processed foods and all products of animal origin, the import window of the Ministry of Health will require that the application be signed and stamped by Food Control. This is done to verify that the product has a sanitary registration number. If it is a sample to be registered, Food Control will also require a Free Sale Certificate to process the request. These certificates are generally issued by state health or agricultural departments and certify for wholesomeness. Under the new U.S. Food Safety Modernization Act (FSMA), FDA is also issuing these types of certificates. The application and certificates are received in the offices of Food Control (zone 8). Office hours are from 07:30 a.m. to 3:00 p.m. from Monday to Friday. Though Food Control has an on-line platform for registration, importers have reported that resolving troubleshooting issues, when they occur, could delay a registration for up to six months.

3. Food Control and MAGA will authorize the import permit. At the same time, the Customs Authority (SAT) will analyze the Declaration of Import Goods electronically submitted by the importer and will define the risk category of the product according to customs records (importer's history, valuation, origin and applicable taxes, etc.). It is important that all quantities in all the documents match, if not, clearing customs will be a major problem. Do not add boxes to a container once the documentation has been totaled, and always make sure that the totals on the phytosanitary or sanitary certificate equal the exact amount on the invoice. If there is any discrepancy, the container will be held, and clearance will be extremely difficult. This creates a significant problem to the importer, as sometimes samples not listed or notified are included in the shipment, delaying the whole cargo for weeks until a Certificate of Free Sale arrives, or the decision to destroy the undeclared products is made.

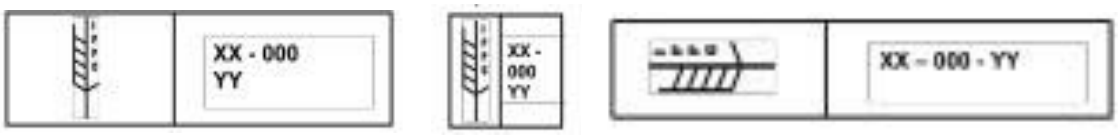
   It is important to note that a tariff-rate quota (TRQ) system still applies for various commodities, with a five to 20-year phase-out period under CAFTA-DR. Please visit the Foreign Commerce Administration Directorate (DACE) at the Ministry of Economy web site for detailed information on TRQ administration in Guatemala.

   After the import certificate has been issued, this document is provided, along with all the above-mentioned documents, to the customs official. The importer then pays duties to SAT. Duty payment is done in the form of a deposit at either of the two banks that are approved, and the deposit slip becomes the proof of payment.

4. Once at port of entry, the product will also be inspected by the Inter-Regional Organization for Plant and Animal Health (OIRSA). This is a regional inspection entity in Central America that has been delegated the responsibility of quarantine actions at customs points of entry by the Ministries of Agriculture of the region. Whether the imported product comes by air, land or sea, inspectors from OIRSA will be on site to perform a visual inspection of the imported products before authorizing release from customs.

   OIRSA might decide to take samples for quarantine pests, especially in the case of raw agricultural products and coarse grains. After the laboratory diagnostic is reported, fumigation might be required. It is recommended to request an "in-transit fumigation certificate", to reduce the chances of OIRSA spraying shipments with methyl bromide. In the case of OIRSA taking samples of the product, and if it is a processed product or fresh produce not intended for planting, please immediately notify the FAS Guatemala office to avoid unnecessary delays for laboratory analysis. OIRSA will also inspect thoroughly for the treated wood pallet symbol (see Figure 8), which is called the International Standard for Phytosanitary Measures # 15 or ISPM-15 rule of the IPPC, intended to avoid spreading of wood pests in international trade. If even one wooden pallet is identified without the ISMP-15 symbol, all the cargo will be unloaded to search for other non-marked pallets and the cold chain might be interrupted. In this last case, shipment will be on hold for additional 3-days, waiting for treatment of the pallets. Some importers take photos of the pallets for verification purposes, in case of questions later, but it is not required.

Figure 8. ISPM 15 symbols for wood treated pallets



Source: ISPM-15

Section X. Trade Facilitation:

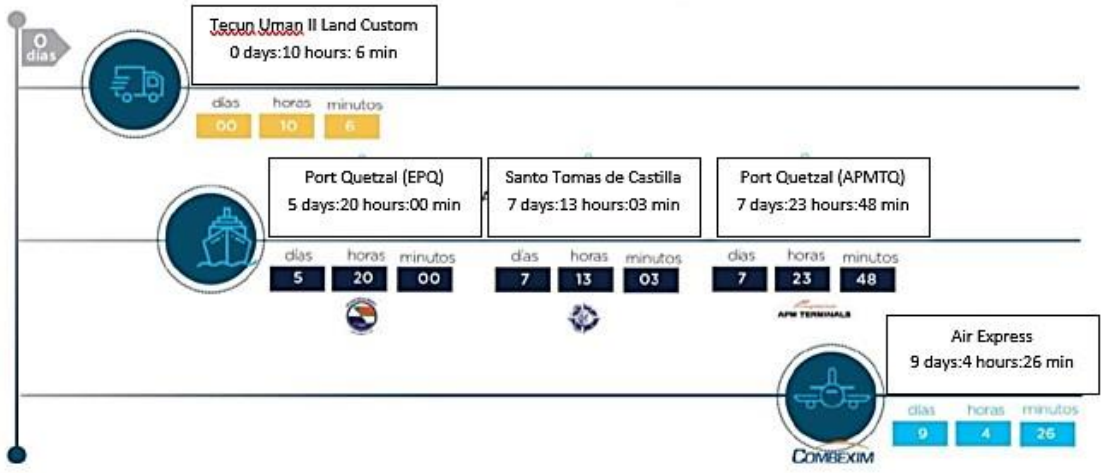
Guatemala approved the World Trade Organization (WTO) Trade Facilitation Agreement (TFA) on February 13, 2017, though Legislative Decree 1-2017. The TFA became effective on March 8, 2017. The agreement allows for developing countries to define a broader timeline for the implementation of the needed actions for the Government of Guatemala to fully comply. Main priorities at this point have focused on: a) information on procedures for imports and exports be available at each government institution responsible for trade b) approval of authorized economic operators (importers, customs agents) to reduce clearance timing, and c) streamlining of procedures. In general, the major advances reported have been in streamlining of procedures (like the implementation of e-phyto certificate

issuance and recognition) and reducing average customs clearance time for imports. Advance rulings are available for products under the CAFTA-DR. The Ministry of Economy is responsible for Country-of- origin advance ruling and SAT is responsible for product classification advance ruling.

Guatemala has four main seaports of entry: Puerto Barrios and Santo Tomas Ports in the Atlantic, and San Jose and Port Quetzal in the Pacific. Santo Tomas Port is the busiest port on the Atlantic side and receives most of the container cargo. Port Quetzal is the preferred port for bulk commodities. The most common delays reported have been for fruits, potatoes, poultry, and meats in general. Import permit fees and OIRSA inspection and treatment fees can be found at MAGA service fees and processed food registration and import permits can be found at Food Control services fees. According to the 2020 Doing Business Report for Guatemala, the total average cost for documentary compliance is roughly $405.

Guatemala was the first Central American country and second in Latin America to publish in January 30, 2020 its Time Release Study (TRS), with the support of the World Customs Organization (WCO). The TRS is a WCO developed tool that measures the time for the clearance and release of goods as a measure of efficiency for border procedures. Based on this study, the release times will depend on the specific customs and port logistics operations. Figure 9 shows the average release times for the most important commercial ports in Guatemala.

Fig. 9. Average release times for imports in the main ports in Guatemala



Source: Guatemala Time Release Study (TRS)

The study details the release times in each port, according to the Customs´ red vs. green light system, reflected in Table 7.

Table 7. Specific release times in main ports in Guatemala

Port	Average	Red Light	%	Green Light	%
Tecún Umán II	0 days:10 hours: 6 min	0 days:23 hours:10 min	14	0 days:10 hours:4 min	86
Santo Tomás	7 days:13 hours:3 min	10 days:5hours:25 min	17	5 days:12 hours:34 min	83
Port Quetzal (EPQ)	5 days:20 hours:0 min	6 days:9 hours:18 min	13	5 days:2 hours:24 min	87
Port Quetzal (APMTQ)	7 days:23 hours:48 min	10 dyas:2 hours:14 min	13	6 days:20 hours:18 min	87
Air Express	9 days:4 hours:26 min	12 days:2 hours:46 min	22	8 days:6 hours:20 min	78

Source: Guatemala Time Release Study (TRS)

The study provides for specific timelines in the dispatch process, including delays specifically related to SAT operations and OIRSA inspections.

The most common delays experienced at the ports, for bulk cargo, have to do with X-Ray and pest diagnostics and fumigation. The port is responsible for the X-Ray process and OIRSA is responsible for quarantine pest inspection. Since there are no experts to carry out diagnostics of quarantine pests at the ports, OIRSA takes samples of intercepted insects that must be sent to Guatemala City for identification. Results may take from one to three days. In addition, if the pest is determined to be quarantine, the cargo must be fumigated, and an additional 48 hours must be allowed before clearing the shipment. Overall, delays due to inspection and quarantine treatment at port may delay final clearance a total of five to seven days.

Another common delay is related to Customs – SAT- questioning the value of the merchandise. Customs has a database of declared value based on importation of identical or similar products and it is not uncommon that the invoice is declared not proof enough of the value of the goods. Whenever a Customs revisor questions the accuracy of declared values, a request for additional information will be issued to the importer. Prior to SAT implementing a more automated reasonable doubt process for valuation concerns, clearing customs could take up to ten days; however now the system ideally allows clearing customs in 48 hours because shipments can be released on bond while valuation issues are investigated.

Appendix I. Government Regulatory Agency Contacts:

Name: Evelyn Meneses
Title: Food Control Chief
Institution: Food Control Unit/Ministry of Health (MSPAS)
Address: Avenida Bolivar, 28-07 zona 8, 5th floor. Guatemala
Telefax: (502) 2294-4027
Email: emeneses@mspas.gob.gt, secretariadrca@mspas.gob.gt
Website: Control de Alimentos, Ministry of Health

Name: Jorge Gomez
Title: Plant Health Director
Institution: VISAR/MAGA
Address: 7 Avenida 3-67 Zona 13, Guatemala City, Guatemala
Telephone: (502) 2413-7389
Email: magec2007@gmail.com
Website: Plant Health, Ministry of Agriculture

Name: Armando Menendez
Title: Pesticides and Agricultural Inputs Specialist
Address: 7 Avenida 3-67 Zona 13, Guatemala City, Guatemala
Telephone: (502) 2413-7435
Email: luismenendez.maga@gmail.com
Website: Plant Health, Ministry of Agriculture

Name: Antonio Ferrate
Title: Food Safety Director
Institution: VISAR/MAGA
Address: 7 Avenida 3-67 Zona 13, Guatemala City, Guatemala
Telephone: (502) 2413-7389
Email: Guatemalacodex@gmail.com
Website: Food Safety, Ministry of Agriculture

Name: Eugenia de Paz
Title: Animal Health Director
Institution: VISAR/MAGA
Address: 7 Avenida 3-67 Zona 13, Guatemala City, Guatemala
Telephone: (502) 2413-7389
Email: eugeniapazdiazvet@gmail.com
Website: Animal Health, Ministry of Agriculture

Name: Dr. Nidia Sandoval
Title: Country Representative OIRSA-SEPA-SITC
Institution: Inter-Regional Organism for Plant and Animal Health/MAGA
Address: 21 Avenida 3-12, Zona 15, Guatemala
Telephone: (502) 2369-5900, Fax: (502) 2334-0646
Email: nsandoval@oirsa.org.gt
Website: OIRSA

Name: Victoria Meza
Title: CAFTA-DR Administrator
Institution: Foreign Commerce Administration Direction/Ministry of Economy
Address: 6 Avenida 10-43 Zona 1, Guatemala
Telephone: (502) 2412-0200
Email: vmeza@mineco.gob.gt
Website DACE, Ministry of Economy

Name: Werner Ovalle
Title: Customs Intendent
Institution: Superintendence of Tax Administration (SAT)/Customs Authority
Address: 7a Av. 3-73, Zona 9, Edificio Torre SAT, Guatemala City
Telephone: (502) 2329-7070
Email: wfovalle@sat.gob.gt
Website: Customs, SAT

Appendix II. Other Import Specialist Technical Contacts:

If you have any questions regarding this report or need assistance exporting to Guatemala, please contact the U.S. Agricultural Affairs Office at the following address.

Office of Agricultural Affairs, U.S. Embassy
Avenida Reforma 7-01 Zona 10
Guatemala, Ciudad 01010
Tel: (502) 2332-4030
Email: AgGuatemala@fas.usda.gov
Web page: https://www.fas.usda.gov/regions/guatemala

Office of Commerce, U.S. Embassy
Avenida Reforma 7-01 Zona 10
Guatemala, Ciudad 01010
Tel: (502) 2326-4227
Email: office.guatemala@trade.gov
Web page: TRADE

American Chamber of Commerce of Guatemala (AMCHAM)
Europlaza Business Center 5a. Avenida 5-55 Tower 1, 5th floor, Office 502
Tel: (502) 2417-0800
E-mail: info@amchamguate.com
Web page: AMCHAM

For specialized private support for registration of products, please contact:

Amabilia Alvarez de Pizzilo
General Manager
FACENDO, S.A.
gerencia@facendosa.com

For further information on exporting U.S. agricultural products to Guatemala and other countries, please visit the Foreign Agriculture Service home page: https://www.fas.usda.gov/data/search.

Attachments:

No Attachments