

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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POLICY

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Aruba

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

"Sections Updated: VIII and Appendix I & II."

Aruba is very receptive to U.S. products. At the present time, Aruba has no food-specific legislation to regulate imported foods. U.S. standards for food and agricultural products are fully accepted. Import licenses are required for select agricultural products. In addition, meat products imported from the United States require a USDA export certificate. Health authorities also require that first-time shipments of perishables be accompanied by a sanitary certificate from the country of origin, after which the requirement is waived as long

as the subsequent shipments are from the same supplier. U.S. exports of agricultural products to Aruba generally clear customs quite quickly and without obstacles.

Section I. Food Laws:

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

Aruba has no food-specific laws. However, the Department of Public Health does have Merchandise Regulations related to food products in the context of protecting public health and setting conditions for fair trade. Article 2 of these Merchandise Regulations, which covers food safety issues in broad strokes, prohibits the preparation, sale, storage, transport, and distribution of food products which are unfit for human consumption.

Entities that receive, store and sell imported products must be registered with the Chamber of Commerce, membership in which is a government regulation. In accordance with the Business Licensing Ordinance, importers must also obtain a permit if they are a legal entity or person born outside Aruba. The National Decree on Import License Commodities requires that importers obtain an import license from the Department of Economic Affairs, Commerce and Industry for the following agricultural products: rice, tea, coffee, milk (powder and liquid), cooking oil, margarine, sugar, corn flour, potatoes, legumes (peas, beans, etc.), vegetables (fresh & preserved), peanut butter, chicken eggs, meat (preserved, salted, dried, etc.), beef, chicken meat, fish (fresh/preserved). The only restriction that exists for imported food products pertains to chicken eggs. However, as domestic supply is insufficient to cover demand this restriction is normally waived. Health authorities require that first-time shipments of perishables (i.e. seafood, produce, etc.) be accompanied by a sanitary certificate from the country of origin, after which the requirement is waived as long as the subsequent shipments are from the same supplier. All imported meats must comply with USDA sanitary regulations. Any meat products from countries other than the United States that can pass USDA inspection are accepted in Aruba. The Aruba Veterinary Service requires a duly signed original USDA meat and poultry export certificate of wholesomeness for every shipment. The Veterinary Service performs random inspections.

Section II. Labeling Requirements:

Aruba has no labeling regulations. U.S. labels as well as labels from any other country are accepted. No additional information is required.

Section III. Packaging and Container Regulations:

Aruba has no regulations on packaging.

Section IV. Food Additives Regulations:

According to the Health Department, the only additive forbidden is bromide. There are no further special requirements or restrictions. Authorities do not use the CODEX list.

Section V. Pesticides and Other Contaminants:

All pesticides must be registered with the Bureau of Pharmaceutical Affairs of the Department of Public Health. However, Aruba has no regulations regarding pesticides and other contaminants in food products.

Section VI. Other Regulations and Requirements:

Products are not required to be registered or laboratory tested. Product samples shipped via express mail or parcel post are subject only to generally applicable import regulations and relevant customs duty. The addressee is responsible for the duty on sample and mail order shipments. Exporters should ensure that the addressee is informed of and agrees to accept the pending shipment to avoid it being returned at the cost of the exporter. Health authorities monitor ports of entry and the retail/wholesale trade for any products deemed to pose a risk to public or animal health. No import certification documents are required.

Section VII. Other Specific Standards:

Processed meat products with past due dates may be confiscated and destroyed by the Veterinary Service. With the cooperation of the importers, other meats which are spoiled or in an unhealthy state are turned over to authorities and destroyed. There are no quarantine laws for live animals. Health certificates from the state government agency of the exporting country must accompany the animals.

Section VIII. Copyright and/or Trademark Laws:

Aruba is a party to international agreements and treaties for the protection of intellectual property, such as the Paris Convention, Nice Agreement, and the Vienna Agreement. Established in 1987, the Bureau of Intellectual Property of Aruba implements the Aruba Trademark Act and is responsible for registering trademarks. Trademark registration is a rather simple procedure and is normally carried out by an agent authorized by the Bureau. Registration is for a 10 year period and is renewable for indeterminate periods of 10 years. Exclusive rights to a trademark can be obtained through first use. However, since first use can be difficult to prove, registration is usually the best way of ensuring exclusive rights to a trademark. The Bureau of Intellectual Property of Aruba is currently developing new legislation which will grant acquisition of exclusive rights of use through registration only. In other words, U.S. suppliers would be required to register their trademarks to ensure exclusive rights. U.S. suppliers interested in registering trademarks may contact the Bureau for further information or to obtain a listing of authorized trademark agents (See Appendix I).

Section IX. Import Procedures:

Customs clearance is normally handled by the importer or receiving agent who must be registered with Chamber of Commerce and the Tax Collector Department in order to do business in Aruba. The Customs

declaration form, which is normally handled by the importer's receiving agent, must always be in Dutch (the official language in Aruba). However, other import documentation, such as the commercial invoice and the bill of lading, may be in English. All import documentation must be presented with the Customs declaration form in order to clear the imported merchandise.

Upon submittal of the Customs declaration and other import documentation, the Customs Office processes the declaration and collects the duty payment. The Customs Office will then schedule an appointment for the clearance to take place at the importer's premises. Before the container is moved, it may be subject to scanning. During the clearance process, Customs officers inspect the shipments on the premises where further documentation is presented.

The length of time for the entire customs clearance procedure can vary widely and it is dependent on a number of factors. Some of the key variables include the number of vessels arriving at port at the same time, and how quickly the containers can be unloaded and transported to the importer. Perishable goods have priority and usually are cleared within one day. Dry goods can normally be cleared within 2-3 days. Customs declaration offices do not work on holidays, after 4:30 p.m. or on weekends. All container regulations are stipulated by the Aruba Stevedoring Company N.V. (ASTECC).

Disputes regarding tariff classification must be directed to the Commissioner of Customs within one month of the declaration. Objections to the decision of the Commissioner of Customs must be directed to the Court of Appeals for Tax Matters.

Appendix I. Government Regulatory Agency Contacts:

FOR IMPORT LICENSING ISSUES, CONTACT:

Department of Economic Affairs, Commerce & Industry
L.G. Smith Boulevard #160
Oranjestad, Aruba
T: 011 (297) 582-1181
F: 011 (297) 583-4494
E-mail: deaci@setarnet.aw

FOR CUSTOMS PROCEDURES AND TARIFFS, CONTACT:

Customs Office
L.G. Smith Boulevard 84-88
Oranjestad, Aruba
Tel: 011 (297) 582-1800, 588-9147
Fax: 011 (297) 583-4367
E-mail: douane@siad.aw

FOR IMPORT REGULATIONS, CONTACT:

Food Inspection & Sanitary Department
Department of Public Health
Dr. Oduberstraat 1
Oranjestad, Aruba
Tel: 011 (297) 522-4270, 582-3073
Fax: 011 (297) 588-4180

Veterinaire Dienst (Veterinary Service)
Barcadera 1
Aruba
Tel: 011 (297) 585-0400
Fax: 011 (297) 585-1828
Email: vetservice@aruba.gov.aw

FOR PESTICIDE REGISTRATION ISSUES, CONTACT:

Bureau of Pharmaceutical Affairs
Department of Public Health
Cumamama #69
Oranjestad, Aruba
T: 011 (297) 526-2160
F: 011 (297) 588-2366

FOR INTELLECTUAL PROPERTY ISSUES, CONTACT:

Trademarks Division
Aruba Bureau of Intellectual Property
Adriaan Lacle Blvd. 3
Oranjestad, Aruba
T: 011 (297) 583-1200
F: 011 (297) 583-8773
E-mail: opi@aruba.gov.aw
Web: www.opi-aruba.org *

* The above website is provided for the reader's convenience; USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in this website.

Appendix II. Other Import Specialist Contacts:

Caribbean Basin Agricultural Trade Office
Foreign Agricultural Service
U.S. Department of Agriculture
909 SE 1st Avenue, Suite 720
Miami, FL 33131
Tel: (305) 536-5300
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