

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Guatemala

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

Approved By:

Henry Schmick, Agricultural Counselor

Prepared By:

Karla Tay, Agricultural Specialist

Report Highlights:

The Food Safety Unit of Ministry of Agriculture is enforcing food safety regulations and as of November 1, 2011, a self Certificate of Attestation has to be issued by U.S. horticultural exporters. Meats and products (including eggs) are still subject to the FSIS-9060 form only. Though U.S. food export products are not required to submit food safety documentation, products are responsible to comply with microbiological, chemical, veterinarian and mycotoxin maximum residues requirements.

Section I. Food Laws:

Guatemalan food laws comprise a series of government and ministerial decrees that establish frameworks and regulations to protect human health. As a rule of thumb, fresh, refrigerated, or frozen food products that have not been processed are under the authority of the Ministry of Agriculture, Livestock, and Food Security (MAGA). Processed food products will be under the authority of the Ministry of Public Health and Social Assistance (MSPAS). There are food products which, eventually, might fall under the authority of both ministries (as example seeds used as ingredients or flours).

Processed Food

The Division of Registration and Control of Medicines and Foods of the Ministry of Health, here after referred to as Food Control, is the main authority for food products legally imported or manufactured in Guatemala. Government Decree # 45-79 established the Health Code in 1979, later published and updated under Government Decree 90-97; Food Control issues the import permit for the great majority of processed products. Chapter Five of the Health Code refers to food products. Food Control, under the authority of Ministerial Decree 969-99 (replaces Decree 132-85), is responsible for upholding food product norms set by the

Guatemalan Ministry of Economy's National Quality System, and governed by Law 78-2005.

Under the National Quality System, administered by Ministry of Economy, three offices operate: The Commission of Standards, COGUANOR, the Guatemalan Office of Accreditation (OGA), and the National Center of Metrology (CEME) (<http://www.mineco.gob.gt/mineco/calidad/direccioneng.htm>).

The COGUANOR office, prior to December 17, 2005, was the sole entity responsible for setting obligatory standards regarding processed food, but after the establishment of the National Quality System, COGUANOR kept the mandate exclusive to voluntary standards. The National Quality System approves standards as of December 17, 2005; prior standards were not modified and still appear as COGUANOR norms. The OGA is responsible for accreditation of laboratories and certifying and inspection organizations, ruled by Presidential Decree 145-2002. Presidential Decree 78-2005 establishes official tariffs for the services provided by the OGA, which is signatory to the "Multilateral Recognition of the Inter American Cooperation for Accreditation" (IAAC) and has been accepted in the "Mutual Agreement of Recognition of the International Accreditation for Laboratories" (ILAC).

There are many specifications, rules, laws and other requirements regulating food products.

Decree 969-99 details various regulations related to food safety. Standards for both local and imported products are exactly the same, except for public markets and other food serving locations that require a sanitary license but no product registration. Any producer, processor, packer, or distributor needs to operate under a sanitary license issued by Food Control. Importers need to be legally registered (with an active sanitary license of operation) and imported products need to be registered as well, both primary as well as end processed food products. Labeling is required and imported food products are marketed in Guatemala with a Spanish-language label, as the food law requires; stickers are allowed. A retailer who violates the food laws as interpreted by Food Control can be fined up to half the value of the previous day's total sales. Furthermore, there have been situations where imports have had difficulty clearing customs when the labels have not been in Spanish.

Product Registration is required for all primary and final processed food products in Guatemala. Food Control is responsible for all registrations. Regulations and registration procedures and requirements can be consulted on-line at: http://portal.mspas.gob.gt/indice_de_alimentos.html. As of 2010, the GOG started requesting registration of primary processed food products, under the same procedure that applies for registration of end processed food products; additives do not need to be registered. The GOG has also set in place a mechanism known as "sanitary inscription for registered products", which allows for an extension option of already existing registries, under different companies. For example, if company 1 registers brand "x" presentation of product, and the registration number 1520-1 is assigned, company 2 can register the same brand "x" under the 1520-2 registration number. This mechanism allows for: a) title of ownership of the registered product, but not over the brand, allowing for different importers/distributors to commercialize the same product (exclusive distribution is left in the hands of commercial interests and not for regulatory purposes), b) title of ownership of the registration and sole responsibility for the registration. For example, if, for any reason registration number 1520-1 has any specific issue (labeling, license status of the importer, food safety or other), only company 1 is affected but not company 2. Besides the title of the ownership component, the "sanitary inscription for registries" also expedites the registration process, especially in the case of animal products, since the extension is granted immediately, given the fact that the first registration number has already passed the laboratory analysis. The registration, in this case 1520, is valid for five years, independent of when the extension was granted, and all extensions of this registration must be renewed every five years.

Food Control issues a sanitary registration number after a laboratory test has been performed on animal products. This registration number is valid for five years and in the case of animal products, takes six weeks to be issued. For the other processed products, it takes approximately 7-10 days to obtain the registration number and laboratory tests will take place within routine surveillance, scheduled annually according to product category. If products do not comply with labeling standards or food safety parameters, importers will be notified as necessary. Non animal products do not require a phyto- or sanitary certificate; a Certificate of Free Sales applies in this case. The Certificate of Free Sales is required for registration purposes only, and can be a federal or state document, or can be issued by a chamber of industry or chamber of commerce. The objective of the Certificate of Free Sales is to verify that the product is fit for human consumption in the country where it is processed. For registration purposes, the sample must come with the following documentation: a) Certificate of Free Sales, b) Bill of Lading, and c) Invoice (with any negligible quantity), specifying it is a sample only.

Samples must be sent prior to attempting an export of primary or end processed food products, in order to obtain a sanitary registration number. Those samples must include the composition of ingredients and the proposed commercialization package, including proposed labeling. The Sample Law outlined in Article 37 of Ministerial Decree 969-99 strictly prohibits the importation of samples except for the sole purpose of registering the product. However, an agreement has been reached with USDA in which samples will be allowed to enter the country without requiring previous registration for the purpose of exhibition, special events and promotion. In order to enter these samples, the importer must provide Food Control a written request accompanied by a Certificate of Free Sale. To avoid problems with samples, it is best not to send more than two samples of 200 grams each, per product, for registration purposes. For exhibitions, special events and market promotions, Food Control will allow the import of 25-50 kilograms per product, tax-free.

In addition to the laboratory analysis done to the product at the time of registration, for animal products, the law requires inspections at the point of entry, wholesale and retail levels for the wholesomeness of the product. Non-processed foods and food additives do not require registration. There is no environmental legislation that affects the importation of food products.

The cost of registration and analysis of a product is about US\$215, independent of its category, and independent of registering it for the first time or requesting an extension of an already existing registration.

The Certificate of Free Sale can include a list of products to be registered, as long as all the products in that list are registered simultaneously. For example, if 20 products are to be registered at the same time, Food Control allows for one original certificate and 19 copies to accompany the rest of the products, since one complete file is kept per registered product.

Microbiological - On July 19, 2009, the Government of Guatemala (GOG) published their Central American Technical Ruling (CATR): 67.04.50:08. This ruling, although being revised, establishes the maximum level of food borne pathogens permitted in processed and unprocessed food agricultural products. The following website has further information: http://portal.mspas.gob.gt/resoluciones_comieco_alimentos.html. Compliance with the microbiological criteria spelled out in the CATR started being enforced on November 19, 2009.

Compliance with the microbiological parameters will be determined during the registration process or during surveillance using laboratory analysis. Most plants in the U.S. already have systems in place to measure microbiological profiles as part of their Hazard and Critical Control Points (HACCP) programs. It is recommended to send the most recent report with the sample that will be used for registration purposes to expedite the process.

Fresh Agricultural and Food Products

The Vice ministry of Agriculture, Norms and Regulations (VISAR) of the Ministry of Agriculture, Livestock and Food Security (MAGA) is the authority that issues the import permit for all fresh food products in addition to some processed ones (flours, seeds used as ingredients, and other exceptions).

Import procedures are readily available on-line at: http://portal.maga.gob.gt/portal/page/portal/uc_unr.

VISAR has six units responsible for issuing import permits: Agricultural Inputs, Veterinarian Inputs, Phyto and Animal Genetics, Plant Health, Animal Health, and Food Safety.

The Agricultural Inputs, Veterinarian Inputs, and Phyto and Animal Genetics are the units responsible for registration of pesticides, veterinary drugs, and seeds or animals.

Government Decree 36-98 is the law governing plant and animal health. The Plant Health Unit is responsible to verify that the agricultural product complies with the country's phytosanitary requirements. Please verify that the attestations in the sanitary and phytosanitary certificates comply with GOG requirements, consulting the "vudi" system, <http://portal.maga.gob.gt/vudi-web/>. If the certificate cannot attest for required pests, it might not be considered valid and the shipment might not receive an import permit or worse, its entry might be forbidden, even if the shipment has arrived in a

Guatemalan port. Please ask the importer to double check if the "vudi" requirements have been updated or are in accordance with hard copies of specific requirements available at the "ventanilla unica".

The Animal Health Unit verifies compliance with animal health quarantine regulations, which do not vary as frequently as the phytosanitary requirements.

Government Decree 90-97 rules food safety, as mentioned earlier. The Food Safety Unit of MAGA is responsible to verify that all food products comply with food safety norms and regulations, according to Ministerial Decree 969-99. Government Decree 72-2003 establishes regulations for the production, transportation, importation and exportation of non processed food products. According to 72-2003 decree, imported non processed food products must comply with the following food safety requirements:

	Food of Animal Origin (Beef, Pork, and Poultry)	Milk	Table Eggs	Seafood and Products	Honey
<i>Shigella</i>					X
<i>Thermolabile Coliforms</i> (fecals)	X	X		X	
<i>Total Coliforms</i>	X		X		X
<i>E. coli</i> (generic)	X	X	X	X	
<i>E coli O157:H7</i>	X				
<i>Salmonella spp.</i>	X	X	X	X	X
<i>Staphylococcus aureus</i>		X	X	Fish	
Aerobic meshophyils count			X		
<i>Listeria monocytogenes</i> (ready to eat products)	X	X		X	
<i>Vibrio cholerae O1</i>					
<i>Vibrio parahaemolyticus</i>				Bivalves	
Saxitoxina				Bivalves	
Pesticides					
Organophosphates	X	X	X	X	X
Organochlorides	X	X	X		X
Piretroids		X	X		X
Antibiotics					
Macrolids	X	X	X		
Amynglucosids		X	X		X

	X							
Penicilins		X	X					
	X							
Phenycols		X	X		X		X	
	X							
Tetracyclins		X	X		X		X	
	X							
Nytrofurans		X			X		X	
	X							
Nytromidazols		X			X			
	X							
Quinolons		X			X			
Hormones	X							
Xenonbiotics	X							
Diethylethylbestrol	X							
Heavy Metals								
Arsenic	X							X
Plum	X	X			X			X
Cadmium	X				X			X
Mercury					X			X
Mycotoxins								X
Other Veterinary Products	X							
Ivermectins	X							
Beta Adrenergic Agonists (raptopamine, clenbuterol)	X							
Flumixin (NSAID)	X							
Nytromidazols							X	
Hystamines								Hystaminep roducers'
Species Verification					x			

Requirement	Fresh				Frozen			
	Crustacean	Fish	Mollusc	Anfibian	Crustacean	Fish	Mollusc	Anfibian
Photocopy of the sanitary certificate issued by the competent authority in the exporting country.	X	X	X	X	X	X	X	X
Photocopy of the molecular analysis for WSSV, IHNV, IMNV, TSV, and YHV diseases	Salty water species				Salty water species			
Photocopy of the molecular analysis for MrNV (White tail disease).	Fresh water species				Fresh water species			

Photocopy of the result for NHP-B analysis	Salty water species				Salty water species			
Photocopy of the certificate disease free of <i>Aphanomyces astaci</i> (river crab pest).	Fresh water species							
Certificate disease free of viral hemorrhagic septicemia and epizootic hematopoietic Necrosis		Salmonids (*)				Salmonids (*)		
Photocopy of the certificate disease free of <i>Herpesvirosis of carpa koi</i> and <i>Viremia primaverale</i> of carpa.		Carpa				Carpa		
Photocopy of the result for analysis of viral hemorrhagic septicemia		Salmonids (*)				Salmonids (*)		
Photocopy of certificate disease free of ecto-parasites (<i>Girodactilosis y Argulosis</i>) or sanitary controls in the farm.		Tilapia/ Carpa/Trouch						
Photocopy of certificate of result for <i>Bonamia Ostreae</i> infection.			Oysters					
Photocopy of the result for analysis for infection by <i>Marteilia refringens</i> .			Oysters and clams					
Photocopy of the result for analysis of the infection by <i>Perkinsus marinus</i> .			Oysters and clams					
Photocopy of the result for analysis for infection by <i>Perkinsus olseni</i> .			Oysters and clams					
Result for the analysis of the infection by <i>Ranavirus</i>				X				x
Result for the analysis of infection by <i>Batrachochytrium dendrobatidis</i> .				X				X

The law is not clear into what parameters must be complied with, since the above tables are purely descriptive and qualitative, though the Food Safety Unit abides by Codex and/or FDA food safety standards.

Under CAFTA-DR the U.S. meat and poultry inspection system was recognized as equivalent by the MAGA, so that FSIS certificate of wholesomeness (FSIS 9060-5) is accepted by the GOG as either a Certificate of Free Sale and/or Sanitary Certificate, according to the specific case of a meat processed product and/or fresh meat product. For meat products (and eggs), being processed or non-processed, MAGA will always issue the import permit and will require the FSIS 9060-5 form only.

As of November 2011, MAGA is requiring that all U.S. horticultural export products are accompanied by a self Certificate of Attestation. FAS negotiated this self certification with MAGA to avoid the need for the exporter to submit a food safety certificate and/or provide laboratory test results to demonstrate compliance with food safety norms. The most important component of the Certificate of Attestation is

that it provides a reference for an applicable Sanitary License Number, either of the Packer or Exporter, which guarantees that the exporter is subject to U.S. laws. Attached, you will find the suggested Certificate of Attestation form.

Paperwork

In order to receive an import permit, all imported foods of animal or vegetable origin, processed or non-processed, must comply with the following requirements:

a) Certificate of Origin for Sanitary Purposes:

- i. Plant health certificate (phytosanitary certificate) issued by APHIS if it is a fresh plant food product;
- ii. Sanitary certificate issued by the Food Safety Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA), if it is meat product, either fresh or processed

b) Certificate of Free Sales if it is a processed food product, either primary or end, which is not a meat product;

d) Commercial invoice;

e) Bill of lading

f) Certificate of Origin for customs and tariff purposes: The Dominican Republican - Central American Free Trade Agreement (CAFTA-DR) certificate of origin fulfills customs requirements so that preferential tariffs can be applied.

g) Re-Export Certificate if the product is re-exported from the country, but please note that it still requires the original sanitary or phytosanitary certificate.

CAFTA-DR CERTIFICATE OF ORIGIN

The CAFTA-DR Certificate of Origin (please read attachment Cert Origin Sample.pdf), or visit http://dace.mineco.gob.gt/mineco/cafta/doctos_cafta/Certificado%20de%20Origen%20DR-CAFTA%20.pdf, must accompany the shipment in order to benefit from its preferences. Both Ministry of Economy (MINECO) and the Superintendence of Tax Administration (SAT) can deny the preferential tariff under any of the following circumstances:

1. Errors and/or mistakes in the Certificate of Origin. If the Certificate of Origin makes reference to other commercial agreements that are not CAFTA-DR (e.g. NAFTA), they will not accept the Certificate of Origin and will not grant the preferential tariff. No scratch-outs or corrections or liquid paper is allowed. Be sure that all the fields in the certificate form are correctly filled in, including date and signature. Please carefully proofread all work before submitting it.
2. Double check that the correct HS tariff code is applied. If the product is mistakenly coded, for

example, if the product has the HS tariff code for refrigerated product instead of frozen, the preferential criteria will be denied.

3. Double check that the correct "preferential criteria" is included in space # 7 of the form. Importers have been denied the preferential tariff for incorrect criteria designation. The preferential criteria corresponds to letters a, b, or c, according to Chapter 4 - Rules of Origin (please read attachment CAFTA-DR rules of origin.pdf). If either the exporter or the importer does not know which criteria apply, Ministry of Economy is willing to review the product description with the importer to establish the criteria that applies.

Please be aware that as of 2012 even though a corrected Certificate of Origin might be presented, the GOG will decide if it is acceptable or not. Therefore, the original document ideally must be error-free to access the preferential tariff. Though this particular issue directly impacts importers only, the extra-tariff makes importers less competitive and for small and medium companies, it might even represent going out of business. Please note that either the importer or exporter can fill in the Certificate of Origin, therefore mistakes can also be part of the U.S. exporter responsibilities, and might require sharing extra costs for a duty that did not need to be paid.

For rules regarding how to fill out correctly the CAFTA-DR Certificate of Origin, please refer to the Directorate of Administration of Foreign Commerce (DACE) of the Ministry of Economy, <http://dace.mineco.gob.gt/portal/paginaOrigen.php>, or read the attachment "Instructivo Cert Origen.xls" (Spanish only). Ultimately, it will be DACE which decides if the Certificate of Origin is valid or not, though SAT will enforce the corresponding duty payment.

Section II. Labeling Requirements:

Labeling requirements are set by COGUANOR's labeling standard #34039. It sets 40 requirements with respect to the appearance of the label, what information should be on the label and stipulates that it must be written in Spanish. However, importers negotiated with COGUANOR and reached an agreement for a stick-on label to be used with the following information written in Spanish:

- Product definition/description
- Name of the product (This should be the official name as noted on the U.S. Certificate of Free Sale)
- Physical characteristics, including ingredients (This has to be a qualitative composition, which was indicated in the back of the registration form). If this information is in English, please translate literally.
- Net weight/volume
- List of ingredients (including allergens) and additives and the percentage of total for each
- Name, address and telephone number of the Guatemalan distributor
- Food Control registration number (D.G.S.S.-D.R.C.A. _____-Sanitary license obtained at a Center of Sanitation); the original license has to be presented. Approximate cost for each product: Q. 1,650.00 (Q=quetzal, the national currency).
- Country of origin
- Lot production identification
- Expiration date
- If applicable "Keep Frozen" or "Form of Preparation"

- Nombre del Producto: Puré para bebés; postre, sabor chocolate
- Ingredientes: Harina de trigo, leche entera reconstruida, azúcar, vitaminas, colorantes naturales, cocoa.
- 12 oz. Netas

Distribuidor: Importaciones Guatemala, S.A.

Dirección: Avenida Las Estrellas, 0-01, Zona 24, Guatemala, Ciudad

Teléfono: (502) 555-1212 y (502) 555-2121

D.G.S.S.-D.R.C.A. 123-456-789

Fecha de vencimiento: 31-02-02

Section III. Packaging and Container Regulations:

Imported sample-size products, under current law, must comply with existing labeling laws. Bulk-packed food products do not require labeling, unless they are to be sold at the retail level as individual units. Nutritional labeling in Guatemala is not required, but the Food and Drug Administration's (FDA) mandatory and voluntary labeling is accepted, as long as the Spanish label includes Guatemala's mandatory information. The special 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. U.S. exporters are strongly encouraged not to ship product with a nearby expiration date. This problem has led to poor relationships for more than one U.S. company. In addition, there have been situations where products came stamped with the manufactured date, and entry was rejected as the customs agent assumed 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.

The expiration date must be declared, at least, with date and month for products with less than three months of shelf life and month and year for products with more than three months of shelf life. Dates are to be expressed numerically, except for the month that which can be also expressed with letters.

Section IV. Food Additives Regulations:

COGUANOR maintains a list of additives that are permitted for use in food products. The Codex Alimentarius food additives list was used in creating the Guatemalan regulation. However, all new additives accepted by the Codex are not automatically accepted by COGUANOR. COGUANOR requires a vote by the Executive Advisory Committee to add a new additive to the list. This process takes approximately six months, but it is extremely rare to have an ingredient that is permitted in Codex Alimentarius not be accepted by COGUANOR.

Under the Central America Customs Union, the new rule of additives was finally published in 2011, http://members.wto.org/crnattachments/2011/sps/CRI/11_0381_00_s.pdf. This new rule basically allows for upper levels of approved additives and extends to a wide range of products, according to category. The Food Control Unit is open to review labels with producers and importers and verify that

their products comply with the new regulation. Since 2010, Food Control had officially announced the permitted use of benzoic and ascorbic acid as preservatives, which were not previously included in the list of allowed additives, but that have already been defined in the new additive rule.

Section V. Pesticides and Other Contaminants:

The Agricultural Inputs Unit of MAGA regulates pesticides. This unit was established by the new Ministerial Decree of 2011, which, under the authority of Ministerial decree 377-90, regulates all agriculturally related chemical use. There are no Guatemalan standards for tolerance levels of pesticides in food products. The Government of Guatemala uses the tolerance-level standards developed by Codex Alimentarius. Plant Health maintains a list of pesticides that are not permitted in Guatemala. This list is based on standards set by the Environmental Protection Agency (EPA), Codex Alimentarius and the Food and Agriculture Organization (FAO), among others. All pesticides must be registered with Plant Health.

Section VI. Other Regulations and Requirements:

All packaged food products that are sold at the retail level need to be registered at Food Control. The requirements to register food products are as follows:

- Application for registration of food products
- Certificate of Free Sale
- Receipt of payment for laboratory analysis (US\$ 215.00)
- Provision of the applicable amount of samples
- Example of label design as it will appear on the product
- Translation of documents by an attorney's translator
- Product registration by the owner

There are a number of regulations for special food groups. Decree 66-83 regulates the commercialization of substitutes for maternal milk. Beer, wine and other liquors do not need a registration number. Products labeled as “diet” must be registered as medicinal products. All products that apply for registration must be tested by the Health National Laboratory (LNS), which is the Ministry of Health’s only laboratory. Product samples must be provided at time of registration. On its website, http://portal.mspas.gob.gt/indice_de_alimentos.html, Food Control provides a list of the microbiological parameters which are tested for each product during registration and later on, during official site inspection.

Section VII. Other Specific Standards:

The Ministry of Agriculture requires that all food products of either plant or animal origin obtain an import certificate, as provided in Government Decrees # 34-84 and 479-84. Decree 34-84, mandates that local manufacturing facilities of products of animal origin must be inspected by Ministry officials at the expense of the importer prior to issuance of a sanitary import certificate. According to MAGA, further visits will be required if a situation arises that represents an increased health risk, such as a disease outbreak.

The requirements to obtain a sanitary import certificate from the Technical Director of Sanitary Inspection and Control of Food Products are as follows:

- Completion of an application for a Sanitary Import Certificate, one application per product
- Copy of the Articles of Incorporation
- Certification of Registration of Incorporation
- Appointment of legal representative
- Copy of Commercial License
- Sales tax collection permit
- Import and Export License from the Bank of Guatemala
- Appointment of a veterinarian as “Regente” and a note from this veterinarian accepting the position. This is a veterinarian who is on private contract to oversee food safety for this firm. The closest professional in the U.S. would be a Resident Veterinarian Inspector. The veterinarian will be required to sign all import requests and is legally liable for any illnesses that are caused by these products.
- Determination that the place of origin of product meets sanitary conditions by making an official visit. This does not apply to U.S. product.

Prior to the first importation, Ministry of Agriculture officials will inspect the warehouse where the imported product is to be stored at the importer’s expense.

Section VIII. Copyright and/or Trademark Laws:

Guatemalan law includes the Intellectual Property Bill, which specifies that the brand or trademark must be registered in Guatemala. Trademarks and brand names should be registered at the Industrial Property Registry (“Registro de la Propiedad Industrial”) at the Ministry of Economy. The law protects known brands, so if they are already registered elsewhere, the parent company is given priority to register it in Guatemala. However, the law is not retroactive, so the person that registered it owns any brand registered prior to October 2000. All product registrations can be contested in the Guatemalan court system; however, this process can be time consuming and costly. Guatemala, as a member of the World Trade Organization (WTO), has accepted the new Trade-Related Aspects of Intellectual Property Rights (TRIPS).

Section IX. Import Procedures:

The Guatemalan Government introduced an automated electronic customs clearance system in 2001. This system was created to increase transparency in the procedure, but it has also created problems. When the computer reads that the import product is of animal or plant origin, it will automatically require that the following documents accompany the entry application: bill of lading, phytosanitary or sanitary certificate, certificate of origin, free sale certificate, packing list, commercial invoice, and import permit. Guidance document on the various SAT Customs regulations, PRO-IA-DN-UNP-04.01, can be found at:

<http://portal.sat.gob.gt/sitio/index.php/aduanas/92-manual-de-procedimientos/7892-manual-de-procedimientos-de-la-intendencia-de-aduanas-de-la-republica-de-guatemala.html>. All documents must be originals. Below is the procedure to acquire the import certificate and the order in which to proceed.

1. The procedure will start at the Ministry of Agriculture. All imported products of animal or vegetable origin have to pass by the “ventanilla unica” (“single window”). The documents required are: phytosanitary or sanitary certificate or FSIS export certificate (for meat & poultry products), commercial invoice, bill of lading, certificate of free sale, packing list, and certificate of origin (applied for re-export products), and certificate of attestation for U.S. horticultural products. These may be copies, but in order to clear customs, the originals will be needed. An

application form with the above mentioned forms must be submitted along with a fee of Q100, about US\$ 12.50, in order to receive an import permit. It is best to drop off applications before 10:00 am; if the shipment is perishable, the license will be ready for pick-up after 2:00 pm. For all regular shipments the license will be issued within 24 hours. This time frame usually holds if there are no problems with the documentation.

2. For processed foods and all products of animal origin, the “ventanilla única” 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. In addition, Food Control will also require a Free Sale Certificate in order to process the request. These certificates are generally issued by state health or agricultural departments, and certify for wholesomeness. The application and certificates are received in the offices of Food Control (5a. Avenida 13-27, Zona 9, Guatemala City), and issued in the Food Control Unit Office (zone 15); office hours from 07:30 a.m. to 3:00 p.m. from Monday to Friday.

3. Food Control and the “ventanilla única” from MAGA will authorize the import permit and the product will 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 custom borders 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 assure that the paper work is in order. Then, inspectors perform a visual inspection of the imported products in order to authorize release from customs. In order to clear OIRSA, the original documents must be presented.

It is important that all quantities in all of 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.

U.S. exporters must always take into account that a tariff-rate quota (TRQ) system still applies to various commodities, with a 5 to 20 year phase-out period under CAFTA-DR. If you wish to look out for a particular product, you can visit www.fas.usda.gov/info/factsheets/CAFTA/overall021105a.html.

Please visit the Foreign

Commerce Administration Directorate (DACE) at the Ministry of Economy web site for detailed information on TRQ administration for Guatemala:

<http://www.mineco.gob.gt/ExplorarDirectorio.aspx?titulo=TituloAdministracionComercioExterior&subtitulo=En%20el%20Marco%20de%20la%20DR-CAFTA&llaveExploracion=Marco%20DR-CAFTA>.

To consult and follow up on approved and assigned quotas per year, you can visit Ministry of Economy website:

<http://dace.mineco.gob.gt/seleccioncontingentes.php?idtratado=5>.

After the import certificate has been issued, this document is provided with all the above-mentioned documents to the customs official. The importer then pays the 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. After all this has been done, the shipment will be released. This final procedure is done at port of entry. There is still a possibility of a red or green light at the exit gate of the container. If a red light is received, there will be an additional review of both documentation and contents of the container. OIRSA might decide to take samples for quarantine pests, especially in

the case of raw agricultural products and coarse grains. After the laboratory diagnosis 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. If a green light is received, the container is allowed to leave the yard.

Appendix I. Government Regulatory Agency Contacts:

Name: Licda. Gladys Arreola

Title: Director

Institution: Food Control Unit/Ministry of Health (MSPAS)

Address: 3 Calle final, 2-10 Zona 15. Valles de Vista Hermosa. Guatemala

Telefax: (502) 2369-8784 / 6

Website:

http://portal.mspas.gob.gt/direccion_general_de_regulacion_vigilancia_y_control_de_la_salud.html

Name: Jorge Mario Gómez

Title: SPS Director

Institution: Norms and Regulations Unit/Ministry of Agriculture (MAGA)

Address: 7 Avenida 3-67 Zona 13, Guatemala City, Guatemala

Telephone: (502) 2475-3058

Fax: (502) 2475-3058

Website: <http://portal.maga.gob.gt/portal/page/portal/2010>

Name: Dr. Julio Cabrera

Title: Director OIRSA-SEPA-SITC

Institution: Inter-Regional Organism for Plant and Animal Health/Ministry of Agriculture (MAGA)

Address: 21 Avenida 3-12, Zona 15, Guatemala

Telephone: (502) 2369-5900

Fax: (502) 2334-0646

Website: <http://www.oirsa.org/portal/Default.aspx>

Name: Lic. Alejandro Cutz

Title: CAFTA-DR Administrator

Institution: Foreign Commerce Administration Direction/Ministry of Economy

Address: 6 Avenida 10-43 Zona 1, Guatemala

Telephone: (502) 2412-0200

Website: <http://www.mineco.gob.gt/>

Name: Cristian Giron

Title: Director of Operations Unit

Institution: Superintendence of Tax Administration (SAT)/Customs Authority
Address: 7a Av. 3-73, Zona 9, Edificio Torre SAT, Guatemala City
Telephone: (502) 2329-7070, Ext. 1324
Website: <http://portal.sat.gob.gt/sitio/>

Appendix II. Other Import Specialist 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
Fax: (502) 2331-8293
Email: AgGuatemala@fas.usda.gov

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