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Guatemala

Food and Agricultural Import Regulations and Standards Report

FAIRS Export Certificate Report

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Report Highlights:

The Government of Guatemala is accepting the new FDA export certificates, but continues accepting Certificates of Free Sale issued by states to register processed food products with the Ministry of Health. Certificates of Free Sale issued by Chambers of Commerce are accepted, if and only if State authorities have officially notified they are no longer issuing the certificates. The Customs Authority (SAT) requires a “transshipment letter” issued to the shipping company by the Port Authority, where the transshipment took place to clear customs.

Section I. List of All Export Certificates Required By Government (Matrix) :

This report was prepared by the Office of Agricultural Affairs (OAA) of the USDA/Foreign Agricultural Service in Guatemala City, Guatemala for U.S. exporters of food and agricultural products. While every possible care has been taken in preparation of this report, information provided may no longer be complete or precise as some import requirements are subject to frequent changes. It is highly recommended that U.S. exporters ensure that all necessary custom clearance requirements have been verified with local authorities through your foreign importer before the sales conditions are finalized. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Section I. List of All Export Certificates Required By Government (Matrix):

The Vice Ministry of Plant and Animal Health and Regulations (VISAR) of the Ministry of Agriculture (MAGA) is the official entity that reviews all export certificates and issues import licenses for food products, fresh or processed if considered high risk (often the case with animal origin products). In addition, if processed, a registration procedure must be followed after importing samples in order to acquire a permanent registration number with the Ministry of Health (please refer to Guatemala 2018 FAIRS narrative report). For non-animal-origin processed food, Ministry of Health is responsible for issuing the import permit.

Below is a matrix of the Export Certificates required by the Government of Guatemala:

Product	Title of Certificate	Attestation Required on Certificate	Purpose	Requesting Government Authority
All	Certificate of Origin	Name and Contact Information of Certifying Person or Company HS Classification Code Criteria for origin Date of the certification if unique or time range (1 year) for the certification	CAFTA-DR preferential tariff imports	Customs Authority (SAT)
Meat and meat products	FSIS 9060-5 Meat and Poultry Export Certificate of Wholesomeness	Product complies with raising and processing requirements of country	Animal health, food safety, and certificate of free sale	Ministry of Agriculture (non-processed and processed) and Ministry of

				Health (processed or packed)
Animal products (including balanced pet food and ingredients for animal feed)	APHIS Veterinary Services (VS) Certificate	No risk material used in manufacturing	Animal health	Ministry of Agriculture
Dairy	AMS Grading and Sanitary Certification	Product complies with Good Manufacturing Practices (GMPs)	Animal health and food safety	Ministry of Agriculture and Ministry of Health
Live animals	APHIS VS Certificate	Disease-free status for the originating zones	Animal health	Ministry of Agriculture
Plants and plant materials	Phytosanitary Certificate	Disease-free of specific quarantine pests	Plant health	Ministry of Agriculture
Fresh, refrigerated, or frozen plant or plant products	Phytosanitary Certificate	Disease-free of specific quarantine pests	Plant health Food safety	Ministry of Agriculture
Grains and flours	Phytosanitary Certificate	Disease-free of specific quarantine pests	Plant health	Ministry of Agriculture
	GIPSA Certificate of Inspection and Wholesomeness	Products are fit for human consumption	Food safety	Ministry of Agriculture
	Certificate of Free Sale (FDA or State)	Products are fit for human consumption	Food safety	Ministry of Health
Processed food (non-animal origin)	Certificate of Free Sale (FDA or State)	Products are fit for human consumption	Food safety	Ministry of Health
Fresh, refrigerated, or frozen seafood and aquaculture animals and products	NOAA Certificate	Products are fit for human consumption (U.S. origin)	Animal health and food safety	Ministry of Agriculture
Processed seafood and aquaculture products and fresh, refrigerated or frozen (if packed for final retail)	Certificate of Free Sale	Products are fit for human consumption	Food safety	Ministry of Health

Section II. Purpose of Specific Export Certificate(s)

Sanitary and/or Phytosanitary Certificate: These are export certificates issued by the Animal and Plant Health Inspection Service –APHIS- of the U.S. Department of Agriculture – USDA- certifying that the products are free of pest or diseases of concern to Guatemala.

The sanitary certificate assures that animals or their products were raised according to previous arranged protocols that certify they are free of specific diseases. Veterinary Services (VS) from APHIS issues health export certificates; please visit the following link if you are interested in this type of certification:

http://www.aphis.usda.gov/regulations/vs/iregs/animals/animal_guatemala.shtml. In addition, meat and products must be accompanied by the Food Safety Inspection Service –FSIS- 9060-5 Export Certificate. The FSIS export certificate will provide language previously agreed with Guatemala; requirements can be found in the following link:

<http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products/export-library-requirements-bycountry/Guatemala>.

The phytosanitary certificate confirms that the shipment of plants or plant products was inspected and is not carrying pests that are quarantined in Guatemala. Guatemala has specific phytosanitary requirements per product. Guatemala dropped the specific phytosanitary requirements on a state-by-state basis, providing market access for U.S. products nationwide. The new phytosanitary requirements can be found in the following link: https://visar.maga.gob.gt/?page_id=1031, at the right menu “Requisitos Fitosanitarios para EEUU”.

Official Grains Export Inspection Certificate: Guatemala accepts the Grains Export Inspection Certificate issued by FGIS/GIPSA/USDA to comply with food safety measures in place for grains and products. No additional laboratory or analysis report is required, except for fortified flours: <https://www.ams.usda.gov/publications/content/exporting-grain>.

Certificate of Free Sale or FDA Export Certificate: This certificate is issued either by the Food and Drug Administration (FDA)

(please visit

<https://www.fda.gov/Food/GuidanceRegulation/ImportsExports/Exporting/ExportCertificates/ucm467666.htm>) or by an official entity at the state level and must indicate that the product is suitable for human consumption, if applicable. This certificate indicates that the exporting company is complying with the country’s regulations regarding wholesomeness, food quality, and food safety standards, in general. For commercial purposes, the Certificate of Free Sale is only required every 5 years, after accompanying the sample for registration purposes. Commercial shipments are granted import permits based on the registration number assigned. Please visit the following link, where you will have access to a list of state contacts that can issue a Certificate of Free Sale: <https://www.fas.usda.gov/certificate-free-sale-point-contact-list>.

FDA is issuing 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. Additionally, the FDA issues a Certificate of Free Sale for dietary supplements, medical foods, and

foods for special dietary use. Here is the link to FDA's export certification web page, for easy reference:

<https://www.fda.gov/Food/GuidanceRegulation/ImportsExports/Exporting/ExportCertificates/default.htm>.

USDA AMS Grading Certificate: This certificate is issued by USDA Agricultural Marketing Service. Though it is a grading certificate, Guatemala accepts it for both registration purposes at the Ministry of Health or for import permits by the Ministry of Agriculture. This certificate is issued for dairy and table eggs.

Section III. Specific Attestations Required on Export Certificate(s)

Each export certificate may have a series of specific attestations that are required, according to the "risk analysis" of the importing country. Attestations on the sanitary and phytosanitary certificates are established by the Ministry of Agriculture. Each Ministry is responsible for authorizing the entry of a food product if it complies with its requirements. Compliance with one of the two ministries does not imply an import authorization. All paperwork and certificates must be original (not copied) to clear Customs.

For high-risk products like meat the Ministry of Agriculture has notified USDA of the country's requirements. Those requirements and attestations can be found on the FSIS Export Library.

<http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products/export-library-requirements-bycountry/Guatemala>.

For phytosanitary specific attestations, please ask your Guatemalan importer to access MAGA's database: https://visar.maga.gob.gt/?page_id=1031.

Section IV. Government Certificate's Legal Entry Requirements

To receive an importing license in Guatemala, the following import original documents will be required for any animal or vegetable product for food consumption:

- Certificate of Origin: issued by the U.S. producer or exporter, or the Guatemalan importer, for duty treatment only. Under CAFTA-DR this certificate is presented to Customs Authority for preferential tariff treatment. CAFTA-DR preferential tariffs may be denied if the required information is not clearly presented. A common issue is with the Harmonized System of Customs Classification or HS code. Whenever possible, provide the HS code assigned by the United States Customs and Border Protection -CBP- authority. If any discrepancies arrive, the certificate may be rectified once during the importation. Please visit <http://www.mineco.gob.gt/certificado-deorigen>.
- Sanitary and/or Phytosanitary Certificate: the sanitary certificate is equivalent to the animal health certificate and the phytosanitary certificate is equivalent to the plant health certificate. These plant or animal health certificates are issued by the official federal authority, sealed and signed by inspectors of the official list. APHIS will provide plant and animal health certificates while FSIS will issue meat export certificates (both for animal health and food safety purposes). If the product is for re-export, the country of origin certificate (sanitary or phytosanitary) should also be included and the U.S. re-export certificate (sanitary or phytosanitary) must clearly indicate the country of origin of the animal product or plant material. For fisheries and seafood,

a NOAA export certificate is required.

- Commercial Invoice (exporter, recipient, date, invoice number, product description, unit price, net and total weight, type of exchange, CIF and FOB value)
- Bill of Lading – Guatemalan Customs Authority (SAT) demand a transshipment letter from the port authority where the transshipment took place, if it is the case. If your product is transshipped through any port during the exportation process, you will have to pay for a transshipment letter, which is issued to the cargo company, but must be presented by your importer in Guatemala, to clear customs.
- Certificate of Free Sale: issued by the official federal (FDA) as an Export Certificate or state authority and must indicate that the food product is suitable for human consumption, if applicable. The certificate of free sale is requested for processed food only, which needs to be registered at the Ministry of Health for commercialization purposes. The FSIS certificate 9060-5 is the document accepted by the Government of Guatemala for meat products. The AMS Grading Certificate is accepted for dairy.
- The Official Export Inspection Certificate from FGIS is valid for food safety purposes of grains and products under FGIS/GIPSA mandate.
- Copies of these documents must be sent to your Guatemalan representative to advance the import license process, when possible.

The law requires inspections at the point of entry and at the wholesale and retail levels for the wholesomeness of the product. Primary processed foods are required to be registered. Food additives do not require registration.

The Central American Economic Integration Committee (COMIECO) Resolution (175-2006) eliminates the need for a phytosanitary certificate as a requirement for imports and exports of vegetable materials/products that are considered processed, such as:

- vegetable fats and oils and their products (crude or refined)
- prepared or preserved vegetables, fruits or nuts
- dried vegetables, fruits or nuts
- coffee, tea, and extracts
- cereals and vegetable products
- raw materials used primarily in dyeing or tanning
- prepared foods
- miscellaneous edible preparations
- beverages, spirits and vinegar

(for a more detailed list, please visit <https://studylib.es/doc/7793287/resoluci%C3%B3n-no.-175-2006--comieco>)

*Note: Food ingredients classified as seeds under the HS code need to come with a phytosanitary certificate, indicating that the ingredient seeds are free of weeds; otherwise, the seeds ingredients, though processed, will not be allowed to enter the country.

Whether a product is eligible to enter will depend upon a risk assessment of the exporting country taking into account the presence or absence of certain diseases in Guatemala. All fresh or processed animal products are considered high risk. Plants under this high-risk category include: fresh or dehydrated medicinal plants; ethnic, fresh and dried fruits; grains and flours; ethnic and fresh vegetables; fruit and vegetable pulp either frozen or specially treated. For fresh vegetable products, considered in the high-risk category (please refer to Guatemala 2018 FAIRS report), a phytosanitary certificate needs to be included in addition of the certificate of free sale.

Guatemala's import requirements for the sanitary and/or phytosanitary certificates are very strict. Export certificate requirements are based on sanitary concerns in accordance with the exporting country's sanitary or phytosanitary (SPS) status. In March 2006, as a result of CAFTA-DR, Guatemala recognized the U.S. food safety inspection system as equivalent. Therefore, for U.S. meats and meat products, the FSIS Certificate of Wholesomeness (9060-5) is considered valid for sanitary, microbiological, and free sale purposes.

All original documents listed above need to accompany the product at the time of entry. The import license costs \$31 (240 quetzales) and is valid for 30 days. If the product has not left the U.S. port, for any reason, within 30 days, a revalidation can be obtained for an extra 30 days.

Import forms are readily available online at: http://visar.maga.gob.gt/?page_id=6215 and need to be filed by the importer. Strict measures are set and the exporter must fulfill all the requirements to avoid problems at port. The paperwork will first receive the approval of the food safety department within the Ministry of Agriculture and if approved, will continue the process at the phytosanitary or sanitary departments. If rejected, the submitted application will have a technical explanation of the problem and the shipment can be inspected and an evaluation diagnosis may be requested to reconsider the import of the product.

Section V. Other Certification/Accreditation Requirements

APHIS websites http://www.aphis.usda.gov/regulations/vs/iregs/animals/animal_guatemala.shtml, https://www.aphis.usda.gov/aphis/ourfocus/planthealth/sa_export/sa_forms/ct_export_certificates_forms will provide very detailed information on the attestations on its export certifications.

FSIS website will also provide detailed information on the required attestations to issue the FSIS 9060-5 form, which, in the case of Guatemala, fulfills the need of both a sanitary and food safety certification, for both raw and processed meat and products; Ministry of Health in Guatemala will also consider the 9060-5 form as valid enough for registration purposes of processed labeled meat products, <http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products/exportlibrary-requirements-by-country/Guatemala>.