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Guatemala

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

All links have been updated in all sections of the report. Section II has been updated to include rules for pet food. Section VI related to other regulations has been updated with the fortification mandates in Guatemala applying to sugar, salt, and wheat flour. Contacts in Appendix I for government regulatory agencies in Guatemala have also been updated.

Section I. Food Laws:

Guatemalan food laws comprise a series of government and ministerial decrees that establish frameworks and regulations to protect human, animal, and plant health. In general, fresh, refrigerated, or frozen food products that have not been processed are under the authority of Ministry of Agriculture (MAGA). Processed food products are under the authority of the Ministry of Public Health and Social Assistance (MSPAS), with the exception of 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 animal origin processed food). (<http://mspas.gob.gt/images/files/drcanormativasvigentes/17AneXodelaResolucion3382014.pdf>). (http://visar.maga.gob.gt/?page_id=6215).

MSPAS's Division of Registration and Control of Medicines and Foods (Food Control), is the main authority for processed food products legally imported or manufactured in Guatemala. Food Control, under the authority of Ministerial Decree 969-99 is responsible for upholding food product 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 industry sectors. Prior to December 17, 2005 proposed standards were mandatory, and afterwards proposed standards became voluntary. Voluntary standards become mandatory if MAGA or MSPAS considers them applicable within an existing or new regulation. (<http://coguanor.gob.gt/index.php?id=23>).

Standards for both local and imported products are the same, except for public markets and other food serving locations that just require a sanitary license. Any producer, processor, packer, or distributor must operate under a sanitary license issued by Food Control. Importers and imported products must be registered (with an active sanitary license of operation), both semi-processed and processed food products. Sanitary licenses of operation and registration on a product-by-product basis are valid for five years; renewal of both licenses and products must be presented with physical documentation because there are no electronic systems in place. Product registration is granted for any company interested in importing. Different registration numbers will be issued for each independent importer, unless there is an exclusive contract with the brand representative in Guatemala.

As a result of Central American harmonization efforts, the Central American Secretariat of Economic Integration (SIECA) was established. SIECA is the technical and administrative unit that guides and coordinates the economic integration agenda, in which technical regulations are analyzed and resolved. Central American Technical Regulations, (RTCA in Spanish) have been issued and published for processed food products, and include:

a. General labeling,

<http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>;
<http://mspas.gob.gt/images/files/drcanormativasvigentes/RTCAEtiquetadoGeneral.pdf>
<http://www.sieca.int/index.php/download/resolucion-no-280-2012-aprueba-rtca-67-01-0710-etiquetado-general-de-los-alimentos-previamente-envasados/>
<http://www.sieca.int/index.php/download/acuerdo-no-01-2016-guia-para-la-interpretacion-del-rtca-sobre-etiquetado-general-de-alimentos-preenvasados/>

b. Nutritional labeling,

<http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>;
<http://mspas.gob.gt/images/files/drca/normativasvigentes/RTCAEtiquetadoNutricionalFinal.pdf>
<http://www.sieca.int/index.php/integracion-economica/instrumentos-juridicos/actos-administrativos/consejo-de-ministros-de-integracion-economica/resoluciones/?q=etiquetado+nutricional>;
<http://www.sieca.int/index.php/download/resolucion-no-281-2012-aprueba-modificaciones-al-rtca-67-01-6010-etiquetado-nutricional-de-productos-alimenticios-preenvasados/>;
<http://www.sieca.int/index.php/download/resolucion-no-347-2014-otorgar-prorroga-para-empresas-de-presentacion-de-plan-de-cumplimiento-de-etiquetado-nutricional-en-envases-de-vidrio/>

c. Additives,

<http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>;
<http://mspas.gob.gt/images/files/drca/normativasvigentes/RTCAAditivosAlimentarios.pdf>
<http://www.sieca.int/index.php/download/resolucion-no-283-2012-aprueba-rtca-67-04-5410-alimentos-y-bebidas-procesadas-aditivos-alimentarios/>;
<http://www.sieca.int/index.php/download/resolucion-no-379-2016-modificacion-parcial-del-anexo-i-normativo-aditivos-cuyo-uso-se-permite-en-condiciones-especificadas-para-cierta-categoria-de-alimentos-o-determinados-productos-alimenticio/>

d. Sanitary licenses and Product registration,

<http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>;
<http://www.sieca.int/index.php/download/resolucion-no-216-2007-aprueba-rtca-67-01-3107-alimentos-procesados-procedimiento-para-otorgar-el-registro-sanitario-y-la-inscripcion-sanitaria/>;
<http://www.sieca.int/index.php/download/resolucion-no-325-2013-modifica-rtca-67-01-3107-alimentos-procesados-procedimiento-para-otorgar-el-registro-sanitario-y-la-inscripcion-sanitaria/>

e. Liquor labeling

<http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>;
<http://mspas.gob.gt/images/files/drca/normativasvigentes/1.RTCAEtiquetadodeBebidasAlcoholicasFermentadas.pdf>;
<http://mspas.gob.gt/images/files/drca/normativasvigentes/2RTCAEtiquetadoBebidasAlcoholicasDestiladas.pdf>;
<http://www.sieca.int/index.php/download/resolucion-332-2013-aprueba-rtca-67-01-0511-bebidas-alcoholicas-bebidas-alcoholicas-fermentadas-requisitos-de-etiquetado/>

f. Microbiological criteria

<http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>;
<http://mspas.gob.gt/images/files/drca/normativasvigentes/RTCACriteriosMicrobiologicos.PDF>;
<http://www.sieca.int/index.php/download/resolucion-no-243-2009-aprueba-rtca-67-04-5008-alimentos-criterios-microbiologicos-para-la-inocuidad-de-alimentos/>

g. Fruit nectars

<http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>;

<http://mispas.gob.gt/images/files/drcanormativasvigentes/RTCANectaresdeFrutas.pdf>;
<http://www.sieca.int/index.php/download/resolucion-no-226-2008-aprueba-rtca-67-04-4808-alimentos-y-bebidas-procesados-nectares-de-fruta-especificaciones/>

h. Dairy and Cheeses

<http://mispas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>;
<http://mispas.gob.gt/images/files/drcanormativasvigentes/RTCATerminosLecheros.pdf>;
<http://www.sieca.int/index.php/download/resolucion-no-366-2015-aprueba-rtca-67-04-7014-productos-lacteos-quesos-especificaciones/>

The RTCAs apply to all Central American countries, though the extent of the implementation and interpretation may vary from country to country. For more information, please visit:
<http://www.sieca.int/Documentos/DocumentoMatriz.aspx?ClasificacionId=2&q=>.

The Vice Ministry of Agricultural Norms and Regulations (VISAR) of MAGA is the authority that issues import permit for all fresh food products and feed (in addition to some processed ones: flours, seeds used as ingredients, and processed animal food products), and agricultural inputs. Regulations are available online at: http://visar.maga.gob.gt/?page_id=6215 and
<http://www.sieca.int/index.php/download/resolucion-no-282-2012-aprueba-rtca-65-05-5211-productos-utilizados-en-alimentacion-animal-y-establecimientos-requisitos-para-registro/>
<http://www.sieca.int/index.php/download/resolucion-no-300-2012-aprueba-rtca-65-05-6311-productos-utilizados-en-alimentacion-animal-buenas-practicas-de-manufactura/>

VISAR has five units responsible for issuing import permits: Plant Health, Animal Health, Food Safety, Genetic Resources, and Fisheries and Aquaculture.

Government Decree 36-98 is the law governing plant and animal health. The Plant Health unit is responsible for verifying that the agricultural product complies with the country's phytosanitary requirements. Please confirm 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 could be considered invalid and the shipment will not receive an import permit or its entry could be denied. 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." Phytosanitary import requirements are subject to a risk analysis process that must be approved by consensus between Guatemala and Honduras. This process is presently taking more than six months for those products that don't have an import record in either country.

Government Decree 90-97 rules food safety in Guatemala. The Food Safety unit of MAGA is responsible for verifying 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. The law does not provide microbiological criteria, but the Food Safety unit abides by Codex or FDA food safety standards.
<http://sistemas.maga.gob.gt/normativas/Normativas?page=2&categoriaId=21>.

Under CAFTA-DR the U.S. meat (beef and pork) and poultry inspection system was recognized as equivalent by MAGA. The FSIS certificate of wholesomeness (FSIS 9060-5) is accepted by the Government of Guatemala (GOG) as either a Certificate of Free Sale or Sanitary Certificate, according to the specific case of a meat processed product or fresh meat product. For meat products, being processed or non-processed, MAGA will always issue the import permit and will require the FSIS 9060-5 form. MAGA allows imports of other meat and products under FSIS authority, in addition to beef, pork, and poultry.

MAGA accepts the Official Export Inspection Certificate from the Feed and Grain Inspection Service (FGIS) as valid for food safety purposes of grains and products under FGIS/GIPSA mandate. For flours, aflatoxin and ochratoxin analysis have been required since 1999, but enforcement of this requirement just started in 2016. The analysis can be provided by FGIS/GIPSA or any private laboratory. If the shipment does not come with the laboratory analysis, MAGA will hold the shipment while a sample is analyzed for aflatoxins and ochratoxins; this creates unnecessary delays.

In order to receive an import permit from GOG, 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 plant product (including wood – green or treated);
- ii. Sanitary certificate issued by APHIS for live animals;
- iii. Sanitary certificate issued by FSIS, if it is meat product, either fresh or processed;
- iv. Sanitary Export Certificate issued by the AMS for dairy products;
- v. Export Certification for Seafood (NOAA-Department of Commerce)

b) Certificate of Free Sale if it is a processed food product that will be registered, including pet food; GOG accepts federal or state-issued certificates for processed food, including FSIS and AMS certificates. For States that are no longer issuing certificates of free sale, Chamber of Commerce or Chamber of Agriculture's Certificate of Free Sales are accepted, but there is a preference for FDA certificates.

d) Commercial invoice

e) Bill of lading

f) Certificate of origin for customs and tariff purposes: 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.

The CAFTA-DR Certificate of Origin (please read attachment Cert Origin Sample.pdf), <http://www.mineco.gob.gt/certificado-de-origen>, must accompany the shipment in order to benefit from its preferences. Both the Ministry of Economy (MINECO) and the Superintendence of Tax Administration (SAT) are responsible for the administration and implementation of the free trade

agreement.

For rules regarding how to correctly fill out the CAFTA-DR Certificate of Origin, please refer to the Directorate of Administration of Foreign Commerce (DACE) of the Ministry of Economy, <http://www.mineco.gob.gt/certificado-de-origen> (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.

CAFTA-DR reference can be found at: <http://www.mineco.gob.gt/node/678>. Under CAFTA-DR the Certificate of Origin can be provided by the exporter or importer. The certificate can be rectified once if mistakes show in any of the mandatory fields, including the Harmonized System (HS) classification. To get granted CAFTA-DR preferential tariffs for imports into Guatemala, ensure that the HS classification up to 6 digits was negotiated in CAFTA-DR.

Section II. Labeling Requirements:

Labeling of processed food products is required for both domestic and imported food products. The Central American Technical Rule RTCA 67.04.60:10 regulates general labeling, (<http://mispas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>; <http://www.sieca.int/index.php/download/resolucion-no-280-2012-aprueba-rtca-67-01-0710-etiquetado-general-de-los-alimentos-previamente-envasados/> <http://www.sieca.int/index.php/download/acuerdo-no-01-2016-guia-para-la-interpretacion-del-rtca-sobre-etiquetado-general-de-alimentos-preenvasados/>). The rule allows for complimentary labels in Spanish, which can be stick-on labels, for labels in another language. Complimentary labels must provide the following information written in Spanish:

- Product definition/description (including health declarations)
- 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
- 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”

Other Specific Labeling requirement(s)

The Central American Technical Rule RTCA 67.01.60:10 regulates nutritional labeling <http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>; <http://www.sieca.int/index.php/integracion-economica/instrumentos-juridicos/actos-administrativos/consejo-de-ministros-de-integracion-economica/resoluciones/?q=etiquetado+nutricional>; <http://www.sieca.int/index.php/download/resolucion-no-281-2012-aprueba-modificaciones-al-rtca-67-01-6010-etiquetado-nutricional-de-productos-alimenticios-preenvasados/>; <http://www.sieca.int/index.php/download/resolucion-no-347-2014-otorgar-prorroga-para-empresas-de-presentacion-de-plan-de-cumplimiento-de-etiquetado-nutricional-en-envases-de-vidrio/> which is mostly in accordance with FDA regulations, with some exceptions (content percentage for additives and other secondary ingredients). This rule also provides guidelines for health claims.

Central America has ruled on the use of the word “milk” through RTCA 67.04.65:12, <http://www.sieca.int/index.php/download/resolucion-no-312-2013-aprueba-rtca-67-04-6512-uso-de-terminos-lecheros/>. This RTCA prohibits the use of the word “milk” on products that are not dairy products; with the exception of coconut milk. Other products with labels such as “soy milk”, “almond milk”, etc., have been prohibited for commercialization in Guatemala. U.S. exporters must label such products as “drinks” or “beverages”. Stickers are permitted to cover up the word in English.

Pasteurization has also been ruled via RTCA 67.04.66:12, <http://www.sieca.int/index.php/download/resolucion-no-337-2014-aprueba-rtca-67-04-6612-leche-pasteurizada-pasterizada/> and milk terms are provided. UHT term for flavor milk can be found at <http://www.sieca.int/index.php/download/resolucion-no-364-2015-aprueba-el-cambio-de-categoria-de-la-leche-uht-saborizada-de-directriz-sanitaria/>

Beer, wine, and other liquors require specific labels per RTCA 67.01.05:11 and RTCA 67.01.06:11, <http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>; <http://www.sieca.int/index.php/download/resolucion-332-2013-aprueba-rtca-67-01-0511-bebidas-alcoholicas-bebidas-alcoholicas-fermentadas-requisitos-de-etiquetado/>

The specifications and labeling for oil and fats are ruled by RTCA 67.04.40:07, <http://www.sieca.int/index.php/download/resolucion-no-215-2007-aprueba-rtca-67-04-4007-alimentos-y-bebidas-procesados-grasas-y-aceites-especificaciones/>

Fruit nectars and their labeling are ruled by RTCA 67.04.48:08, <http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes> <http://www.sieca.int/index.php/download/resolucion-no-226-2008-aprueba-rtca-67-04-4808-alimentos-y-bebidas-procesados-nectares-de-fruta-especificaciones/>

Cheeses are ruled under RTCA 67.04.70:14, <http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>; <http://www.sieca.int/index.php/download/resolucion-no-366-2015-aprueba-rtca-67-04-7014-productos-lacteos-quesos-especificaciones/>

Pet Food is ruled by RTCA 65.05.52:11, <http://www.sieca.int/index.php/download/resolucion-no-282-2012-aprueba-rtca-65-05-5211-productos-utilizados-en-alimentacion-animal-y-establecimientos-requisitos-para-registro/>

Under this rule, pet food must be registered with the Ministry of Agriculture. Presently, there is only one legal representative for the registry, which issues approval letters for other importers to bring the product into Guatemala.

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. 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 that will reach its expiration date soon. This situation 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 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.

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 which can be also expressed with letters.

Section IV. Food Additives Regulations:

Under the Central America Customs Union, RTCA 67.04.54:10 regulates additives. This rule provides a positive additive list, which specifies tolerances of approved additives per food category and intended use.

<http://mispas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>;

<http://www.sieca.int/index.php/download/resolucion-no-283-2012-aprueba-rtca-67-04-5410-alimentos-y-bebidas-procesadas-aditivos-alimentarios/>;

The rule provides descriptions of the food products and common manufacturing considerations. 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.

Additives approved by the Food and Drug Administration (FDA) or other regulatory agencies require a lengthy approval process and may delay registration of new products or renewal of registrations prior to the last update in 2016. Please review approved additives and request that your Central American importer submit a petition for approval of additives not included in the annex list,

<http://www.sieca.int/index.php/download/resolucion-no-379-2016-modificacion-parcial-del-anexo-i-normativo-aditivos-cuyo-uso-se-permite-en-condiciones-especificadas-para-cierta-categoria-de-alimentos-o-determinados-productos-alimenticio/>

Section V. Pesticides and Other Contaminants:

The plant and animal health units of VISAR regulate pesticides and veterinary drugs. 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.

The RTCA 67.04.50:08 rules for maximum residue limits of microbiological contaminants in both non-processed and processed food products, <http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>. The rule is first enforced during registration of animal origin processed food products and later through the surveillance program of the Food Control Unit.

Section VI. Other Regulations and Requirements:

Fortification in Central America is ruled by the Central American Institute for Nutrition (INCAP) and enforced by the Ministries of Health of the region. INCAP is the only approved institute to evaluate and provide recommendations for fortifying food, including approved 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
- Presidential Decree 715-2003 is the rule that mandates for fortification of salt with iodine and fluoride
- RTCA 324-2007 establishes Central American regional fortification of wheat flour

Although the fortification of salt with fluoride is mandatory as of 2004, the rule had not been enforced until October 1, 2017.

The Ministry of Agriculture requires that all non-processed 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, <http://visar.maga.gob.gt/visar/panalisispi.pdf>. According to MAGA, further visits will be required if a situation arises that represents an increased health risk, such as a disease outbreak. So far, there are no reports of U.S. agricultural products failing to comply with any food safety standard or requirement; therefore MAGA is not inspecting U.S. food facilities.

The requirements to obtain a sanitary import certificate from the Food Safety unit of MAGA are as follows (this is done by the Guatemalan importer), http://visar.maga.gob.gt/?page_id=6215.

- 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 (animal and fish products).

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.

Once at port, the Regional Quarantine Inspection Organization (OIRSA) is responsible for the inspection of quarantine pests. If the shipment is found with insects that require quarantine, even if those insects are found in the pallets or floor of the container, the product will go through mandatory fumigation. Clearance after fumigation can take 3-5 extra days at port, negatively impacting business. Proper disinfection of transportation vehicles (containers) will reduce fumigation actions at Guatemalan ports.

Section VII. Other Specific Standards:

Products labeled as "diet supplements", "homeopathic", "and prophylactic" or "phyto-therapeutic" must be registered as medicines. 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.

RTCA 67.01.15:07 rules fortified wheat flour, providing specifications and approved additives for wheat flour, <http://www.sieca.int/index.php/download/resolucion-no-201-2007-aprueba-rtca-67-01-1507-harinas-harina-de-trigo-fortificada/>.

RTCA 67.01.32:06 rules import requirements for tasting and exhibition purposes, <http://mispas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>

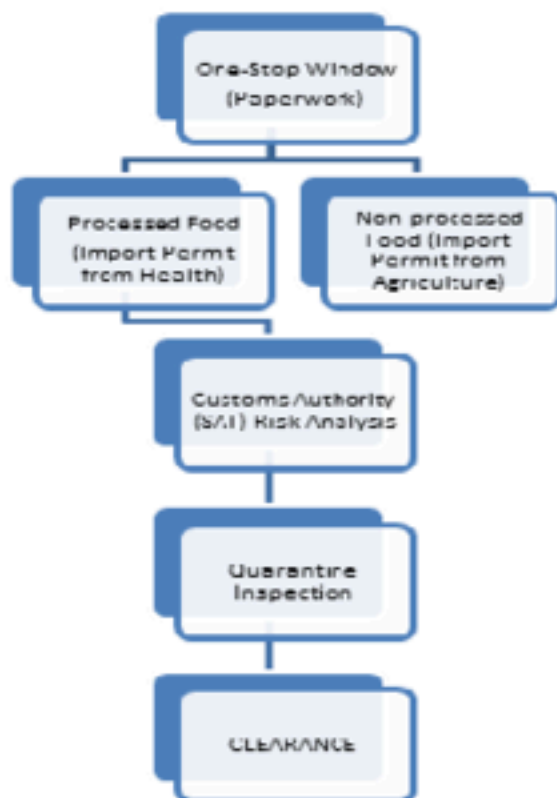
MAGA has no samples' regulation; all non-processed or animal derived product must be accompanied by the official export documents, even if the samples are for registration purposes or for tasting and exhibition.

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, <http://www.mineco.gob.gt/node/100>. The law protects known brands, so if they are already registered elsewhere, the parent company is given priority to register it in Guatemala. 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). Both Ministries of Agriculture and Health are respectful of TRIPS. The Ministry of Agriculture provides for registration of agricultural inputs, such as seeds, agrochemicals, ingredients to be used for animal feed, and pet food.

On December 1, 2013, Guatemala implemented the free trade agreement (FTA) with the European Union, known as the Association Agreement. As part of this FTA, the EU has requested recognition for geographical indications (GI). Those GIs that get registered will be protected against commercialization of products with the same compound name or generic name, if such products have not been previously commercialized in Guatemala. For a list of approved GIs, please visit <http://www.mineco.gob.gt/node/100>.

Section IX. Import Procedures:



Source: FAS/Guatemala, 2017

1. The procedure will start at the “ventanilla unica” (“single window”). The documents required are: 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). 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 Q240, about US\$ 32, 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 unica” 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 in order 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 (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 unica” from MAGA will authorize the import permit. At the same time, Customs Authority (SAT) will analyze the Declaration of Import Goods electronically submitted by the importer, and will define the risk category of the product, for customs purposes (importers history, valuation, origin and applicable taxes, etc.). 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.

It is important to note 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 for a particular product category, you can visit <http://www.mineco.gob.gt/content/tratados-de-libre-comercio>.

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/vigentes-cafta>.

4. Once at port of entry, 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.

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 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. Actionable quarantine pests are listed in the attachment.

Appendix I. Government Regulatory Agency Contacts:

Name: Bernardo Molina

Title: Director

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

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Email: licmolina@gmail.com

Website: <http://mspas.gob.gt/index.php/servicios/control-de-alimentos/normativas-vigentes>

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Website: http://visar.maga.gob.gt/?page_id=56

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Website: <http://www.mineco.gob.gt/direcci%C3%B3n-de-administraci%C3%B3n-del-comercio-exterior-dace>

Name: Maria Elisa Chang
Title: CAFTA-DR Customs Official
Institution: Superintendence of Tax Administration (SAT)/Customs Authority
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Telephone: (502) 2329-7070, Ext. 1324
Email: mechangf@sat.gob.gt
Website: <https://portal.sat.gob.gt/portal/procedimientos-aduanas/>

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.