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Voluntary - Public

**Date:** 7/30/2018 **GAIN Report Number:** GT1808

# Guatemala

Post: Guatemala

# **Guatemala Opens Market for U.S. Exports of Fishery Products**

**Report Categories:** Country Strategy Statement Export Accomplishments - Market Access Fishery Products

Sanitary/Phytosanitary/Food Safety

SP2 - Prevent or Resolve Barriers to Trade that Hinder U.S. Food and Agricultural Exports

Trade Policy Monitoring

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## **Report Highlights:**

As of July 2018, Guatemala accepts U.S. exports of fishery products with a National Oceanic and Atmospheric Administration (NOAA) Export Inspection Certificate. All federally inspected fishery product processing and distribution facilities including warehouses are eligible to export to Guatemala.

## **Executive Summary:**

On February 18, 2018, Guatemala eliminated sanitary inspection at plants in country of origin for U.S. exports of fishery products. The policy change was published in the Official Daily in Ministerial Decree 28-2018 (see Annex A). The decree called for an official export inspection certificate that would comply with Ministry of Agriculture (MAGA) requirements.

On June 21, 2018, MAGA agreed to accept a NOAA Export Inspection Certificate (see Annex B), and provided a 60-day implementation period for compliance. To obtain the NOAA export certificate, the shipment must undergo one of three NOAA inspection services provided to U.S. companies. These services are: 1) product inspection on site, 2) the approved establishment program, or 3) the quality management program (QPM). More information on these programs can be found at: <a href="https://www.fisheries.noaa.gov/topic/seafood-commerce-certification">https://www.fisheries.noaa.gov/topic/seafood-commerce-certification</a>.

MAGA also agreed to accept shipments of fishery products from third countries exported through the United States when the product has a valid NOAA export inspection certificate. NOAA export inspection services are part of a food-safety inspection system that assures importing countries that U.S. fishery exports are fit for human consumption.

In addition, MAGA requires that all U.S. companies exporting fishery products to Guatemala be registered with FDA. FDA maintains a list of all U.S. fishery product processing and distribution facilities, including warehouses, eligible to export seafood.

MAGA will also maintain a list of U.S. exporting companies authorized to export to Guatemala. The list will be populated upon entry of the first shipment into Guatemala. Neither the U.S. exporter nor the Guatemalan importer need to alert MAGA prior to shipment.

## General Information: Annex A - MAGA Ministerial Decree

MINISTRY OF AGRICULTURE, LIVESTOCK AND FOOD

#### Monja Blanca Building, February 28, 2018

#### MINISTERIAL AGREEMENT No. 28-2018

#### WHEREAS

It is the responsibility of the Ministry of Agriculture, Livestock and Food to anticipate and control the stages of production, transformation, warehousing, transportation, import, and export of natural non-processed food to assure the compliance of sanitary, quality assurance and safety requirements for human consumption.

#### WHEREAS

National legislation as well as international agreements and treaties subscribed by the Government of Guatemala regarding food for human consumption, guarantee quality assurance and safety of imported products, and establish that imports should not constitute a danger or risk for human, animal or plant health, or hydrobiological products.

#### THEREFORE

In exercise of the powers established in articles: 194 of the Political Constitution of the Republic of Guatemala; 27, 29 of the Executive Branch Law, Decree Number 114-97 of the Congress of the Republic of Guatemala; 1, 2, 3, 4, 5, 6, 7, 14, 15 of Government Agreement Number 338-2010 Internal Regulation of the Ministry of Agriculture, Livestock and Food; 127 section a), 130 section b), 134, 138 of the Health Code, Decree Number 90-97 of the Congress of the Republic of Guatemala; 1, 2, 3, 5, 11, 13, 66 of Government Agreement Number 969-99 Regulation for Food Quality Assurance and Safety.

#### AGREES:

To issue the following:

#### PROVISIONS FOR THE IMPORT OF HYDROBIOLOGIC NON-PROCESSED PRODUCTS FROM THE UNITED STATES OF AMERICA.

Article 1. IMPORT CERTIFICATE. Whenever hydrobiological non-processed products are imported from the United States of America, part of the documentation required for the authorization, shall include an import certificate issued by the NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OF THE DEPARTMENT OF COMMERCE OF THE UNITED STATES OF AMERICA -NOAA- before the appropriate authority in Guatemala. The import certificate shall be issued before any shipment release from the United States of America.

Article 2. CERTIFICATE FORM. For the purposes established in this agreement, the appropriate responsible authority for the import authorization of hydrobiological non-processed products of the Ministry of Agriculture, Livestock and Food will coordinate with the NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRTION OF THE DEPARTMENT OF COMMERCE OF THE UNITED STATES OF AMERICA -NOAA-, and the corresponding authority in the United States of America, the official notification of the import certificate release.

Article 3. RISK EVALUATION. On the importing of hydrobiological non-processed products, whenever circumstantially justified risks are manifest for human, animal, and plant health or hydrobiological resources, that are scientifically acknowledged, there will be mandatory additional requirements, besides the import certificate issued by the NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRTION OF THE DEPARTMENT OF COMMERCE OF THE UNITED STATES OF AMERICA -NOAA, requiring pertinent information in order to evaluate the import authorization.

Article 4. VALIDITY. This Ministerial Agreement will be deemed effective on the date of its publication in the official newspaper Diario de Centro America.

# Annex B - NOAA Export Certificate to Guatemala

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March 2018