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# GAIN Report

Global Agricultural Information Network

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## Guatemala

### Food and Agricultural Import Regulations and Standards - Narrative

### FAIRS Country Report

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**Report Highlights:**

Guatemala accepts all U.S. official certifications issued for agricultural fresh and processed food products. For processed food products (other than meats), a Certificate of Free Sales is required. If the Certificate of Free Sales is used to register a new product or update an existing registration (every 5 years), the Certificate of Free Sales needs to be signed and sealed at any Guatemalan Consulate or Embassy in the U.S. Guatemala does not allow for re-export of seafood from non-U.S. origin, unless a Guatemalan inspection visit to the exporting facility has occurred.

## 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. 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, or animal origin processed food).

(<http://portal.mspas.gob.gt/index.php/en/servicios/regulacion-y-control-de-alimentos-menu-servicios.html>).

([http://portal2.maga.gob.gt/unr\\_normativas/normativas.php](http://portal2.maga.gob.gt/unr_normativas/normativas.php)).

The Division of Registration and Control of Medicines and Foods of the MSPAS, here after referred to as 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 Guatemalan 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 can turn mandatory if MAGA or MSPAS consider them applicable within an existing or new regulation (<http://www.coguanor.gob.gt/index.php?id=1>).

Standards for both local and imported products are exactly the same, except for public markets and other food serving locations that just require a sanitary license. 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.

As a result of the Central American harmonization efforts, the Central American Secretariat of Economic Integration (SIECA) has been 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, CATR (RTCA in Spanish) have been issued and published for processed food products, and include:

- a. General labeling  
<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=2&DocumentId=657>
- b. Nutritional labeling  
<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=3&DocumentId=655>
- c. Additives

- <http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentId=2&DocumentId=651>
- d. Sanitary licenses and Product registration,  
<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentId=2&DocumentId=737>
- e. Liquor labeling,  
<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentId=2&DocumentId=3488>,  
<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentId=2&DocumentId=3491>
- f. Microbiological criteria  
<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentId=2&DocumentId=1498>
- g. Fruit nectars,  
<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentId=2&DocumentId=3208>

The RTCAs apply to all Central American countries. For more information, please visit:  
[http://www.sieca.int/Documentos/DocumentoMatriz.aspx?ClasificacionId=2&q=.](http://www.sieca.int/Documentos/DocumentoMatriz.aspx?ClasificacionId=2&q=)

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 and feed (in addition to some processed ones - flours, seeds used as ingredients, and processed animal food products), and agricultural inputs, whose regulations are available on-line at:

[http://portal2.maga.gob.gt/unr\\_normativas/normativas.php](http://portal2.maga.gob.gt/unr_normativas/normativas.php), and  
<http://www.sieca.int/Documentos/DocumentoMatriz.aspx?ClasificacionId=2&q=ANIMAL>.

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 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 and 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".

Government Decree 90-97 rules food safety in Guatemala. 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. The law does not provide microbiological criteria, but 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, being processed or non-processed, MAGA will always issue the import permit and will require the FSIS 9060-5 form.

MAGA accepts the Official Export Inspection Certificate from FGIS as valid enough for food safety purposes of grains and products under FGIS/GIPSA mandate.

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 the Food Safety Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA), if it is meat product, either fresh or processed;
  - i. Grading and Export Certificate issued by AMS (USDA) for dairy products;
  - ii. Export Certification for Seafood (NOAA-Department of Commerce)

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

c) Self Certificate of Attestation, for other fresh or raw horticultural products not certified by FGIS/GIPSA, for food safety compliance;

d) Commercial invoice;

e) Bill of lading

f) Certificate of Origin for customs and tariff purposes: The Dominican Republic - 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.

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](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) are responsible for the administration and implementation of the Free Trade Agreement.

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://portaldace.mineco.gob.gt/reglas-de-origen-para-guatemala>, 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. Food Additives Regulations:**

Under the Central America Customs Union, Rule RTCA 67.04.54:10 regulates additives. This rule provides a positive additive list, which basically specifies upper levels of approved additives and extends to a wide range of products, according to category; see

<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=2&DocumentoId=651>

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, the Food and Drug Administration (FDA), the Federal Emergency Management Agency (FEMA) and the EU are automatically approved for the Central American region.

## **Section III. 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://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=2&DocumentoId=1498>

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 IV. 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. 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 V. 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://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=2&DocumentoId=657>). The rule allows for complimentary labels in Spanish, which can be stick-on labels, for labels in another language. Complimentary labels need to 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 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”

### **Other Specific Labeling requirement(s)**

The Central American Technical Rule RTCA 67.01.60:10 regulates nutritional labeling (<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=3&DocumentoId=655>), which is in accordance with FDA regulation. This rule also provides guidelines for health claims.

Central America has ruled the use of milk term through RTCA 67.04.65:12, <http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=3&DocumentoId=3347>, which prohibits the use of the term “milk” on products which are not dairy, with the exception of “coconut milk”. Other products with labels such as “soy milk”, “almond milk”, etc., have been prohibited for their commercialization in Guatemala. U.S. exporters need to label such products as “drinks” or “beverages”. Pasteurization has also been ruled via RTCA 67.04.66:12, <http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=2&DocumentoId=4939> and milk terms are provided.

Beer, wine and other liquors require specific labels per RTCA 67.01.05:11 and RTCA 67.01.06:11, <http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=2&DocumentoId=3488>, <http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=2&DocumentoId=3491>.

The specifications and labeling for oil and fats are ruled by RTCA 67.04.40:07, <http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=2&DocumentoId=1968>.

Fruit nectars and their labeling are ruled by RTCA 67.04.48:08,  
<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentId=2&DocumentId=3208>.

## **Section VI. Other Specific Standards:**

Products labeled as “diet supplements”, “homeopathic”, “and prophylactic” or “phyto-therapeutic” must be registered as medicinal product. 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/Documentos/DocumentosMostrar.aspx?SegmentId=2&DocumentId=1970>.

RTCA 67.01.32:06 rules import requirements for tasting and exhibition purposes,  
<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentId=2&DocumentId=1980>.

## **Section VII. Facility and Product Registration Requirements:**

RTCA 67.01.30:06 rules facility inspection and issuing of a sanitary license of operation for processed food products,  
<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentId=2&DocumentId=1978>.

Only local facilities are inspected and U.S. export facilities or warehouses do not require a sanitary license issued by Food Control. The importers in Guatemala are the ones subject to inspection and sanitary license issuing. To be granted a sanitary license, importers need to have Good Manufacturing Practices (GMPs) in place, per RTCA 67.01.33:06 guideline,  
<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentId=2&DocumentId=1981>.

RTCA 67.01.31:07 rules the registry and commercialization of processed food products,  
<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentId=2&DocumentId=737>.

All packaged food products that are sold at the retail level need to be registered at Food Control. Registration of U.S. origin products, for commercialization purposes, is normally carried out by a Guatemalan importer, who has been granted a sanitary license of operation. If a U.S. company wishes to register its products under their company’s name, a warehouse will have to be established, so that a sanitary license can be issued. As mentioned previously, several Guatemalan importers can commercialize the same product, as long as each registers appropriately the product.

Product Registration is required for all primary (animal origin) processed 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/index.php/en/nuevo-o-renovacion-del-registro-sanitario.html>.

GOG requires 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 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 and export purposes, and can be a federal or state document. 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.

Food Control requires that all Certificates of Free Sale, for registration purposes, comply with "pases de ley", which is commonly known as consularization. Consularization requires that Certificates of Free Sales issued by a U.S. government office (state or federal) followed stamping and signature at any Guatemalan Embassy or Consulate in the U.S. Please visit the following website on Guatemalan Embassies and Consulates: <http://guatemalaembassyusa.org/te-ayudamos/consulados-en-ee-uu/>. The consularization of the Certificate of Free Sales is a requirement for registration purposes exclusively. For commercial routine paperwork, Certificates of Free Sales are issued for one year and a copy of it must accompany every shipment as long as it is valid.

Samples must be sent prior to attempting an export of primary processed 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, RTCA 67.01.32:06, <http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=2&DocumentoId=1980> rules the importation of samples for the purpose of exhibition, special events and promotion. In order to enter these samples, the importer must fill out corresponding requesting form accompanied by a Certificate of Free Sale. For exhibitions, special events and market promotions, Food Control will allow the import of 25-50 kilograms per product, tax-free. The samples must have a label clearly indicating “sales prohibited”.

Sample size for registration purposes should be two units of 200 g or ml each, as a minimum, when the products weigh above 5 Kg. If the sample weighs more than 5 Kg, two samples are enough. The classification of the risk category of the products to be registered is basically A, for animal products (high-risk) and B for the rest. The list of products within high risk category can be found at: [http://portal.mspas.gob.gt/files/Descargas/Servicios/NuevoRenovacion%20RegistroSanitario/Disposicion%20001-2011%20Clasificacion%20Alto%20y%20Bajo%20Riesgo%20\(2\).pdf](http://portal.mspas.gob.gt/files/Descargas/Servicios/NuevoRenovacion%20RegistroSanitario/Disposicion%20001-2011%20Clasificacion%20Alto%20y%20Bajo%20Riesgo%20(2).pdf)

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.

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 inscription by the importer

The Government of Guatemala (GOG) published RTCA 67.04.50:08 establishing food safety tolerances for microbiological contamination. This ruling establishes the maximum level of food borne pathogens permitted in processed and non-processed food agricultural products. The following website has further information:

<http://www.sieca.int/Documentos/DocumentosMostrar.aspx?SegmentoId=2&DocumentoId=1498>

Compliance with the microbiological criteria spelled out in the RTCA started being enforced on November 19, 2009. Compliance with the microbiological parameters continues to 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.

U.S. origin non processed seafood and fish products, per CAFTA-DR, have no impediments to enter Guatemala and the CAFTA-DR region. If the U.S. firms exports non-U.S. origin, plant inspection by Guatemala Government officials at the warehouse or site of origin will be required to approve import permits and to register new products or update existing registrations. For example, if a U.S. firm is exporting frozen fish products born and raised in the U.S., no inspection is required. If the U.S. firm is exporting such products originating in any other country outside of the U.S., inspection will be required, according to Inspection Manual UNR-1-2001, [http://visar.maga.gob.gt/visar/ia/norm\\_hidro/41-2001.pdf](http://visar.maga.gob.gt/visar/ia/norm_hidro/41-2001.pdf), and corresponding regulations, [http://visar.maga.gob.gt/?page\\_id=1333](http://visar.maga.gob.gt/?page_id=1333). Please visit the next website to verify that the company is authorized to export seafood products to Guatemala, if they are non U.S. origin: <http://visar.maga.gob.gt/visar/ia/exph/hidros13agost.pdf>. If MAGA demands inspection of the exporting facility or warehouse, the U.S. exporter or Guatemalan importer will have to pay for the direct and indirect (travel expenses) inspection costs, as Ministerial Decree 382-2014 mandates, [http://portal2.maga.gob.gt/unr\\_normativas/pdfs/AM382-2014.pdf](http://portal2.maga.gob.gt/unr_normativas/pdfs/AM382-2014.pdf).

## **Section VIII. Other Certification and Testing Requirements**

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.

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/visar/PtfDIDSE0801.pdf>:

- 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 considered to be 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 might take some 3-5 extra days at port, negatively impacting business. Be sure to get properly disinfection of transportation vehicles (containers) to reduce fumigation actions at Guatemalan ports.

### **Section IX. Import Procedures:**

1. The procedure will start at the “ventanilla unica” (“one-stop 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 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 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. 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 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.

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 category, you can visit <http://portaldace.mineco.gob.gt/node/73>. Please visit the Foreign Commerce Administration Directorate (DACE) at the Ministry of Economy web site for detailed information on TRQ administration for Guatemala: (<http://portaldace.mineco.gob.gt/contingentes>).

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 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.

## **Section X. 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, <https://www.rpi.gob.gt/>. 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. Ministry of Agriculture provides for registration of agricultural inputs such as seeds and agrochemicals.

As of December 1, 2013 Guatemala started the implementation of its Free Trade Agreement (FTA) with the EU, 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 and/or generic name, if such products have not been previously commercialized in Guatemala. For a list of approved GIs, please visit <https://www.rpi.gob.gt/eRPIconsulta/>.

## **Appendix I. Government Regulatory Agency Contacts:**

Name: Ing. Karla Lucas

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/index.php/en/servicios/regulacion-y-control-de-alimentos-menu-servicios.html>

Name: Guillermo Ortiz

Title: Plant Health Director

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

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

Telephone: (502) 2413-7389

Website: [http://visar.maga.gob.gt/?page\\_id=56](http://visar.maga.gob.gt/?page_id=56)

Name: Alex Salazar

Title: Food Safety Director

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

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

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Name: Byron Thomae

Title: Animal Health Director

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

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Website: [http://visar.maga.gob.gt/?page\\_id=55](http://visar.maga.gob.gt/?page_id=55)

Name: Dra. Nidia Sandoval

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.gt/>

Email: [nsandoval@oirsa.org.gt](mailto:nsandoval@oirsa.org.gt)

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://portaldace.mineco.gob.gt/>

Email: [acutz@mineco.gob.gt](mailto:acutz@mineco.gob.gt)

Name: Maria Elisa Chang

Title: CAFTA-DR Customs Official

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/index.php/institucion/organizacion/25-organizaci/743-funcionarios-superiores.html>

## **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](mailto: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](http://www.fas.usda.gov).