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Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

This report is an annual update of the agricultural product import standards and enforcement mechanisms in Venezuela for U.S. exporters of agricultural commodities, foods and beverages. Venezuela remains a complicated destination for exporting agricultural products, but opportunities exist.

DISCLAIMER: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Caracas, Venezuela. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies were not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Section I. General Food Laws

Venezuela's food and agricultural regulatory system is complicated and involves laws, norms and regulations that can be challenging to understand and inconsistently enforced. The following presents a general overview of the Government of the Bolivarian Republic of Venezuela's (GBRV) ministries and agencies that are directly involved with animal and plant health import regulations and food safety standards. The ministries and agencies' main functions and objectives, as well as the current regulatory framework, are further explained in this section.

Table 1. Venezuelan Agriculture and Food-related Ministries and Agencies

Ministry	Acronym	Main Agencies
Ministerio del Poder Popular para la Alimentación (Ministry of Popular Power for Food)	MINAL	CASA MERCAL PDVAL BICENTENARIO LOGICASA FUNDAPROAL SADA
Ministerio del Poder Popular para la Agricultura y Tierras (Ministry of Agriculture and Lands)	MAT	INSAI INSOPESCA
Ministerio del Poder Popular para la Salud (Ministry of Health)	MINSALUD	Servicio de Contraloría Sanitaria (Higiene de los Alimentos) INHRR INN
Ministerio del Poder Popular para el Comercio (Ministry of Commerce)	MINCOM	SENCAMER SAPI SUNDDE
Ministerio del Poder Popular para Economía y Finanzas (Ministry of Finance)	MINFINANZAS	SENIAT
Ministerio del del Poder Popular para las Relaciones Exteriores (Ministry of Foreign Affairs)	MRE	None

The Ministry of Popular Power for Food (MINAL) is responsible for ensuring food security. Imports and exports of food for human consumption are under the authority of MINAL through the issuance of

import permits, licenses and any other document needed for agricultural and processed food products. MINAL supervises almost every aspect related to the production, distribution and storage of food for human consumption. On October 8, 2014, the GBRV created a company called CORPO-PDMERCAL Limited under MINAL that manages all the state food distribution and retail networks. The main MINAL food agencies are:

- **CASA** – Food and Agricultural Services Corporation (Corporación de Abastecimiento y Servicios Agrícolas, or CASA) is in charge of purchasing domestically produced and imported food and agricultural products. Food products purchased by CASA are distributed in government food networks, among them MERCAL, PDVAL and Bicentenario.
- **MERCAL** – Food Market (Mercado de Alimentos or MERCAL) is the government-owned food distribution system that includes small to medium size stores and supermarkets. The main objective of MERCAL is to market affordable food products, including staple products for all Venezuelan consumers, specially the lower class consumer. Basic food products are offered at very low prices, even lower than controlled-priced products sold in the private sector supermarkets.
- **PDVAL** – Food network and distributor (Productora y Distribuidora Venezolana de Alimentos, S.A.) PDVAL was created with the objective of ensuring the food supply of the basic basket, raw materials for food processing and other agro-food products of first necessity.
- **BICENTENARIO** – Food Market (Red de Abastos BICENTENARIO, S.A.) is part of the public food distribution network in Venezuela. It is a public company that, under the format of socialist markets, allows the equitable distribution of food and staples at "a fair price," as its motto says. It was taken by the Venezuelan State in 2010 from the hands of a consortium of companies after expropriation.
- **LOGICASA** – Logística CASA, S.A. It is a company founded on socialist values dedicated to integrated logistics, which is in charge of customs operations, quality control, refrigerated and dry storage and transportation of food of national or foreign origin.
- **FUNDAPROAL** – (Fundación programa de Alimentos Estratégicos) It is an institution whose mission is the care of the population that is in a situation of extreme poverty and social vulnerability through meal programs and food access programs.
- **SADA** – National Superintendent of Silos, Warehouses and Agricultural Deposits (Superintendencia Nacional de Silos, Almacenes y Depósitos Agrícolas, or SADA) is responsible for inspecting, monitoring and controlling the silos and the reception activity, preparation, preservation, storage, distribution and delivery of agricultural products of all companies and cooperatives in the country.

The Ministry of Popular Power for Agriculture and Lands (MAT) is responsible for promoting sustainable development of the agricultural and livestock sectors of Venezuela through the support, direction and evaluation of agricultural activities. The following are MAT's main regulatory agencies:

- **National Institute of Integral Agricultural Health (INSAI)** is the agency in charge of managing and protecting the agricultural production of the country, including ensuring the legislation and compliance of animal health and phytosanitary regulations for preventing the introduction or spread of diseases and pests that threaten the sustainability and food sovereignty in the country. Among its functions is that of regulating the export, import and internal transfer of animals and plants as well as products and by-products of both origins, to guarantee the nation's comprehensive agricultural health. INSAI is the equivalent of USDA's Animal and Plant Health Inspection Service (APHIS) (<http://www.insai.gob.ve/>).
- **Socialist Fishing and Aquaculture Institute (INSOPESCA)** is the official sponsor and executor of the government policies that support the development of the fishing and aquaculture sectors (<http://www.insopesca.gob.ve/>).

Ministry of Popular Power for Health (MINSALUD) regulates domestically produced and imported processed food products, beverages, additives and colors for foods destined for human consumption. It is responsible for the implementation of the food norms and regulations. MINSALUD enforces food recalls and recommends to other ministries any ban on local and imported food products considered to be harmful to human health (<http://www.mpps.gob.ve/>).

The following are the MINSALUD's key agencies:

- **Comptroller Health Service**, through the Food Hygiene Division is responsible for registering processed food products. Imported and local products must be registered before being sold in Venezuelan (<http://www.sacs.gob.ve/site/>).
- The **Rafael Rangel National Hygiene Institute** is the government's reference lab for all food testing. This is the only authorized institute to conduct food analysis for registration purposes (<http://www.inhrr.gob.ve/index.php>).
- The **National Nutrition Institute** is responsible for establishing nutrition guidelines and recommended daily nutritional intakes (<http://www.inn.gob.ve/innw/>).

Ministry of Popular Power for Commerce (MINCOMERCIO) has the primary responsibility for the industrial and commercial sectors of Venezuela, including policies regarding technical standards and intellectual property. MINCOMERCIO is also part of an inter-ministerial commission along with MINAL, MAT and MINSALUD that define the criteria for allowing imports of agricultural and processed food products. The Ministry also supervises advertisements dealing with food, food quality, labels and health-related issues through.

The following are MINCOMERCIO's agencies involved with agricultural and processed food products:

- **National Autonomous Standardization, Quality, Metrology and Technical Regulations**

Service (SENCAMER) is responsible for technical standardization, quality control, metrology, certification programs and maintains the register of mandatory technical regulations. Selected processed food products must be registered through SENCAMER. The former Venezuelan Commission for Quality and Industrial Norms (COVENIN) was the compiling body for technical standards and norms, now it is under SENCAMER but the name of “COVENIN” has been kept for the published norms. Readers should note that the Fund for Standardization and Quality Certification (FONDONORMA) is no longer authorized to certify products and quality systems (<http://www.sencamer.gob.ve/>).

- **Intellectual Property Registration Service** (SAPI) is responsible for the administration of intellectual property rights in Venezuela. SAPI has two main operational branches: the Industrial Property Registration Directorate (DRPI), responsible for administering the granting of patents, utility models, industrial designs, breeder certificates (for plant varieties) and integrated circuit certificates and the registration of trademarks, trade names, commercial slogans and appellations of origin; and the National Copyright Directorate (DNDA) that has administrative responsibilities for registration, monitoring and inspection in connection with copyright and related rights (<http://sapi.gob.ve/>).
- **National Superintendence for the Protection of Socio-economic Rights** (SUNDDE) is responsible for granting protections to consumers and end-users against fraudulent sales and promotions, overpricing, usury and warranty incompliance. It has the authority to conduct on-site inspections of points of sale, manufacturing and processing facilities, and warehouses. SUNDDE’s inspections can lead to the shutdowns of businesses (<http://www.superintendenciadepreciosjustos.gob.ve/>).

Ministry of Popular Power for Economy and Finance

- **National Integrated Tax Administration Service** (SENIAT) administers custom services and is responsible for the surveillance and control of imported and exported products through the borders and ports of Venezuela, as well as the assessment and collection of import duties and taxes. SENIAT observes the Organic Law of Customs and its respective regulations regarding custom import and export procedures. SENIAT has the authority to shutdown businesses based on contraband charges or revenue non-compliance.

Ministry of Popular Power for Foreign Affairs (MRE)

The MRE works with the GBRV President and coordinates with MINAL, MAT, MINSALUD and MINCOMERCIO in the formulation of international policies, direction of international affairs and signing of agreements and other international conventions. It carries the responsibility of supporting commercial negotiations and offering assistance in dispute settlements.

FOOD LAWS

The “Official Gazette” is the official legal publication of the Government of Venezuela. It was established in 1941 with the name of “Gaceta Oficial” and its purpose is to inform the public about any law, decree, agreement or other dispositions that affect them. It can be accessed through the following

web page: <http://www.tsj.gov.ve/index.shtml>. Basic information and/or daily highlights of the Official Gazette can also be checked at: <http://www.tsj.gov.ve/gaceta/gacetaoficial.asp>.

1. General Food Norm

GBRV legislation governing domestically produced and imported processed food products, beverages, additives, and coloring agents for foods destined for human consumption are contained in the General Food Norm. This food safety regulation outlines all requirements, including labeling, which processed food products must be fulfill in order to be offered to consumers. The norm also requires registration for locally produced and imported processed food products. Complementary norms were established on March 3, 1996 (Official Gazette N° 35,921). An online version of the Food Law and the Complementary Norms can be accessed through the following website:

http://www.inhrr.gob.ve/normativa_pa.php.

Although the norm was established back in 1959 (Official Gazette N° 25,864) it originally stated that MINSALUD along with MAT, were responsible for controlling the quality of food products destined for human consumption. However, due to the latest changes of MAT's functions, MINAL has taken over this specific task. MINSALUD enforces food recalls and recommends MINAL to declare bans of local and imported processed food products thought to be harmful to human health.

2. Law on Animal and Plant Health Defense / Agricultural Comprehensive Health Law

The Law on Animal and Plant Health Defense establishes regulations, conditions and prohibitions for imports and exports of animal and plant products. Its goal is to control plant and animal disease and pest outbreaks that may affect both animal and plant products, and relates to the study and prevention of diseases, plagues and all other agents that are harmful to animals and vegetables and their products. INSAI is the regulatory enforcement agency for these laws. It was published in the Official Gazette N°20,566 on August 15, 1941. The Agricultural Comprehensive Health Law from June 2008 published at the Official Gazette N° 5.890 replaced the Law on Animal and Plant Health Defense (Ley sobre Defensas Sanitarias Vegetal y Animal). It can be accessed through the following website: <http://www.insai.gob.ve/index.php>.

3. Seed Law

The Seed Law, or Material for Animal Reproduction and Biological Inputs, establishes regulations for the collection, research, production and marketing of seeds and seed products. It applies to locally produced and imported seeds. New seed developments are also regulated through this law. It was published in the Official Gazette N° 37.552 on October 18, 2002 (<http://www.mat.gob.ve/legislacion/37552.pdf>).

4. Good Manufacturing Practices' Regulations

This Resolution establishes the rules for manufacturing, storage and transportation practices of foods for human consumption, published at the Official Gazette N° 36,081, dated July 11, 1996. MINSALUD and SUNDEE are the regulatory enforcement entities for these regulations.

5. Law for the Defense of the People in the Access to Goods and Services

The Law for the Defense of the People in the Access to Goods and Services is one of the most important laws for the agriculture sector and was enacted on July 31st, 2008 by Presidential Decree. The objective of this Law is “the defense, protection and safeguard of individual and collective rights and interests in

the access of people to goods and services for the satisfaction of their needs... and to establish penalties, sanctions and compensation for injury; as well as to regulate its application ... with the active participation of communities.” A reform to this law was completed on February 1, 2010 and was published at the Official Gazette No. 39,358.

The 2008 law revoked “the Special Law for Popular Defense against Hoarding, Speculation, and Boycott” and any other behavior affecting the consumption of food and products submitted to price control and their reforms thereafter from May 2004; as well as the “Law of Consumer and User Protection” from May 1995. This law is enforced by SUNDEE which has authority to inspect and, if necessary, shutdown points of sales, manufacturing and processing facilities, and warehouses.

6. Law on Fair Costs and Prices

Venezuela’s Law of Profits, Costs and Fair Prices went into effect in November 2011 and was later amended in February 2014. The law aims to stabilize prices, guarantee access to goods, and to attack inflation. The law will be implemented by the newly-created National Superintendence of Fair Costs and Prices. The new regulatory authority will establish the standards for the National Registry of Prices of Goods and Services, as well as regulating prices. SUNDEE will also have the authority to set maximum retail prices or the price ranges for goods and services, among other responsibilities.

Exchange Rate Policy

Since early 2003, strict exchange rate control regime authorized by the Venezuelan Central Bank (BCV), which has been modified several times, has been in force in Venezuela, strongly restricting the sale and purchase of foreign currency. Currency trading is illegal and all import transactions must be approved by the government’s National Center for Foreign Trade (CENCOEX). Importers must register with CENCOEX for formal applications for foreign currency transactions.

Venezuela currently has three different official exchange rates. Currency exchange transactions are carried out through the following options: CENCOEX; SICAD I and SICAD II. Most dollars are bought from the government at the official rate of 6.3 bolivars per one U.S. dollar. These are intended for essential goods, such as food and medicine. Some other importers can buy U.S. dollars from the government at a rate of about 11 bolivars per one U.S. dollar on a limited exchange called SICAD 1. There is also SICAD 2, which was introduced in March 2014 and involves private sellers at a rate of 50 bolivars per one U.S. dollar. Finally, there is an unofficial exchange rate valued at approximately 875 bolivars per one U.S. dollar.

When approved, the transactions are then liquidated through the Central Bank and finally through commercial banks. The request for U.S. dollars can take several months for non-preferential products.

For the current list of products subject to price controls that receive preferential dollars, refer to Appendix III or visit web page at: <http://www.cadivi.gob.ve> or at http://www.cadivi.gob.ve/images/stories/pdfs/Resoluciones/resol_39396.pdf . List No. II is for agricultural and food products. The list may be subject to changes as products may be added or removed by CENCOEX.

Section II. Food Additives Regulations

General definitions concerning food additives and contaminants are contained in COVENIN norm No.

910 (<http://www.sencamer.gob.ve/sencamer/normas/910-00.pdf>). U.S. exporters should note that some food additives authorized by the Food and Drug Administration in the United States are not authorized in Venezuela, and vice versa. All COVENIN standards can be accessed and downloaded through SENCAMER web page: <http://www.sencamer.gob.ve/sencamer/action/normas-find>.

Some general guidelines concerning food additives are:

- Food additives and contaminant tolerance levels are specified in individual COVENIN food standards.
- Food additives are approved during registration with the Ministry of Health, using COVENIN standards.
- In the absence of a COVENIN standard for a specific food additive, guidelines from *Codex Alimentarius* are used and are approved on a case-by-case basis by MINSALUD.
- For sausages, ham, meat and meat products in combination with other foods, the total level of nitrite and nitrate must be indicated.
- “Maximum Level of Chemical Residues” is based on *Codex Alimentarius* guidelines.
- When monosodium glutamate (MSG) is used, it would be useful for MINSALUD’s health registration purposes to specify the level used.

Section III. Pesticides and Other Contaminants

All domestically produced and imported pesticides should be registered with INSAI. Venezuela does not have a national standard for pesticide Maximum Residue Levels (MRLs). However, regulations and guidelines concerning manufacturing, marketing and use of pesticides are under the “General Pesticide Regulations” (Reglamento General de Pesticidas) published in 1968 and updated in 1991 as per Official Gazette No. 34877. *Codex Alimentarius* “Pesticide Residue Tolerances Guidelines” are generally observed by INSAI. Information about approved pesticides is available through INSAI’s offices. You can find a list of PESTICIDES and SEVERELY HAZARDOUS PESTICIDE FORMULATIONS (FPEP) prohibited or restricted in Venezuela, at INSAI’s web page: www.insai.gob.ve/insai/institucional/info_general.php.

INSAI is the government agency that has the responsibility or authority to monitor pesticide residues in agricultural and processed food products upon its arrival at Venezuelan ports. If an agricultural or processed food product is suspected of being contaminated with pesticides or similar products, INSAI can recommend its retention until further analysis proves the contrary. INSAI can recommend specific lab analysis to confirm contamination, but MAT, MINAL and MINSALUD are responsible for enforcing the retention of the product. If lab’s results confirm pesticide contamination, products will be destroyed and no indemnification will be granted.

Section IV. Packaging and Container Regulations

In general, packaging and container regulations are enforced by SENCAMER, based on COVENIN, the compiling body for technical standards and norms, but they also may follow *Codex Alimentarius* guidelines. New manufacturing, storage and transportation practices for foods for human consumption were established by the Ministry of Health through Official Gazette N° 38,739, dated August 5, 2007

(which replaced the norms of Official Gazette N° 36,081, dated November 7, 1996). Containers, vessels, canning, bottling and packing materials used to handle inputs or finished products should meet the following general requirements:

- Should be manufactured with materials suitable for that kind of food such as glass, tin, plastic, paper, cardboard, or another material approved by MINSALUD authorities.
- Must not transmit substances to the food beyond the allowed limits under the standards in-force.
- Shall not have been previously used for any different purpose that might contaminate the food.

Additional information about packaging and container requirements can be accessed through the following link: <http://www.sencamer.gob.ve/>.

Section V. Labeling Requirements

There are currently three sets of documents which serve as sources for labeling requirements in Venezuela. These are: the General Food Norm, the Law for the Defense of People in the Access for Goods and Services, and the General Standards for Labeling of Canned Foods (Venezuelan Commission for Industrial Norms, COVENIN No. 2952:2001). Beverage alcohol products must be registered with the Ministry of Health.

The Ministry of Health or MINSALUD oversees processed food labeling in Venezuela. Labeling is mandatory for domestically produced and imported food products. Ministry of Health authorities may require the elimination or modification of any paragraph or phrase concerning a particular product, as well as recommending the addition of any paragraph or phrase they deem necessary. Post provides an informal summary of the relevant labeling information below.

a. Language – All labels must be presented in Spanish. A Spanish translation of the original/foreign label must be authorized by MINSALUD. The approved label must be affixed, stamped, sealed or printed with indelible ink to the product prior to export because it has to enter the country in its final presentation. The information on the label must be stamped, sealed or printed with indelible ink.

The use of computer technology for labeling is allowed. Suppliers are obliged to inform the importer about the characteristics of the product and in addition must also indicate the percentages of the components and ingredients of the product on the label.

b. Information on Label – The label must include the following information:

- Descriptive name of the product
- Brand name or trademark
- Net weight or net content (only metric measurements are accepted)
- List of ingredients in decreasing order of importance
- Manufactured by (name of company) in (name of city, state, country)
- Imported by (name of importer/importing company)
- Special handling and storage requirements to keep the product safe, if any
- Cooking and oven temperatures must be indicated both in Celsius and Fahrenheit
- Detailed instructions for preparation or use

- Expiration date and/ or Minimum shelf life, in a legible, visible and indelible form
- The Ministry of Health Registration Number
- The SNML registration number (metrology registration through SENCAMER) \
- Any other requirement stated

Nutritional Labeling: Only foods for special dietary use are required to include nutrient information on the label (according to the Official Gazette No. 31.106 dated November 9, 1976). Nutritional information must be expressed as a percentage of the recommended daily requirement set by the National Nutrition Institute (INN). Recommended Daily Nutritional Intake (RDIs) may be different from those in the United States. The complete list of RDIs is available at the INN, and is not available on-line. The following additional information must appear on labels for processed foods that are marketed for specific dietary use:

- Energy value, protein, digestible carbohydrate and fat contents (expressed in grams).
- Amounts of any nutrients claimed to have special nutritional value.
- For vitamins A and D, nutrient content must be expressed in international units. For all other vitamins and minerals nutrient content must be expressed in milligrams or micrograms.
- Energy values must appear in calories.

Labeling for baby foods: There is no special labeling requirement for baby foods. It is known that MINSALUD is very concerned about the use of modified food starches. Mentioning processes used in modified food starches is strongly recommended at the moment of completing the food registration process.

Seasonings, Colorings and Flavorings: Locally produced and imported ingredients that could be used in the formulation or further processing of food products must be registered with MINSALUD. The names of spices used as seasoning, colorings and flavorings of processed food products must be specified in the label.

Health Claims: Information about health claims is subject to the Ministry of Health's consideration and approval is given on a case-by-case basis.

Product that may cause allergies: If a product consists of or includes any of the following food products or ingredients that may cause any allergic reaction, it must be included on the label, with their specific names as follows:

- Processed food products containing grain gluten (wheat, rye, oats, barley, spelt or any grain hybrid or product)
- Crustacean and by-products
- Eggs and by-products
- Fish and fishery products
- Soybeans and their products
- Milk and dairy products, including lactose
- Nuts and derived products

Refund coupons or free offers: Promotions of domestically produced processed food products (free offers and coupons) are allowed if previously notified and approved by the Consumer's Defense Institute, SUNDEE. Information about general promotion conditions, valid dates and SUNDEE' approval number must be affixed to the food product. Foreign countries' free offers or coupons are not valid in Venezuela. Therefore, this should be clearly specified on the Spanish version label, or if the

label is printed especially for export, it is necessary to include this statement. Additional information about promotion requirements can be accessed through the following link: <http://www.superintendenciadepreciosjustos.gob.ve/>.

Section VI. Other Specific Standards

Animal Products and Unprocessed Plant Products

Imported products and sub-products of plant or animal origin, and animals and plant breeding material are subject to the issuance of a phytosanitary permits or sanitary health (SPS) permits from INSAI. INSAI is authorized to restrict or prohibit the importation, marketing, or use of animal and plant products. For these cases, INSAI's "Standing Technical Advisory Body" will recommend the appropriate course of action on the basis of a risk analysis.

The general guidelines for importing animal and plant products are:

- The importer, exporter or producer should be registered with INSAI. The validity of this registration is indefinite, but it can be cancelled due to non-compliance with dispositions stated by pre-established laws and regulations.
- Prior to importing animal products and/or unprocessed plant products, importers should request and obtain a phytosanitary or sanitary health (SPS) import permit from INSAI.
- Specific SPS statements (treatment and other conditions) for each type of product are determined by INSAI on a case-by-case basis.
- Specific SPS statements are written on the import permit issued by INSAI.
- INSAI's sanitary and phytosanitary import permits have a non-renewable period of validity of between 60 and 90 days, depending on the product.
- Sanitary health import permits are issued for animal products and livestock-farming inputs (validity of 60 days).
- Phytosanitary import permits are issued for plant products (validity of 90 days).
- Import permits are only used for one shipment and one pre-designated port of entry.
- Every shipment must be accompanied with an import permit issued by INSAI and its corresponding APHIS or FSIS export certificate.
- The "remarks" section of the APHIS or FSIS export certificate should include the specific SPS statements, and should be written both in English and Spanish.
- No product should be loaded in a vessel before the import permit is received and the sanitary statements required in it are written on the APHIS or FSIS export certificate.

Seeds

Import permits for seeds are issued by INSAI, after evaluating pest risk analysis results from their studies. Requirements for pest risk analysis are provided by INSAI on a case-by-case basis. Both locally produced and imported seeds must be registered through the National Institute of Agricultural Research (INIA) at the Division of the National Seed Service (SENASA). Guidelines for registering seeds can be accessed through the following web page: <http://www.inia.gob.ve/index.php>.

Processed Animal Products

An FSIS certificate must accompany each shipment of meat and poultry and/or processed animal

products. Venezuela accepts imports from all FSIS approved plants. All federally inspected meat and poultry plants are eligible to export to Venezuela. As noted above for unprocessed plant products, importers are required to have an import permit before importing meat and poultry products. Certificate requirements of the Bolivarian Republic of Venezuela are currently included in the FSIS export certificate library:

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

Section VII. Facility and product registration Requirements

Processed Food Products/ Health Registration

All domestically produced and imported processed food products must be registered with the Ministry of Health, through its Health Food Comptroller (Servicio Autónomo de Contraloría Sanitaria) and the Food Hygiene Division (Dirección de Higiene de los Alimentos), before they can be sold to Venezuelan consumers. Although Venezuelan law does not prohibit a foreign exporter from registering food products, a local consultant or agent may prove to be the best resource in order to complete the food registration process.

A suggested list of experts in the registry of food products provided by the Venezuelan Chamber of Food, Cavidea, can be found in Appendix I. This group of experts is a member of the Committee of Norms of the Venezuelan Food Industry Chamber (Comité de Normas de la Cámara de la Industria de Alimentos, CONORCA) (<http://www.cavidea.org/>).

A general guideline for registering processed food products is:

- All consumer-ready food products under the following Venezuelan Harmonized Schedule headings HS codes: 03,04,05,16,19,20,21 and 22 are subject to registration.
- Prior to importing consumer-ready food products, importers should obtain a registration number from MINSALUD.
- Processed foods not registered in the country of origin cannot be registered in Venezuela.
- All new-to-market local or foreign processed food products must be submitted for registration before being imported. This new product will be subject to approval for registration by MINSALUD after several lab tests as well as to prove that it is apt for human consumption.
- The foreign exporter/seller is the owner of the product registration, although authorized importers can proceed with the registration process;
- The processed food product health registration is valid for five years. Renewals are permitted.
- MINSALUD would consider exceptions to the registration process for food imported by government entities.
- If an imported product does not meet the minimum quality standards or does not have a health registration number, it could be confiscated and/or destroyed by MINSALUD authorities.
- Inspection at the point of sale is done by MINSALUD and SUNDEE authorities on a regular basis to determine if imported products are fit for human consumption, have sufficient shelf life, or are thought to have been adulterated.

Obtaining a Health Registration Number for Processed Foods - Step by Step

In general, registering processed food products (food registration) through MINSALUD takes between 45 to 60 working days. However, it may take longer because of the high number of applications. The following is a guideline of the step-by-step process:

- Fill out an application for the Health or Sanitary Registration for Food (form SIE 5 197) from MINSALUD. Documents accompanying the application, certificate of free sale and the authorization or a power of attorney to a representative or a local consultant or agent, must be issued by foreign authorities, translated into Spanish and “apostilled” or stamped (as per The Hague Convention on Foreign Public Documents).
- A certificate of free sale and consumption issued by competent authorities in the country of origin, which state that the food has been authorized for human consumption, or for processing, or for use as an input in food for human consumption in the country of origin, with a period of validity of 12 months from the date of application (as previously said, apostilled by a Notary Public).
- Certificate of chemical, physical and microbiological test conducted by an accredited lab in the country of origin (endorsed by USDA).
- A power of attorney, authorizing the Venezuelan representative to apply for health registration of the product in Venezuela (also apostilled by a Public Notary);
- A letter of authorization from the Venezuelan representative, if a third party is requesting the health registration on his/her behalf.
- One sample of the food product.
- Three copies of the original labels and packages used to market the product in the country of origin; likewise three examples of the label, in Spanish, that will be used in Venezuela.

Labels should include the following information:

- Descriptive name of the product
- Trademark
- Net weight
- Net contain
- List of ingredients in the manufacture of the product, in descending order
- Manufacture by....., in....
- Imported by.....
- Registered in Ministry of Health under number...
- In the case of food products that require special storage conditions, these should be clearly indicated
- Any other requirement listed by COVENIN standards, the General Food Norms, or specifications of MINSALUD
- List of ingredients, including additives, colors and preservatives

Once all documents are submitted, MINSALUD gives authorization to conduct the corresponding laboratory testing for each of the food products to be registered. For meat, poultry, and dairy products lab tests must be conducted in the BRV’s main lab “Instituto Nacional de Higiene Rafael Rangel.” For all other processed food products, MINSALUD designates (on a case-by-case basis) an accredited private lab to conduct food testing. Lab results are submitted directly MINSALUD. If the lab results are considered satisfactory, MINSALUD will assign a health registration number. Health registration

numbers are published in the Official Gazette.

Samples for Registration Process

As part of the health registration process, the U.S. exporter or Venezuelan importer must submit samples (generally no more than three) of each product/model for which a registration is being sought to Ministry of Health’s previously designated and accredited Venezuelan laboratory. Samples without commercial value should meet the following requirements in order to obtain exemption from the payment of import duties and value-added tax:

- Sender needs to be the producer of the product, its representative, or the authorized exporter
- The addressee shall be a company or an importer with experience in this activity.
- All documentation (commercial invoices, transportation invoices or others) shall contain annotations demonstrating that the products are samples without commercial value.
- Samples should be identified as having no commercial value. It is advisable to mark the package with the following wording “Muestras sin valor comercial para su registro en el Ministerio de Salud” (samples without commercial value for registration with the Ministry of Health).

Section VIII. Other certifications and Testing Requirements

Import Tax Exoneration for Basic Products

Article 91 of the Venezuelan Organic Law of Customs states that the National Executive may grant full or partial exemption from customs duties, among other, for the purposes used in industry, agriculture, farming, transportation, mining, fishing, manufacturing and in cases of products qualify as of first need or staples.

As of February 21, 2008, the import tax exoneration for certain agricultural and processed food products is permanent. Products of “first necessity,” to Venezuela’s consumers (normally part of the basic staple basket of food products, as per Official Gazette N° 38,875, dated February 21, 2008) are so classified. The import tax exoneration was implemented for the first time in January 28, 2003. It has been renewed several times and products on the original list have changed since then. Currently, MINAL and MINFINANZAS are responsible for reviewing and updating the list of products, with the recommendations of the “Inter-Ministerial Commission.”

Table 2. Products Exempted from Import Tax

Live bovine animals	Meat of bovine animals, fresh, chilled, frozen, including boneless	Powdered milk, infant formula and soy-based infant formula
Durum wheat and other wheat	Potato seeds	Sugar cane seed for sowing
Oilseeds (soybean, sunflower, cottonseed and palm nuts and kernels) for sowing	White and yellow corn seed for sowing	Vegetables, for sowing: onion, broccoli, carrot, lettuce, and tomato
Dry beans, peas and lentils, for sowing	Dry beans, peas and lentils	Protein concentrates and textured protein substances

Source: Official Government Gazettes, various issues, compiled by FAS/Caracas

Value Added Tax

The Government of Venezuela through the National Integrated Tax Administration Service (SENIAT) applies a flat 12 percent Value Added Tax (VAT) on sales of domestically produced and imported food products. The VAT applied to imports is based on the total customs value. Certain food products from the basic food basket are VAT exempted.

Table 3. Products Exempted from VAT

Rice	Coffee, beans or grounded	Milk, soy-bases
All flours, of vegetable origin	Tuna, canned, natural	Cheese, white, hard
Bread and pasta	Sardines, canned	Margarine and butter
Eggs	Milk, crude or pasteurized	Poultry, fresh or frozen
Salt	Milk, powdered	Certified seeds
Sugar	Milk, infant formulas	Vegetables

Source: Official Government Gazettes, various issues compiled by FAS/Caracas

Genetically Modified Organisms

The Ministry of Environment has the authority to oversee all genetically modified organisms. However, there are no specific guidelines for registering genetically modified foods or food products. Venezuela published in the Official Gazette N° 5,468 of May 24, 2000 its Biodiversity Law (Ley de Biodiversidad Biologica), which creates a National Office for Biodiversity.

Trademark Laws

The Intellectual Property Registration Institute (SAPI) is responsible for intellectual property rights administration in Venezuela. While Venezuela is a member of the World Intellectual Property Organization (WIPO) and remains signatory to various international intellectual property agreements, until recently it applied Andean Community regulations. Through Andean Community Decision 486, Venezuela ratified the provisions of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Although Venezuela is no longer a member of the Andean Community, it is important to note that Andean Community regulations for trademark protection are still valid in Venezuela.

Brand Name and Trademark Registration Process

All brand names and trademarks of local and imported processed food products to be sold in Venezuela must be registered with SAPI. Usually, brand name and trademark registrations are among the services provided by specialized law firms in Venezuela. The procedures for the registry of brands could be found at the following link: <http://www.sapi.gob.ve>.

The basic guidelines for registration of brand names and trademarks are:

- Prior to registering, a name search should be conducted.
- Approval or rejection of a brand name is based on phonetics and spelling matches with brands for similar products.

- Approved and registered brand names are published in quarterly SAPI bulletins.
- All the documents relating to patents, designs, trademarks, etc. are published in the Industrial Property Bulletin.
- The process takes from three to six months to be completed.

Section IX. Import Procedures

The Government of Venezuela has implemented the United Nations Custom Computerized System (SIDUNEA) in the majority of Venezuelan ports of entry. With this system, clearing customs takes approximately five to eight working days. By law, only nationals and private custom agencies with Venezuelan local staff are entitled to conduct customs procedures. A custom agent assesses customs, port charges, and taxes as well as fills out paperwork forms. Generally, the custom agent's fee is one percent of the CIF value, plus any other charges accrued during offloading.

All imported goods presented at the ports of entry must be officially declared to SENIAT authorities within five days of arrival. Fines may be levied and applied to any shipment when the customs entry is made later than five days after the date of arrival. When an importer either delays or refuses to claim a product arriving in Venezuelan ports, SENIAT will impound the goods not claimed, and, if steep fines and storage fees are not promptly paid, sell the goods at auction.

All shipments must be made on a direct consignment basis. Customs regulations stipulate that the consignee is the owner of the shipment and is responsible for all customs payments. Importers must register all of their products with MINSALUD's Health Food Comptroller Division prior to placing the product on the Venezuelan market.

Import Duties

Import duties are calculated using the WTO Harmonized Scheduled Tariff classification system on the CIF value of the products (using the commercial invoice as basis). Import duties are assessed, due and payable at time of arrival. Import duties and fees are assessed in local currency; despite the currency listed on the commercial invoice. The VAT rate of twelve percent is calculated on the basis of the CIF value.

Customs Fees

SENIAT charges one percent of the CIF value for processing shipments and for the use of the port of entry. In some cases an additional stamp fee is added to offset the cost of processing these imports. Both the SENIAT Customs & Port Fee and Customs Stamp Fee are calculated on CIF value.

Inspections

Products are inspected by MINSALUD and/or INSAI officers, as applicable, according to the type of product being imported. MINSALUD inspects processed products, while INSAI inspects non-processed animal and plant origin products. Phytosanitary addresses plant pests and plant disease, handled in Venezuela by INSAI. Sanitary addresses human health/associated to pathogens, handled in Venezuela by Minsalud. Regardless of the type of agricultural and processed food products, all imports are subject to inspection by SENIAT, the National Guard (Guardia Nacional), and the Anti-Drug

Command (Comando Antidroga). There are no inspection fees.

Control of products at Port of Entry levels

The General Food Law authorizes MINSALUD, INSAI, the National Guard, and SENIAT authorities with the power to reject, confiscate, or destroy imported food and agricultural products if:

- Documentation is incomplete
- Permits are invalid
- The product is determined to be unfit for human consumption
- The product has insufficient shelf life
- The product is thought to have been adulterated

If the cargo is rejected, it can be temporarily stored at the port of entry at the importer's expense until the appeals procedures have been completed. In cases where imports are confiscated or destroyed because they have been judged by competent authorities to be unfit for consumption, importers are not eligible for compensation.

Below there is a list of procedures which must be completed to clear the products at the port of entry:

- Incoming shipments must be inspected by an agent of the National Integrated Tax Administration Service (Seniat). SENIAT will compare the contents of the shipment to ensure that they conform to the invoices, packing lists, and other shipping documents.
- The goods are inspected by the MINSALUD.
- A SENIAT appraiser compares the declared invoice price with international prices to monitor for evidence of dumping or tax evasion.
- A customs agent assesses customs, port charges, and taxes and completes a liquidation form.
- The liquidation form, accompanied by the required MINSALUD import permits, is stamped by SENIAT and port authorities.
- The customs agency deposits the amount due in a SENIAT account in a local bank and presents the deposit slip to SENIAT and port authorities to obtain final clearance;
- The merchandise is then released by customs.

Document Requirements

According to Venezuelan customs regulations, all imports should be warehoused at the port of entry while customs clearance is being completed. All shippers are urged to provide all documents tendered for customs purposes in Spanish to avoid processing delays. The documents needed for customs clearance may include, but are not limited to:

- Customs declaration of value
- Commercial invoice (original invoice/no photocopies accepted)
- Insurance and Freight must be listed separately on the commercial invoice
- Bill of lading
- Certificate of origin
- Shipment manifest
- Sanitary or phytosanitary certificate, if required
- Import license, if required

Appendix I. Government Regulatory Agency Contacts/ Agricultural related:

Ministerio del Poder Popular para la Alimentación (Ministry of Food)

Av. Andrés Bello - Edificio "Las Fundaciones"

Municipio Libertador, Caracas

Tel: (58-212) 577-0257 / 395-7474

Fax: (58-212) 578-2647

<http://www.minpal.gob.ve/>

Email address of Public Relations: oirp@minal.gob.ve

Ministerio del Poder Popular para la Agricultura y Tierras (Ministry of Agriculture)

Av. Urdaneta, Edificio "MAT"

Esquina de Platanal a Candilito

La Candelaria, Caracas

Tel: (58-212) 509-0347/ 0348/ 0359/ 0360/ 0361

<http://www.mat.gob.ve>

Instituto Nacional de Salud Agrícola Integral-INSAI

(Equivalent to the US Animal and Plant Health Inspection Service-APHIS)

Ave. Francisco de Miranda con 3ra Ave. Los Palos Grandes,

Parque Cristal, Torre Oeste, piso 2, oficina 2-3

Caracas, Venezuela

Tel. (58-412) 311-3289 / 311-3172 /311-1394

E-mail: presidencianuevoinsai@gmail.com

direcciongeneralinsai@gmail.com

<http://www.insai.gob.ve>

INSOPESCA – Instituto Socialista de la Pesca

Av. Santa Lucia con Av. Principal del Bosque y Santa Isabel

Urb. El Bosque, Torre Credicard, piso 9

Tel. 0212-593.86.91 / 0212-951.39.86

<http://www.insopesca.gob.ve/>

Ministerio del Poder Popular para la Salud (Ministry of Health)

Av. Baralt, Centro Simón Bolívar, Edificio Sur

El Silencio, Caracas

Tel: (58-212) 408-0000

atencionalciudadanompps@gmail.com

<http://www.mpps.gob.ve>

Servicio Autónomo de Contraloría Sanitaria

Dirección de Higiene de Alimentos (equivalent to FDA - Food Registration)

Ministerio del Poder Popular para la Salud

Av. Baralt, Centro Simón Bolívar,

Edificio Sur, piso 3, Of. 313

El Silencio, Caracas
Tel: (58-212) 408-1533/ 484-3066
Fax: (58-212) 483-1533
Web-page: <http://www.sacs.gob.ve/site/>

Instituto Nacional de Higiene Rafael Rangel
Gerencia de Control y Registro de Alimentos
Ciudad Universitaria UCV, Los Chaguaramos, Caracas
Tel: (58-212) 219-1670 / 219-1663
Web-page: <http://www.inhrr.gob.ve>

Instituto Nacional de Nutrición-INN
Av. Baralt, Esquina El Carmen
Edificio INN
El Silencio, Caracas
Tel: (58-212) 482-6473
prensa@inn.gob.ve
<http://www.inn.gob.ve>

Ministerio del Poder Popular para el Comercio (Ministry of Commerce)
Av. Lecuna, Torre Oeste de Parque Central
Entrada Nivel Lecuna – Caracas 1001
Tel. (58-212)-596-7616
prensa@mppi.gob.ve
<http://www.mincomercio.gob.ve/>

**Servicio Autónomo Nacional de Normalización, Calidad, Metrología y Reglamentos Técnicos-
SENCAMER**
Av. Libertador, C.C. Los Cedros, Planta Baja
La Florida, Caracas
Tel: (58-212) 761-6474
<http://www.sencamer.gob.ve>

Servicio Autónomo de la Propiedad Industrial-SAPI
Centro Simón Bolívar, Edificio Norte, Piso 4
El Silencio, Caracas
Tel: (58-212) 481-6478
Fax (58-212) 483-1391
<http://www.sapi.gob.ve>

Superintendencia Nacional para la Defensa de los Derechos Socio Económicos, SUNDDE
Av. Libertador, C.C. Los Cedros, PB.
La Florida, Caracas 1050
Tel: (58-212) 705-3100 (0-800-5658-786)
<http://www.superintendenciadepreciosjustos.gob.ve/>

Ministerio del Poder Popular para la Economía y Finanzas: (Ministry of Finance)
Servicio Nacional Integrado de Administración Aduanera y Tributaria-SENIAT
Av. Blandín, C.C. Mata de Coco, Torre SENIAT
La Castellana, Caracas
Tel: (58-212) 274-4000/ 274-4026
<http://www.seniat.gob.ve>

CENCOEX - Centro Nacional de Comercio Exterior
(former Comisión de Administración de Divisas-CADIVI)
Av. Leonardo Da Vinci, Edificio PDVSA, Piso 3
Los Chaguaramos, Caracas
Tel: (58-212) 606-3939
<http://www.cadivi.gob.ve>

Appendix II. Other Import Specialist Contacts:

Venamcham/ Venezuelan-American Chamber of Industry and Commerce

2da.Av. de Campo Alegre, Torre Credival, Piso 10, Ofic.A, Caracas 1060, Venezuela
Tel: (58-212) 263-0833/267-20-76/64-81
Fax: (58-212) 263-20-60
<http://www.venamcham.org.ve>

ANSA - Asociación Nacional de Supermercados y Autoservicios
(National Supermarket Association)
Av. Principal de los Ruices
Centro Empresarial Los Ruices, Piso 1, Ofic. 116
Caracas 1071, Venezuela
Tel: (58-212) 234-4490 / 235-7558
Fax: (58-212) 238-0308
<http://www.ansa.com.ve>

CAVIDEA - Cámara Venezolana de la Industria de Alimentos
(Venezuelan Food Industry Chamber)
Ave. Principal de los Ruices
Centro Empresarial Los Ruices, Piso 5, Ofic. 510
Caracas 1071, Venezuela
Tel: (58-212) 237-6183
Fax: (58-212) 237-9918
<http://www.cavidea.org.ve>

USDA/ FAS CARACAS OFFICE CONTACT INFORMATION:
Office of Agricultural Affairs/ American Embassy
Calle F c/c Suapure, Colinas de Valle Arriba

Caracas, 1070, Venezuela
Tel: (58-212) 907-8333/ 907-8529
Fax: (58-212) 907-8542
Email: AgCaracas@fas.usda.gov
Web page: <http://caracas.usembassy.gov/about-us/agricultural.html>

Members of CONORCA - Committee of Norms of the Venezuelan Food Industry Chamber
(Comité de Normas de la Cámara de la Industria de Alimentos, CONORCA – (Technical Experts on Food Registry)

INGRID ESAA
Tel (58-212) 484.37.36 / 0416-627.20.52
Email: iesaaaj@gmail.com

CIRA GARCIA
Tel (58-212) 256.03.70 / 0414-316.4379
Email: ciragarcia@gmail.com

LIANE MORA
Tel (58-212) 284.17.68 / 0412-284.17.68
Email: tlnasociados@gmail.com

HECTOR BENAVENTE
Tel (58-212) 959.26.96 / 0416-627.74.27
Email: hbaconsu@infoline.wtfe.com

MANUEL COLS PAEZ
Tel (58-212) 632.75.46 / 0414-326.70.15
Email: mcols2@cantv.net

Appendix III. FOOD PRODUCTS SUBJECT TO PRICE CONTROLS

Beef - several types, carcass meat
Blended Oil
Bologna Sausage
Bottled water
Cheese – white, soft, Gouda, Dembo, Edam, Fymbo, Munster, etc.
Chicken, whole, cut, breast, legs
Chicken (feed for chicken)
Cocoa (domestic production)
Coffee (domestic production) beans, roasted and ground
Corn (domestic production) white and yellow
Corn Flour
Corn Oil
Fruit Juices pasteurized

Infant formulas
Jams/baby food
Margarine
Milk, Infant Formulas
Oatmeal
Pasta and Bread
Peas, Lentils and Black Beans
Pork – chops and pork ribs
Powdered Milk
Refined Sugar and Brown Sugar
Rice
Salt
Sardines and Tuna
Sorghum
Soy Milk
Soybeans (domestic production)
Sunflower
Sunflower Oil
Tomato sauce
Vegetable oil – mix
Wheat bread
Wheat Flour

http://www.indepabis.gob.ve/publicos/archivos/indepabis-preciosreguladoscestabasica_10.pdf