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## **Peru**

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

## **FAIRS Country Report 2015**

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### **Report Highlights:**

This report outlines Peru's regulatory requirements for food and agricultural product imports and it updates the 2014 FAIRS Country Report's Section I (General Food Laws and Sanitary Supervisory Agencies), Section V (Labeling Requirements), and Appendix I (Government Regulatory Agency Contacts). Hyperlinks to ministries, agencies, and legal documents are provided throughout.

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*This report was prepared by the USDA/Foreign Agricultural Service in Lima, Peru for U.S. exporters of domestic food and agricultural products. While every possible care has been 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 is 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

Peru has a thorough, well-developed food safety and regulatory system. Regulations generally are science-based, the risk assessment and rule-making process is however slow and onerous.

The Ministry of Health's Directorate General for Environmental Health ([Dirección General de Salud Ambiental](#) - DIGESA) is the U.S. Food and Drug Administration's (FDA) counterpart; it regulates the registration and supervision of processed foods and beverages. The Ministry of Agriculture's National Food Safety and Quality Service ([Servicio Nacional de Sanidad y Calidad Agroalimentaria](#) - SENASA) develops and implements Peru's sanitary and phyto-sanitary regulations; its U.S. counterparts are the Animal and Plant Health Inspection Service (APHIS) and the Food Safety and Inspection Service (FSIS).

Peruvian standards and input requirements do not impede imports of U.S. food and agricultural products. FAS Lima finds that most market access issues are largely associated with customs clearance procedures, harmonized-tariff-system (HS) classification errors and inadequate or improperly completed export-import documentation.

### 1.1 General Health Law – Law 26,842 (July 20, 1997)

Peru's General Health Law provides the legal framework for sanitary supervision regulations and oversight of food and beverage products. Its provisions are implemented through rules, decrees and supreme resolutions published in the official gazette ([El Peruano](#)).

DIGESA is responsible for implementing Peru's food product regulations. Regulations establish:

- The production and trade of food and beverage products for human consumption is subject to sanitary standards.
- The import, manufacture, trade, distribution or storage of food and beverage products that have been adulterated, contaminated, altered or declared unfit for human consumption is prohibited.
- Food and beverage products manufactured locally, as well as in a foreign country can only be traded if they possess the corresponding certificate of sanitary registration.
- The import of food and beverage products from countries where distribution or consumption of the product is forbidden due to associated health risks is prohibited.
- Personnel involved in the production, handling, transportation, conservation, storage, and supply of food and beverage products must comply with sanitary standards to avoid product contamination.
- Facilities manufacturing, processing and supplying food and beverage products must control sanitary quality and food safety in accordance with the Ministry of Health's requirements.

### 1.2 Regulations for the Sanitary Inspection and Control of Food and Beverages – Supreme Decree 007-98-SA (September 25, 1998)

The Regulations for the Sanitary Inspection and Control of Food and Beverages implements the provisions of the General Health Law and the General Principles of Food Safety included in the *Codex alimentarius* (CODEX). This regulation sets general hygiene standards, health conditions and requirements for the production, transportation, manufacture, storage, marketing, preparation, and sale of food and beverage products for human consumption. It establishes:

- The conditions, requirements and procedures for the registration, modification and cancellation of food and beverage products' sanitary registration.
- The regulations for the inspection of the activities and services related to the production and distribution of food products.
- Food safety measures and sanctions.
- The organoleptic characteristics, chemical composition, and microbiological conditions that apply to food and beverage products.
- Food quality and safety standards for food and beverage manufacturers; based on the Hazard Analysis and Critical Control Points (HACCP) system.

### **1.3. New Administrative procedures and streamline of food safety and sanitary surveillance of processed and seafood products for human consumption - Legislative Decree 1,222**

[Legislative Decree No. 1,222](#) (September 25, 2015) establishes new administrative procedures for streamlining food safety and sanitary surveillance of processed and seafood products destined for human consumption. The decree applies to both public and private entities. The Ministries of Health and Production are drafting the implementing regulation necessary for enforcing the legislation. This decree establishes Certification of General Hygiene Principles or the Technical Validation of a HACCP Plan as the standard reference for commercial entities involved in processed food production, import, fractioning, storage, retail or commercialization. SENASA is responsible for issuing this certification. Imports additionally must count with the sanitary authorization, or its equivalent, from the country of export.

#### **Sanitary Supervision Agencies (Title II, Supreme Decree 007-98-SA)**

- **Ministry of Health\DIGESA:** Responsible for the sanitary supervision of food and beverage manufacturing, distributing and marketing.
- **Ministry of Agriculture\SENASA:** Responsible for the sanitary supervision of fresh fruits and vegetables and animal products (e.g., dairy and meats) for human consumption.
- **Ministry of Production\National Fisheries Health Service (SANIPES):** Responsible for the sanitary supervision for the capture, transport, and processing of seafood products, as well as sanitary conditions at ports.
- **Local Municipalities:** Responsible for the sanitary supervision of establishments trading and manufacturing food and beverages operating within their jurisdictions. Municipalities work closely with DIGESA.

#### **Sanitary Registration of Processed Food and Beverages (Title VIII, Supreme Decree 007-98-SA)**

DIGESA is responsible for registering, re-registering, modifying, suspending and canceling the sanitary registration of food and beverage products in Peru.

- Oversees the sanitary registration of all processed food and beverage products in Peru.
- Defines industrial food and beverages as finished products for human consumption that result from the physical, chemical or biological processing of animal, plant or mineral inputs. Food

additives are also included.

- Establishes which food and beverages are not subject to health registration, including: a) those in natural conditions, packed or not (e.g., grains, fruits, vegetables, meats, and eggs); b) free samples; and c) products donated by foreign charities.
- Establishes that a product's sanitary registration permits its manufacture, import or sale by the registration holder. Said entity is responsible for the sanitary quality and safety of the food or beverage being sold in Peru.
- Establishes product groups for sanitary registration purposes using a qualitatively similar mix of basic ingredients and food additives that identify the group as such.

#### **1.4 Food Safety Law – Legislative Decree 1,062 (June 28, 2008)**

This regulation establishes the legal framework that ensures the application of food safety standards throughout the food chain. Animal feed is also included within the law's range. Suppliers of food products must comply with the sanitary and quality regulations approved by Peru's sanitary authority. All imported agricultural products (i.e., fresh or processed) must be accompanied by an official certificate issued by the country-of-origin's health authority.

The Food Safety Law establishes the Sectorial Food Safety Commission (COMPIAL); the purpose of which is to coordinate public-private sector activity ensuring compliance with the provisions of the Food Safety Law. The Ministries of Agriculture, Health and Production form the Sectorial Food Safety Commission.

The Food Safety Law establishes specific functions for the participating agencies. DIGESA, as Peru's food safety authority, establishes the general food and beverage hygiene standards for products in the human consumption chain. SENASA monitors and supervises food safety standards applicable to agricultural products (i.e., primary products and animal feed). The Technological Fishing Institute (ITP) is the fishery sector's sanitary authority; it monitors the capture, extraction, transport, surveillance, and processing of aquatic products, as well as issues sanitary certificates for fish and fish products.

The Food Safety Regulation, approved by Supreme Decree 004-2011-AG (April 27, 2011), counts with the endorsement of the Ministries of Agriculture and Health; it establishes guidelines for ensuring the food safety of primary and feed products within Peru and abroad.

#### **1.5 Ministry of Agriculture – Legislative Decree 997 (March 13, 2008)**

The Ministry of Agriculture is responsible for promoting and developing Peru's agricultural sector.

- **National Food Safety and Quality Service (SENASA):** Responsible for developing and promoting the adherence of the private sector in the implementation, prevention, control, and eradication of animal diseases and plant pests.
- **National Institute for Agricultural Innovation (INIA):** Responsible for designing and executing the national strategy for agricultural innovation.
- **National Water Authority (ANA):** Responsible for carrying out the necessary actions for the sustainable use of water resources in river basins.
- **National Forest and Wildlife Service (SERFOR):** Responsible for the sustainable use and conservation of forest and wildlife resources.

## 1.6 The National Food Safety and Quality Service (SENASA)

SENASA is responsible for enforcing regulations that govern domestic and imported animals, plants, and products and by-products. It is responsible for preventing the introduction of foreign and exotic animal and plant diseases.

- **Animal Health Office:** Responsible for enforcing regulations governing the import and the export of live animals, semen, embryos and by-products of animal origin, as well as the registration of veterinary products. In cooperation with Peru's state governments, SENASA enforces laws and regulations to protect and improve animal health, control and eradicate animal diseases (e.g., foot-and-mouth disease), and prevent the introduction of foreign and exotic animal diseases. SENASA's regulatory responsibilities for live animals and animal genetics similar to those of APHIS/Veterinary Services.
- **Plant Health Office:** Responsible for protecting plant health and preventing the introduction and spread of foreign pests. Its functions are similar to those of APHIS\Plant Protection and Quarantine. All U.S.-origin unprocessed plant products (e.g., bulk grains, fresh fruits and vegetables, nuts, or seeds) exported to Peru must be accompanied by an APHIS phyto-sanitary certificate. SENASA inspects products as part of customs clearance procedures.
- **Farming, Livestock and Food Safety Inputs Office:** Responsible for supervising seed quality, control, and registration for agricultural chemical pesticides, pharmaceuticals, and food and biological products for animals. It is also responsible for the organic certification and supervision in addition to agricultural production safety.
- **Callao Port and Airport Inspection Stations:** These stations enforce agricultural health regulations involving the trade of domestic and imported agricultural products.

## 1.7 The Ministry of Health – Legislative Decree 584 (April 18, 1990)

The Ministry of Health oversees Peru's national health system.

- **Office of Environmental Health (DIGESA):** Responsible for drafting and supervising regulations. It is divided into three sections which oversee basic health services (water and drainage), ecological and environmental protection, and food safety and animal control. The latter of these sections is equivalent to the U.S. Food and Drug Administration (FDA).
- **Directorate General of Pharmaceutical Products and Drugs (DIGEMID):** Responsible for registering, modifying, discontinuing and canceling the sanitary registration of sweeteners and of diet and health products.

## 1.8 National Fish Health Service (SANIPES) – Law 30063 (July 7, 2013)

The Ministry of Production's National Fish Health Service is responsible for regulating the food safety of fishery products, aquaculture, and fish feed inputs.

## 1.9 Peru's Customs (SUNAT) – Law 24,829 (June 8, 1998)

Peru's Customs Authority (ADUANAS) was incorporated into the Ministry of the Economy and Finance's Tax Agency (SUNAT) on July 12, 2002. Supreme Decree 061-2002-PCM is the implementing regulation for Law 24,829. SUNAT-Customs monitors and enforces the collection of

customs duties and fines, as well as combats smuggling. It is divided into six offices, four of which focus on import procedures and regulations. SUNAT-Customs operates throughout Peru's ports and airports, working in tandem with private customs agencies.

### **1.10 Ministry of Foreign Trade and Tourism (MINCETUR) – Law 27,790 (July 23, 2002)**

The Ministry of Foreign Trade and Tourism is responsible for defining, leading, coordinating, regulating, and supervising foreign trade and tourism. The Ministry is the lead trade agency of Peru, responsible for negotiating trade agreements in coordination with the country's other ministries (i.e., the Ministries of Foreign Affairs and Economy and Finance).

### **1.11 National Institute for the Defense of Competition and for the Protection of the Intellectual Property (INDECOPI) – Law Decree 25,868 (November 24, 1992)**

INDECOPI promotes competition, protects intellectual property, and quality.

- **Office of Consumer Protection:** Protects consumer rights, including consumers' right to be properly informed about goods and services.
- **Office of Repression of Unfair Competition:** Enforces advertising regulations to protect consumers; penalizes unfair practices.
- **Office of Dumping and Subsidies:** Regulates market distortions caused by subsidized or below market value imports.
- **Office of Market Access:** Monitors the activities of the public administration to prevent market access barriers.
- **Office of Technical and Trade Regulations:** Prepares, approves, and notifies Peruvian (voluntary) Technical Standards.

### **1.12 Ministry of the Environment – Legislative Decree 1,013 (May 13, 2008)**

The Ministry of the Environment was created by merging the Environment National Council (CONAM) and the Natural Resources Service (INRENA). This ministry is responsible for designing, implementing, and supervising national and sectorial environmental policies. It furthers sustainable use of natural resources, as well as promotes compliance with conservation efforts to prevent the degradation of the natural resources.

## **SECTION II. FOOD ADDITIVE REGULATIONS**

### **2.1 Food Additives**

**(Title VII, Supreme Decree 007-98-SA)**

- **Sanitary Quality of Inputs and Food Additives:** These must meet DIGESA's sanitary standards and health quality requirements. INDECOPI is responsible for sanctions.
- **Allowed Additives:** Only [CODEX permissible food additives](#) are allowed; all others are forbidden and cannot be kept within food and beverage product manufacturing facilities. Flavorings accepted by the U.S. Food and Drug Administration and the Flavor and Extractive Manufacturing Association (FEMA) are permissible.

### **2.2 Sanitary Authorization for Food Additives – Directorial Resolution 75/2003/ DIGESA/SA**

**(July 10, 2003)**

Importers are required to follow [DIGESA procedures](#) when requesting sanitary authorizations. Sanitary authorizations last six months from the date of issue. Issuing procedures will take approximately fifteen working days.

- Importers must sign the application form. Said form must include the importer's name, address, tax identification number (RUC), contact information of the manufacturer, and the list of products for which the sanitary authorization is being requested.
- For each additive the importer must include the composition (in mg/kg and the CODEX international numbering system), type of package, storage conditions, shelf life, and lot production code, as well as the physical/chemical and microbiological quality analysis issued by the manufacturer's laboratory (or authorized laboratory in Peru).
- Certificate of free sale and use issued by the health authority of the country of origin within the past year is required.
- Payment of administrative procedures and inspection.

### **SECTION III. PESTICIDE AND OTHER CONTAMINANTS**

SENASA regulates pesticides, herbicides and fungicides used in the fumigation of agricultural products. Peru adheres to the Andean Community's (CAN) Decision No. 436 and resolution 630 (registration and control of chemical pesticides for agricultural use), as well as recurs to (Peru) Supreme Decree 016-2000-AG (May 8, 2000) and its amendment (Ministerial Resolutions 476-2000-AG; 639-2000-AG and 1216-2001-AG) to regulate the registration and control of pesticides. Supreme Decree 008-2012-AG governs pesticide registration. Biological pesticides are regulated by Supreme Decree 15-95-AG.

#### **3.1 Registration for Biological Pesticides**

SENASA requires that importers, and the pesticides imported, be registered. SENASA's Administrative Text Procedures (TUPA) requires:

- A signed application by the legal representative and the technical advisor. This document must include technical information of the active ingredient, as well as the product's container, product waste, toxicity, and environmental effects.
- Certificate of free sale and use.
- Physical/chemical analysis results (must be less than one-year old). These must be endorsed by the Peruvian Consulate of jurisdiction and the Ministry of Foreign Affairs.
- Biological test results (from research institutes or specialized professionals).

#### **3.2 Changes to Agrochemical Import Rules**

Law 30,190 (May 9, 2014), as modified by DL 1,059, permits farmers to import pesticides directly with a sworn affidavit stating basic product information. It designates SENASA as the local oversight agency responsible for all agricultural pesticide imports. Implementing regulations however are still being drafted.

### **SECTION IV. PACKAGING AND CONTAINER REQUIREMENTS**

#### **4.1 Packaging (Title VIII, Supreme Decree 007-98-SA)**

Packaging material must be free from substances that could affect the food safety of the food product. Packaging must ensure the product's sanitary quality and composition. The Ministry of Health determines sanitary standards, setting maximum allowed limits for impurities and residues.

Packaging made of metals, alloys and or of plastic should not:

- Contain impurities consisting of lead, antimony, copper, zinc, chromium, iron, tin, mercury, cadmium, arsenic or other metals or metalloids deemed hazardous to human health in quantities or at levels above the maximum permissible limits.
- Contain residual styrene, vinyl chloride, acrylonitrile monomers or any other residual monomers or substances that can be considered hazardous to human health in quantities or at levels above the maximum permissible limits.

Laminates, varnishes, films, coatings and other parts of the package that come into contact with food and beverage products are subject to the provisions of this decree. Packages manufactured from previously used recycled paper, cardboard or plastic are prohibited.

### **SECTION V. LABELING REQUIREMENTS**

INDECOPI's Consumer Protection Office oversees food and beverage product labeling, inspection, and advertising (Supreme Decree 007-98-SA). Penalties are levied based on the offense and intent.

#### **5.1 General Requirements**

All food and beverage products packaged for sale must be labeled in accordance with the provisions established in INDECOPI's Peruvian Metrological Standards NMP 001:1995 – PACKED PRODUCTS LABELING, as well as per article 117 of Supreme Decree 007-98-SA. An adhesive Spanish language label needs to be applied before an imported product reaches the point-of-sale. The information should include:

- Name of the product.
- Food additives and ingredients, as well as instructions for use.
- Manufacturer's name and address.
- Importer's name, commercial name and address, phone, taxpayer's identification (RUC). Note this information may appear on a separate adhesive label.
- Sanitary registration number.
- Expiration Date (shelf life, established by the manufacturer) as stipulated by Codex or the applicable Peruvian sanitary standard.
- Production lot code and special conservation conditions (if any).
- Net weight or volume of the content.
- Country of origin.

Law 28,405 (November 30, 2004) pertains to the labeling requirements of value-added products.



Labeling is mandatory for all value-added products consumed, imported or manufactured and sold in Peru. Supreme Decree 020-2005-PRODUCE lists the products subject to this law; the list is subject to periodic revision. Labels must count with the name of the product, its country of manufacture, and product validity (including date of expiration, conditions for storage, and additional observations). Should an imported product not meet these requirements; the importer is authorized to re-label the product prior to clearing customs. INDECOPI monitors compliance with labeling requirements at the retail/wholesale level.

Supreme Decree 007-2015-SA (April 18, 2015), establishes technical parameters for labeling sugar, salt, and saturated fats contained in food and non-alcoholic beverage products. The following are the parameters established for 100 grams of solid food or 100 milliliters of liquid.

	<b>Beverages</b>	<b>Solid Food</b>
<b>Sugar</b>	Equal or lower than 2.5 grams	Equal or lower than 5 grams
<b>Salt</b>	Equal or lower than 300 milligrams (equivalent to 120 milligrams of sodium)	Equal or lower than 300 milligrams (equivalent to 120 milligrams of sodium)
<b>Saturated Fats</b>	Equal or lower than 0.75 grams	Equal or lower than 1.5 grams

This decree tasks the Ministry of Health with updating technical parameters based on studies, scientific information, and national and international practices. The following food categories are exempted from these parameters:

- Non-industrialized food and non-alcoholic beverage products.
- Foods with minimal processing (cut, sliced, deboned, peeled, cleaned, milled, pasteurized, refrigerated, frost, defrost).
- Prepared food products for immediate consumption.

**SECTION VI. OTHER SPECIFIC STANDARDS**

**6.1 Food and Beverage Sanitary Registration Law 26,842 (July 20, 1997) – Supreme Decree 001–2002-SA (March 2, 2002)**

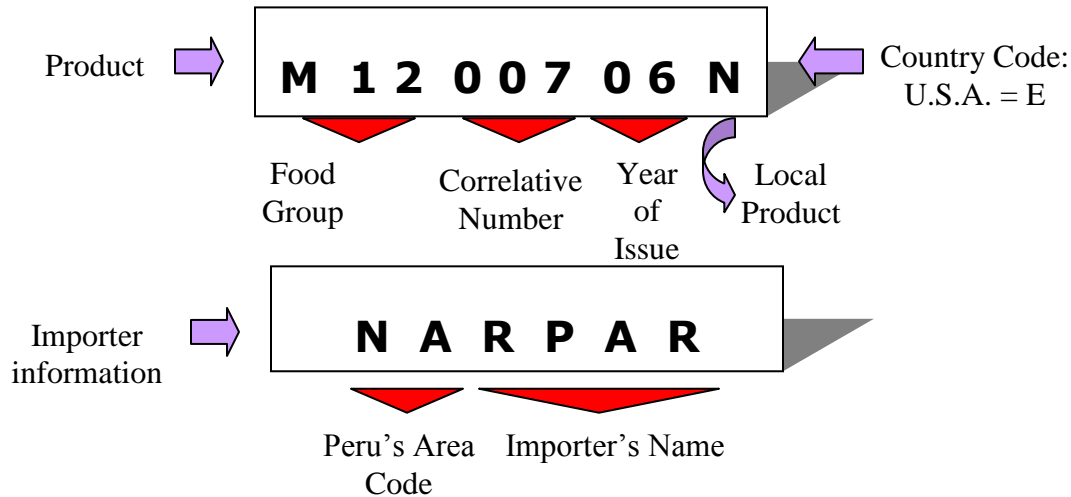
The registration process must be initiated by a SUNAT registered company, in possession of a valid tax identification number (RUC). DIGESA registration information must be uploaded to the VUCE website (*Ventanilla Unica de Comercio Exterior*). This site handles formalities for goods transiting, entering or leaving Peru. Requirements include:

- Simplified Trade System Form (SUCE - *Solicitud Unica de Comercio Exterior*) must to be filled out on the [VUCE website](#).
- A physical/chemical and microbiological quality analysis from a quality control laboratory, the analysis must be performed by an authorized laboratory in Peru.
- A certificate of free sale and use issued in the country of origin within the past year. DIGESA accepts certificates of free sale and use issued by a state Department of Agriculture or chamber of commerce of the locality where the product is manufactured.
- Labeling information.

- Compositional analysis performed by an INDECOPI accredited laboratory for food and beverage products; analysis performed must indicate nutritional properties.
- Payment of administrative fees.

Along with the signed application form, the importer needs to present the certificate of free sale and use. The certificate is requested by the supplier; normally it is issued by a state Departments of Agriculture or a local chamber of commerce. The label must comply with local regulations (see, Section II - Labeling Requirements) and the registration receipt must be presented. All documentation must not be older than one-year. A Spanish language translation of the documentation must be attached.

Product sanitary registration is issued per product or group of products, as well as per manufacturer. A product group consists of those products elaborated by the same manufacturer and with the same qualitative composition of basic ingredients and food additives.



The code numbering of the sanitary registration is based on the certificate of free sale and use. DIGESA regulates processed food products and their manufacture in accordance with CODEX.

**Table 1: Sanitary Registration, Classification by Product Groups**

Food and Beverage Category	Food and Beverage Category
<ul style="list-style-type: none"> <li>• Milk and Dairy Products.</li> <li>• Ice cream and Ice cream mixtures.</li> <li>• Oil and fats.</li> <li>• Freeze-dried, dehydrated or concentrated products.</li> <li>• Cereals, pulses and by-products.</li> <li>• Sugars, honey and by-products.</li> <li>• Confectionery.</li> <li>• Bakery and pastries.</li> <li>• Special diet food.</li> </ul>	<ul style="list-style-type: none"> <li>• Meat and meat products.</li> <li>• Hydro biological products (seafood).</li> <li>• Eggs and egg products.</li> <li>• Salt, species, condiments and sauces.</li> <li>• Fruits and other vegetables (including tubers and mushrooms).</li> <li>• Prepared food.</li> <li>• Beverages.</li> <li>• Stimulant and spirit beverages.</li> <li>• Canned food.</li> <li>• Food additives.</li> </ul>

Sanitary registration, or renewal, occurs only if the application complies with all established

requirements. This procedure should take no more than seven working days. Verification of the product's sanitary quality is carried out after sanitary registration or renewal. Sanitary registration of food and beverages are valid for five-years from date of issue. Renewals must occur between seven and sixty days of the registration's date of expiry.

## **6.2 Certificate for Sanitary Registration of Current Registered Food and Beverages**

- Registered food and beverage products can be imported and sold by anyone. DIGESA will issue a sanitary registration certificate on behalf of the interested party.
- The product's importer and seller have the same responsibilities as the original sanitary registration's holder. The importer's name, address, and RUC must be printed or labeled of each individual package sold to consumers.
- The sworn affidavit must include the requesting company's contact information, the products (commercial) name, the product's original sanitary registration holder and registration number, and the payment receipt.

## **SECTION VII. FACILITY AND PRODUCT REGISTRATION REQUIREMENTS**

### **7.1 Facility Registration**

- Peruvian Law does not require individual facilities to be registered.

### **7.2 Product Registration**

**Food and Beverage Products:** Registration is by product. The manufacturer must provide to the importer/distributor all necessary documentation for product registration (see, Section VI).

**Additives:** Peruvian legislation adopts [CODEX FAO/WHO Food Standards](#). For flavoring and aroma ingredients Peru accepts the FDA, FEMA, and European Union (EU) approved products are permissible (see, Section II).

Sanitary registration is mandatory for all manufactured food and beverage products destined for human consumption. Sanitary registration is not required for food and beverage products packaged for sale in their natural condition (e.g., grains, fruits, vegetables, and meats). Sanitary registration is not required for samples with no commercial value, nor from foreign organization donated product destined for assistance or aid purposes.

## **SECTION VIII. OTHER CERTIFICATION AND TESTING REQUIREMENTS**

### **8.1 Endangered Species**

The Natural Resources Service (INRENA) is responsible for promoting the sustainable use and conservation of natural resources and endangered species. IRENA regulates the export and import of endangered animal and plant species. Peru is a party to the Convention of the International Trade in Endangered Species of Wild Flora and Fauna (CITES).

### **8.2 Marine Products**

The [Ministry of Production's](#) Vice-Ministry of Fisheries (PRODUCE) regulates commercial fishing along with the transport and processing of landed catch, as well as ensures sanitary conditions within ports. PRODUCE also issues research import permits. Resolution 409-98-PE (August 25, 1998) regulates inspection programs for canned, frozen, and cured fish. DIGESA is responsible however for issuing sanitary registration certificate for imported seafood products.

### **8.3 Biotechnology Products**

Peru is a member of the Biosafety Protocol. Biosafety Law 27,104 (1998) – Risk Prevention for Products Derived from Biotechnology Law – and Supreme Decree 108-2002-PCM establish CONAM as the regulatory authority for biotechnology safety. The law furthermore establishes the National Committee for Biological Diversity (CONABID). This committee serves as an advisory body for the Vice Ministry of Fisheries, DIGESA, and INIA; it also proposes CONAM specific regulations. The committee is composed of government agencies (e.g., SENASA), the private sector, universities, and international organizations (e.g. International Potato Center – CIP, United Nations Development Program – UNDP).

Supreme Decree 108-2002-PCM provides the Biosafety Law's regulatory framework. It also stipulates guidelines for promoting biotechnology research and development, as well as guidance for the production, handling, and notification of the release of genetically modified organisms (GMO). Supreme Decree 003-2011-AG (April 15, 2011) regulates the research, production, and trade of genetically engineered (GE) products.

Law 27,104 – Biotechnology Risk Prevention Law and its regulation, approved by Supreme Decree 108-2002-PCM, designates INIA as the lead agricultural biotechnology regulator. It establishes a technical working group that includes members from INIA, the Ministries of Environment and Agriculture, SENASA, and academia. This technical working group conducts risk assessments prior to approving GMO applications.

## **SECTION IX. IMPORT PROCEDURES**

### **9.1 Import Procedures – Supreme Decree 011-2005-EF (January 26, 2005)**

The [U.S.-Peru Trade Promotion Agreement](#) (PTPA) provides duty-free access for two-thirds of U.S. food and agricultural products. Customs clearance procedures require:

- A paid SUNAT Customs Unique Declaration (DUA) filed by a customs agent.
- An authenticated copy of the airway bill or bill of lading.
- Authenticated copy of the commercial invoice and a packing list.
- An authenticated photocopy of the insurance document.
- Processed food products require an authenticated copy of the DIGESA RSA.
- Animals, plants and by-products thereof require a SENASA sanitary certificate.
- Dispatch authorization (if requested).

SUNAT channels imports along a green, orange, or red lane. The green lane permits entry of the product upon payment of duties. The orange lane requires additional documentation review; while the

red lane requires both a document review and physical inspection.

## **9.2 Anticipated Dispatch Customs Clearance Procedures**

Anticipated dispatch clearance is a pre-arrival procedure. An importer is required to submit all customs clearance paperwork, as well as their RUC and a list of ten previous DUAs from within the past 12-months. The importer must not have incurred customs fines in excess of \$3,300.

## **9.3 Simplified Import Customs Clearance Procedures for Samples**

Simplified import custom clearance procedures apply to samples with no commercial value (i.e., gifts that do not exceed \$1,000 FOB or products less than \$2,000 FOB), as well as to samples with a commercial value that do not exceed \$2,000 FOB. Alcoholic beverages samples always have a commercial value and are subject to import taxes and tariffs. Samples however should be made unsaleable by means of cuts, perforations, inscriptions, or unsealing. Once the Simple Declaration (DS) is processed, the merchandise is subject to inspection.

The owner of the merchandise, the consignee or the customs agent must submit:

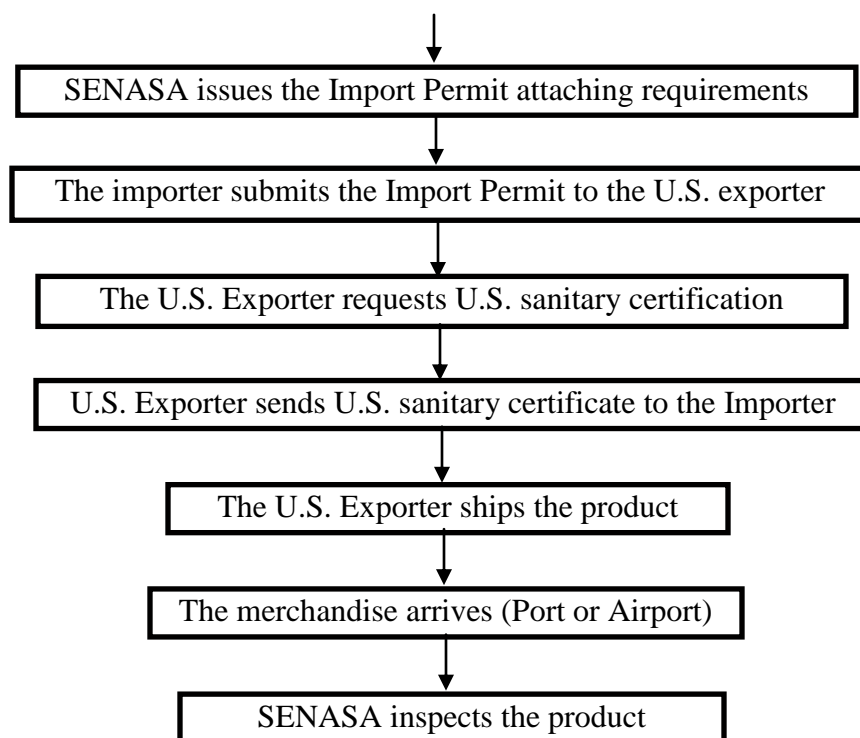
- A SUNAT's Simple Declaration form.
- Airway bill, bill of lading, or postal notification letter.
- Commercial invoice and insurance letter.
- Identification card, passport, or RUC number.
- Processed food products require an authenticated copy of DIGESA's RSA.  
Animal and plant and their by-products require a SENASA sanitary certificate.

## **9.4 Import Procedures for Animal and Plant Products**

Prior to shipment, an import permit must be opened with SENASA. A copy of the permit must be forwarded to the exporter. The exporter must provide the importer with an official health certificate from the country of origin. SENASA port inspectors verify compliance with import requirements. For new to market animal and plant products, a risk assessment must be carried out in accordance with the Andean Community, World Trade Organization, CODEX, or World Organization for Animal Health recommendations, as well as per the sanitary requirements of the exporting country.

Certificates for animal and plant and their by-products must be error free, contain no pen or ink changes, or have any other type of amendments. If applicable the product must be packaged in food safe packaging, labeled in accordance with U.S. regulations. The product must identify its content, net weight and the facility where it was produced.

The importer requests the Import Permit



#### 9.4.1 Fresh, Chilled and Frozen Products or By-products of Animal Origin

Tariff (HS) codes for animals and their by-products subject to SENASA import requirements as per Supreme Decree 051-2000-AG and Resolution 191-2000.

**Table 2: Chapter/ HS Codes, Subject to SENASA Import Requirements**

Chapter/ HS Code	Description
Chapter 1	Live Animals
Chapter 2	Meat and Edible Meat Offal
Chapter 4	Milk, Dairy and Egg Products
Chapter 5 – HS 0504	Sausage Casings
Chapter 5 – HS 0511	Bovine Semen and Embryos
Chapter 41	Raw Hides, Skins and Leathers
Chapter 51	Wool and Animal Hair

#### 9.4.2 Fruits and Vegetables, Commodities and Raw Agricultural Products

Tariff (HS) codes for plants and their products subject to SENASA import requirements as per Supreme Decree 032-2003-AG and Resolution 299-2003.

**Table 3: Chapter/ HS Codes, Subject to SENASA Import Requirements**

Chapter/HS Code	Description
Chapter 6	Live Trees and Plants, Bulbs, Roots and Flowers
Chapter 7	Edible Vegetables and Tubers
Chapter 8	Edible Fruits and Nuts
Chapter 9	Coffee, Tea and Spices
Chapter 10	Cereals
Chapter 11	Products of the Milling Industry, Malt and Starches
Chapter 12	Oilseeds, Miscellaneous, Grains, Hay and Straw
Chapter 14	Other Vegetable Products
Chapter 17 – HS 1701 and 1702	Sugars and Syrups
Chapter 18 – HS 1801 and 1802	Cocoa, Grains and Waste
Chapter 21 – HS 2101 and 2103	Miscellaneous and Edible Preparations
Chapter 23 – HS 2302, 2306, 2308, and 2309	Food Industry Waste, Prepared Animal Feed
Chapter 24 – HS 2401	Tobacco, Not manufactured
Chapter 44 – HS 4401, 4403-4409, 4411-4413, and 4415	Wood
Chapter 52 – HS 5201-5203	Cotton and Cotton Waste

SENASA on January 4, 2003, issued phyto-sanitary risk requirements for seeds and vegetables. Quarantine procedures along with risk categories were issued on August 24 and October 3, 2003. On July 18, 2005, SENASA issued specific plant health requirements for imported botanical seeds. On October 26, 2005, SENASA published its pest quarantine list.

**Table 4: SENASA’s U.S. Counterparts, Products of Animal and Plant Origin**

U.S. Agency	Health Certificate Required
Animal Health Inspection Service (APHIS)	Fresh fruits and vegetables; live animals and animal by-products (including biological genetic material)
Food Safety and Inspection Service (FSIS)	Meats and by-products, for human consumption
Agricultural Marketing Service (AMS)	Milk and dairy products

SENASA on February 28, 2005, issued Directorial Resolution 0105-2005 approving the Phyto-Sanitary Procedures Manual for wood packaging material.

### 9.4.3 Processed Food Products

DIGESA’s RSA certificate must accompany all processed food product, alcoholic, and non-alcoholic beverage import documents.

### 9.4.4 Appeals System for Disputed or Rejected Product

Customs General Law – Supreme Decree 129-2004-EF (September 12, 2004) regulates SUNAT procedures and sanction mechanisms. SUNAT notifies import infringements in writing, permitting the importer a 20-day period to rectify and fulfill all import requirements. Appeals are filed with Peru’s National Customs Office and the Ministries of Economy and Justice.

## SECTION X. COPYRIGHT AND/OR TRADEMARK LAW

INDECOPI ensures trademark, copyright and intellectual property protection.

## 10.1 Trademarks

[INDECOPI's](#) Distinctive Marks Office is responsible for the registration of trademarks, brands, commercial names, slogans, and *appellation d'origine* (i.e. designation of origin). Its procedures are guided by CAN Decision 486 – Industrial Property for Andean Countries – and [Legislative Decree 823](#) for Intellectual Property Rights. Peru is a signatory of the [Paris Convention for the Protection of Industrial Property](#); in compliance with the WTO agreements on trade-related aspects of Intellectual Property Rights.

## APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS

### Ministry of Agriculture and Irrigation

Minister: Manuel Benítez  
Av. La Universidad 200, La Molina, Lima 12.  
Tel: (511) 209-8800 • [www.minag.gob.pe](http://www.minag.gob.pe)

### National Food Safety and Quality Service (SENASA)

Director General: Jorge Barrenechea  
Av. La Molina 1915, La Molina, Lima 12.  
Tel: (511) 313-3300 • Fax: (511) 313-1486 • [www.senasa.gob.pe](http://www.senasa.gob.pe)

- Plant Health: Moises Pacheco • Tel: (511) 313-3300
- Animal Health: Dr. Miguel Quevedo • Tel: (511) 313-3300
- Food Safety: Josue Carrasco • Tel: (511) 313-3323
- Port Callao: Dr. Erasmo Justiniano • Tel: (511) 429-0367
- Airport Callao: Ademar Quiñonez • Tel: (511) 575-1599

### Ministry of Health

Minister: Aníbal Velásquez  
Av. Salaverry 801, Jesús María, Lima 11.  
Tel: (511) 315-6600 • Fax: (511) 431-0093 • [www.minsa.gob.pe](http://www.minsa.gob.pe)

### General Environmental Health Bureau (DIGESA)

Director General: Mónica Saavedra  
Las Amapolas 350, Urbanización San Eugenio, Lince, Lima 14.  
Tel: (511) 442-8353/8356 • Fax: (511) 422-6404 • [www.digesa.minsa.gob.pe](http://www.digesa.minsa.gob.pe)

- Food safety and Sanitary Registration. Director: Milagros Bailetti • Tel: (511) 442-8353

### Directorate General of Pharmaceutical Products and Drugs (DIGEMID)

Director General: Rubén D. Espinoza  
Av. Parque de las Leyendas cdra. 1 s/n, San Miguel, Lima 33.  
Tel: (511) 631-4300 • Fax: (511) 555-5760 • <http://www.digemid.minsa.gob.pe/>

### Ministry of Foreign Trade and Tourism (MINCETUR)



Minister: Magali Silva  
Calle Uno Oeste 50-60, Urb. Corpac, San Isidro, Lima 27  
Tel: (511) 513-6100 • [www.mincetur.gob.pe](http://www.mincetur.gob.pe)

**Ministry of Environment**

Minister: Manuel Pulgar-Vidal  
Av. Javier Prado Oeste 1440, San Isidro, Lima 27.  
Tel: (511) 611-6000 • Fax: (511) 611-6000 Annex: 1634 • [www.minam.gob.pe](http://www.minam.gob.pe)

**National Institute for the Defense of Competition and for the Protection of the Intellectual Property (INDECOPI)**

President: Hebert E. Tassano  
Calle de la Prosa 138, San Borja  
Tel: (511) 224-7777 • [www.indecopi.gob.pe](http://www.indecopi.gob.pe)

**Ministry of Production\National Fisheries Health Service (SANIPES)**

Director: Diana García  
Location: Carretera a Ventanilla Km. 5.2, Callao.  
Tel: (511) 715-0180  
Surquillo Location: Domingo Orue 165, Piso 7, Surquillo. Tel: (511) 213-8570 • [www.sanipes.gob.pe](http://www.sanipes.gob.pe)

**APPENDIX II: OTHER IMPORT SPECIALIST CONTACTS**

U.S. Embassy Lima – USDA\Foreign Agricultural Service  
Av. La Encalada cdra. 17, Monterrico, Lima 33 • U.S. Mailing Address: Foreign Agricultural Service,  
3230 Lima Place, Washington, DC 20521-3230  
Tel: (511) 434-3042 • Fax: (511) 434-3043 • E-mail: [Aglima@usda.gov](mailto:Aglima@usda.gov)

For a list of authorized laboratories in Peru, please refer to [www.indecopi.gob.pe](http://www.indecopi.gob.pe)