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## Nicaragua

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

### FAIRS Country Report

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**Report Highlights:**

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This report lists the main Nicaraguan food laws, technical regulations and import requirements.





## **Section I. Food Laws:**

Nicaragua's agricultural import regulations are shared between the Nicaraguan Institute of Agricultural Protection and Health (IPSA) and the Nicaraguan Ministry of Health (MINSa). IPSA is responsible for the inspection of agricultural products at the borders and the regulation of animal feeds, agrochemicals and seeds, while MINSa regulates processed food products.

There are two basic laws that authorize these ministries to supervise food imports: Basic Law of Animal and Plant Health (Law 291, 1998), whose main objective is to prevent the propagation of pests and diseases, and the General Health Law (Law 423, 2002), which covers all aspects related to human health, including food safety aspects of processed food imports.

Nicaragua has also a series of mandatory and voluntary technical norms (known as NTON) for different food products which are developed by the Nicaraguan Ministry of Trade (MIFIC) in coordination with other Ministries and the private sector. A complete list of these [regulations](#) is available online.

At the regional level, Nicaragua is also a member of the Central American Integration System (SICA) that intends to harmonize food safety and import regulations. Under SICA, Nicaragua has adopted several Central American Technical Regulations, also known as RTCAs, related to import procedures and food safety. Some of the last Central American regulations that have been adopted by Nicaragua are the Technical Regulation on General Labeling of Prepackaged Food Products (RTCA 67.01.07.10), Technical Regulation on Food Additives ( RTCA. 67.04.54:10), and Technical Regulation on Dairy Products ( RTCA. 67.04-70:14). A complete list of these [Technical Regulations](#) is available online.

Some of the key points exporters should follow before exporting to Nicaragua are:

- Make sure the food products are registered at the Ministry of Health or IPSA prior to the exportation of any shipment. The process of registering a product in Nicaragua can take up to three months due to the limited capacity of the Ministries of Agriculture and Health.
- Have the importer request the import permit to MINSa or IPSA before sending any shipment.
- Make sure to send a copy of the commercial invoice, sanitary certificate and certificate of origin so the importer can use them at the border or port of entry.

## **Section II. Labeling Requirements:**

There are two main Central American Technical regulations that have been adopted by Nicaragua that cover all aspects related to labeling requirements: the Technical regulation on General Labeling of Prepackaged Food Products (RTCA 67. 01.07.10) and the Technical regulation on the Labeling of Prepackaged Food Products for Human Consumption for the Population Older than Three Years

(RTCA. 67.01.60:10). The main objective of these regulations is to establish the minimum labeling requirements for food products, including the labeling requirements for prepackaged food for the population over three years of age.

According to the Central American Technical Regulation on General Labeling of Prepackaged Food Products (RTCA 67.01.07.10), that entered into effect in July 2012, all imported food products must have labels in Spanish. Despite this language requirement, other languages may be used as well, as long as the required information is also included in Spanish. The information that must appear on the label, except when indicated otherwise by a national standard or by the Codex *Alimentarius* is: a) product name, b) net content and drained weight in international system units, c) artificial color and flavors (if any), d) MINSA registration number, e) ingredients listed in decreasing order by weight, f) importer’s name and address, g) Lot number and expiration date, h) country of origin, i) preservation and use instructions.

The Central American Technical Regulation on Nutritional Labeling of Prepackaged Food Products (RTCA 67.04.48:08), which entered into effect in January 2014, requires listing nutrients such as total fat, saturated fat, carbohydrates, sodium, protein and energetic value in the label of prepackaged food. This regulation will apply to prepackaged food products that include nutritional value, nutritional and health declarations and that will be sold directly for human consumption in Central America. Please see below samples of current labels.

Sample of Current Labels:

Name of the Product  Ingredients: xxxxxxxxxxxx xxxxxxxxxxxx xxxxxxxxxxxx xxxxxxxxxxxx xxxxxxxxxxxx xxxxxxxxxxxx xxxxxxxxxxxx	Use instructions: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
<b>Imported by: xxxxxx Address: xxxxxx Sanitary Registry #: xxxxxx Telephone: xxxxxx Country of Origin :xxxxx</b> <b>Lot number and expiration date.</b>	

Sample of a Label with Nutritional Information:

<b>Nutritional Information</b>
Portion Size.....G or mL or Unity (...g or mL)
Portion per package...
<b>Quantity per 100g or 100 ml or portion</b>
Energy (KJ)
Total Fat (g)

Saturated Fat (g)
Carbohydrates (g)
Sodium (mg)
Total Protein (g)

MINSA is responsible for supervising and implementing technical regulations RTCA 67.01.60:10. and RTCA 67.04.48:08. Please find more information on the [labeling regulation](#) via this hyperlink.

### **Section III. Packaging and Container Regulations:**

Nicaragua does not have any general law on packaging and container requirements. Food service and warehouse type importers sell their products in larger size containers. Most retailers sell their products in sizes that are more convenient for consumers in terms of price and contents.

### **Section IV. Food Additives Regulations:**

MINSA regulates food and beverage additives through the Central American Technical Regulation, RTCA 67.04.54:10. The RTCA 67.04.54:10, establishes food additives and the maximum levels permitted according to their function and type of food. Any substance used as an ingredient is exempt from this regulation. The technical standards of this regulation were adopted from Codex's general regulation on food additives (Codex Stan 192-1995 (Rev. 6-2005)). Other sources are: JECFA, FEMA and the FAO Food and Nutrition Paper on specifications for food additives.

More information on permitted food additives may be found [here](#).

### **Section V. Pesticides and Other Contaminants:**

Nicaragua has a basic law for Pesticides and Agrochemicals ([Law 274, 1998](#)).

This law authorizes IPSA to regulate every aspect related to the trading and processing of pesticides and chemicals. Besides Law 274, Nicaragua has an [obligatory technical norm \(NTON-02-010-02\)](#) on environmental standards for the classification and labeling of pesticides that establishes the general criteria for the eco-toxicological classification, as well as for the selection of signs and symbols and phrases of danger that must appear on the label of pesticides and toxic substances. In addition to this, in November 2012, Nicaragua signed a [Central American Technical Regulation on Requirements for Product Registry of microbiological pesticides \(RTCA 65.05.61:11\)](#).

According to these laws:

- All importers of agrochemicals need to get a permit from IPSA before selling any product.
- All Agrochemicals need to be registered at IPSA prior to any importation.
- Exporters must have a legal representative in Nicaragua. This is because all suppliers need to be registered at IPSA.
- Have a permit of the warehouse or store where the agrochemicals are going to be stored.

To register a synthetic pesticide the importer needs to:

- Request the approval to import a sample for product registration purposes at IPSA.
- Pay for a qualitative test analysis.
- Request a toxicological test at MINSA.
- Request an Eco-Toxicological test at the Ministry of Natural Resources and Forestry (MARENA).
- Have results from the different Ministries published in the official newspaper.
- Submit labels and other information relevant to product description to IPSA.
- Importer gets the product registration.
- Importer pays an annual fee to revalidate the permit.

The process of registering a product can take up to three months and costs about US \$ 750. For microbiological pesticides, the importer needs to present a certificate of microbiological analysis and also provide basic information about potential side effects of the microorganisms, ability to colonize and cause damage, produce toxin as well as relevant metabolites. For additional information refer to [RTCA 65.05.61:11](#).

#### **Section VI. Other Regulations and Requirements:**

##### For Genetically Engineered Crops (GE):

Nicaragua has a regulation for the prevention of risks arising from Living Modified Organisms through molecular biotechnology ([Law 705, 2010](#)). This regulation provides the guidelines to request the approval of new GE crops and other type biotechnological products. However, as of this date, this law lacks the internal rule for its implementation. At the moment, GE corn is the only product being imported to Nicaragua. GE Corn is only used by the animal feed industry and cannot be used for cultivation.

##### For Fertilizers:

On July 05 2013, Nicaragua signed the Central American Technical Regulation [RTCA 65: 05:54:09](#) on the registration requirements for fertilizers. This technical regulation entered into effect in January 2014. The main objective of this regulation is to establish registration requirements for fertilizers.

Among the requirements are :

- Importer must be registered at IPSA prior to the importation of any shipment.
- The exporter must have a legal representative living in Nicaragua.
- Fertilizers must be registered at IPSA.

The process of registering fertilizers involves:

- Requesting product registration. Importers are required to fill-out the *Solicitud para Fertilizantes y Enmiendas*.

- Providing an original certificate of free sale issued by the competent government sanitary authorities in the country of origin. When the product has not been registered in the country of origin, the importer will need to present a certificate of origin and a letter from the competent government authority explaining the reasons why the product has not been registered and confirm that the manufacturer is authorized to produce and sell fertilizers.
- Providing an original certificate of qualitative and quantitative analysis, issued and signed by the manufacturer or formulator, indicating the nutrient composition, identifying the sources or compounds of the chemical formula, as well as inert ingredients, fillers and additives with corresponding percentages of mass, solid mass, and the volume for liquids, etc.
- Providing an original certificate of analysis of the fertilizer, provided by the manufacturer or formulator, indicating the nutrients and corresponding percentages mass/solid mass and the volume for liquids.
- Providing a statement of the presence or absence of heavy metals (cadmium, chromium, arsenic, mercury and lead) expressing their maximum concentration in parts per million (ppm).
- Providing a label of the product and safety indications of the product. This does not apply to fertilizers traded in bulk. For “bulk fertilizers,” the importer should provide a product safety fact sheet.

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

There are no other specific standards.

#### **Section VIII. Copyright and/or Trademark Laws:**

Intellectual property is protected differently in Nicaragua than in the United States. Rights must be registered and enforced in Nicaragua under local laws. U.S. trademark and patent registrations will not protect a U.S. company in Nicaragua.

Registration of patents and trademarks is on a first-in-time, first-in-right basis; consider applying for trademark and patent protection even before selling your products or services in the Nicaraguan market. It is vital that companies understand that intellectual property is primarily a private right and that the U.S. government generally cannot enforce rights for private individuals in Nicaragua. It is the responsibility of the rights' holders to register, protect, and enforce their rights where relevant, retaining their own counsel and advisors. Companies should seek advice from [local attorneys](#) or intellectual

property consultants who are experts in Nicaraguan law.

While the U.S. government stands ready to assist, there is little we can do if the rights holders have not taken these fundamental steps necessary to securing and enforcing their intellectual property in a timely fashion. Moreover, in many countries, rights holders who delay asserting their rights on a mistaken belief that the U.S. government can provide a political resolution to a legal problem may find that their rights have been eroded or abrogated due to legal doctrines or unreasonable delay in prosecution. In no instance should U.S. government advice be seen as a substitute for the obligation of a rights holder to promptly pursue its case.

It is always advisable to conduct due diligence on potential partners. Negotiate from the position of your partner and give your partner clear incentives to honor the contract. A good partner is an important ally in protecting intellectual property rights. Consider carefully, however, whether to permit your partner to register your intellectual property rights on your behalf. Doing so may create a risk that your partner will list themselves as the intellectual property owner and fail to transfer the rights should the partnership end. Projects and sales in Nicaragua require constant attention. Work with legal counsel familiar with Nicaraguan laws to create a solid contract that includes non-competition clauses, and confidentiality/non-disclosure provisions.

Small and medium-size companies should understand the importance of working together with trade associations and organizations to support efforts to protect intellectual property and stop counterfeiting. There are a number of these organizations, both Nicaragua- or U.S.-based. These include:

- The U.S. Chamber of Commerce and local American Chambers of Commerce
  
- National Association of Manufacturers (NAM)
  
- International Intellectual Property Alliance (IIPA)
  
- International Trademark Association (INTA)
  
- The Coalition Against Counterfeiting and Piracy
  
- International Anti-Counterfeiting Coalition (IACC)



- Pharmaceutical Research and Manufacturers of America (PhRMA)
- Biotechnology Industry Organization (BIO)

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

#### Process to Register Food Products at MINSA (including powered beverages):

Processed food products are regulated by MINSA through the Direction of Food Control. The Direction of Food Control requires a certificate of free sale and a certificate of chemical analysis. To register food products, the petitioner must present a certificate of free sale issued in the country of origin by the competent sanitary authority. Food products must have a current sanitary registry in the country of origin. The Direction of Food control has the following requirements to register food products:

The importer must:

- Request the sanitary registry number at MINSA and pay for the certification and laboratory analysis. (Importer must pay between between \$ 80 and \$ 100).
- Pay for the laboratory analysis and certification at MINSA. Provide updated copy of sanitary registry number.
- Provide technical specifications of the product.
- Provide the certificate of free sale issued by a competent government authority.
- Provide three samples of 500grams each from the same lot in its original package. For liquids, the importer must provide three samples of one liter.
- Provide two labels of the product. If the label is not in Spanish, the importer must provide a Spanish translation.
- Provide the cashier receipt for the certification.

Registration is valid for five years and can be renewed thirty days prior to expiration date by presenting all the requirements listed above. All documents presented in English must be translated into Spanish. Once MINSA registers a product, it will issue a certificate of free sale for mass distribution in Nicaragua. The registration process takes on average twenty-one days when all the required documents are presented. For additional information regulations on processed food products please visit [MINSA'S Direction of Food Control](#) website.

#### Plant Products and Sub-Products:

Plant Products and Sub-Products are regulated by the Plant Health Direction at IPSA. This agency requires an SPS certificate, and certificate of chemical treatment, when applicable, to issue an import permit. Please refer to technical norm [11 005-08](#) for additional information on import requirements applied to the imports of plant products and plant sub-products.

### Requirements to obtain an import permit for Plant products and sub-products:

- The importer needs to register on a yearly basis at the Nicaraguan Institute of Agricultural Protection and Health (IPSA)
- Fill in “import request format” at IPSA.
- Provide a copy of the commercial invoice. If it is a donation provide a copy of the donor.
- Request the approval from the seeds department at IPSA. If it is a donation, request the approval from IPSA.
- Provide a Payment receipt from IPSA once the import is authorized.
- IPSA reviews the application and sends a letter to the importer stating either the request was approved or not. If it is not approved, IPSA should provide the technical reasons justifying their decision.

### Veterinary products and animal feeds:

Exporter needs to have a legal representative in Nicaragua

- Importer needs to be registered at IPSA
- Vet product or animal feed must be registered at IPSA
- Fill in “import permit format” at IPSA. Attached to this request, the

Importer needs to provide a copy of the commercial invoice, information of the supplier, certificate of origin and the sanitary certificate.

- IPSA reviews the application and sends a letter to the importer stating either the request was approved or not. If it is not approved, IPSA should provide the technical reasons justifying their decision.

### Animal Products and Sub-Products

Animal products and sub-products are regulated by the Animal Health Direction at IPSA. This agency requires an SPS certificate to issue an import permit. Please refer to [APHIS' import and export matrix](#) for a list of plant or animal export protocols already negotiated between USDA and IPSA.

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

#### Government Agencies:

Ministerio de Salud Dirección de Regulación de Alimentos

Phone: (505) 289 4700, Ext. 217

Emil: [eta@minsa.gob.ni](mailto:eta@minsa.gob.ni)

[alimento@minsa.gob.ni](mailto:alimento@minsa.gob.ni)

IPSA's (Quarantine Department, Seeds, Agrochemicals)

PBX: 22981330 / 22981331 / 22981349

Email: [contacto@ipsa.gob.ni](mailto:contacto@ipsa.gob.ni)

**Appendix II. Other Import Specialist Contacts:**

FAS Managua

[agmanagua@fas.usda.gov](mailto:agmanagua@fas.usda.gov)