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Cuba

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

Section(s) Updated: Sections I, VI, IX & Appendix I.

The United States allows for the export of agricultural products to Cuba in conformity with the Trade Sanctions Reform and Export Enhancement Act of 2000. U.S. suppliers willing to navigate a detailed set of U.S. regulatory controls related to exporting to Cuba will find that the island is fairly receptive to U.S. products. This report provides information on Cuba's regulatory environment as it relates to U.S. agricultural exports. Cuban requirements related to product labeling, sanitary product registration, and export documentation are generally similar to those of other Latin American countries. However, the key difference in exporting to Cuba, compared to other countries in the region, is that all U.S. agricultural exports must be channeled through one Cuban government agency, ALIMPORT.

Section I. Food Laws:

This report was prepared by the Caribbean Basin Agricultural Trade Office of the USDA/Foreign Agricultural Service in Miami, Florida, for U.S. exporters of domestic food and agricultural products. 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 was 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.

The government-operated Empresa Comercializadora de Alimentos (ALIMPORT) is the sole buying agency for U.S. agricultural products. ALIMPORT negotiates for client Cuban entities and handles all purchasing, documentation and logistics. Other Cuban agencies may import from non-U.S. sources, but in the case of the United States, ALIMPORT is the exclusive negotiating and procurement party. The Ministry of Agriculture is responsible for regulating imports of animals and animal products, as well as imports of plants and plant products. Live animals and animal product imports are regulated by the Ministry's Institute of Veterinary Medicine (IMV) and are subject to regulations of Decree 137 of 1993. Imports of live plants and plant products are regulated by the National Center for Plant Health (CNSV) and are subject to regulations set forth in Resolution 366 of 1990 and Resolution 435 of 1994. Similarly, the Cuban Ministry of Health's Institute of Nutrition and Food Safety (INHA), is responsible for regulating imports of consumer-ready foods. USDA export certificates are required for bulk grain and meat products, particularly for fresh, frozen, and canned meats. Enforcement is carried out mostly at the port of entry, where scrutiny can be intense and at the importer warehouse level. Since practically all retail establishments are state controlled enterprises, enforcement at the retail level is minimal.

U.S. exporters should keep in mind that USDA officials did not contact Cuban government officials to prepare this report due to legal or policy restrictions on such contacts. Therefore, we encourage U.S. exporters to work closely with the importer and/or the Cuban government to fully verify import requirements for agricultural goods.

Section II. Labeling Requirements:

All food products are required to be labeled in Spanish. Multilingual labels are acceptable as long as Spanish is one of the languages used on the label.

Following is the information required by Cuban law on all prepackaged food product labels:

1. Name of the food product;
2. Country of origin;
3. Commercial brand name;

4. Name and address of the manufacturer;
5. Ingredients and additives;
6. Net content and drained weight;
7. Instructions for use;
8. Storage instructions; and
9. Date of manufacture or lot number/code and expiration date.

In addition to the above mandatory labeling requirements, Cuban authorities may also refer to internationally accepted Codex Alimentarius (Codex) standards if discrepancies with foreign labels exist. Codex, also known as the "food code," is a set of scientifically-based and globally-recognized standards, codes of practice, guidelines and recommendations for food products.

Standard U.S. product labels are generally acceptable. However, stick-on labels may be required to comply with the Spanish language requirement or any of the nine labeling requirements listed above that are not specified on the U.S. product label. It is recommended that any stick-on labels be affixed to the product prior to arrival in Cuba, so that the product is fully compliant at the port of entry, and the customs clearance process is not delayed. As mentioned earlier, the port of entry is the main point of enforcement. In addition, while stick-on labels will fulfill import requirements in the short term, U.S. companies seeking to export food products to Cuba over the long run should label their products according to Cuban requirements without the use of stick-on labels (to avoid any possible complications at the port of entry).

Cuban regulations do not specifically address labeling requirements for samples or institutional-packed products for the food service industry. However, in the case of institutional packed products, health authorities normally do not expect to see all the information required on labels of retail products. The boxes or cases in which institutional products are shipped must be labeled with the name or description of the product and with the product size. The products themselves should be individually labeled with the same information as well. However, given that the end use of institutional packed products cannot always be guaranteed, it is recommended that they be labeled the same as retail products when possible.

Cuba has no specific standards regarding irradiated food products. U.S. standards on this subject are acceptable.

Section III. Packaging and Container Regulations:

Cuba has no special Municipal Waste Disposal Laws or product recycling regulations. The manufacturer has the flexibility to use any packaging material as long as it is acceptable for use with food products. PVC and similar

materials are fully acceptable in Cuba.

Section IV. Food Additives Regulations:

Cuban law does not cite any major restrictions on additives. Thus, if the additive is recognized as being suitable for human consumption, particularly by Codex standards, it is considered acceptable by the Cuban Ministry of Health.

U.S. exporters can obtain a complete list of additives that are acceptable to the Cuban Ministry of Health directly from the Ministry's Institute of Nutrition and Food Safety (INHA) listed in Appendix I. U.S. exporters wishing to introduce a food product containing a new additive into Cuba should contact the above specified agency and be prepared to submit the proper documentation/samples for scientific analysis prior to approval.

Section V. Pesticides and Other Contaminants:

The Ministry of Health is the agency charged with regulating pesticide/contaminant residues in foodstuffs. The Ministry uses its own list of approved products and acceptable tolerance levels for each. U.S. exporters may obtain a copy of these lists by contacting INHA. As a general rule of thumb, Codex maximum residue limits are acceptable for most foodstuffs. If a pesticide/contaminant is suspected of affecting the food supply or producing illness, the Ministry of Health will remove it from its list of approved products until it can conduct the proper analysis and determine its impact on the consumer.

Section VI. Other Regulations and Requirements:

U.S. exporters should ascertain whether their products will require a zoosanitary import permit (for animal products) or a phytosanitary import permit (for plant products) prior to exporting any agricultural product to Cuba. These permits, issued by the Cuban Ministry of Agriculture's IMV or CNSV, are normally obtained by the importer. The Cuban government requires the appropriate zoo/phyto-sanitary import permit from the importing party before any trade contract is executed. In order to obtain such permits, the following is usually required:

1. Commercial name of the product;
2. Scientific name of the product (if applicable);
3. Use of the product;
4. Method of transportation into Cuba;
5. Country of origin; and
6. Country from which the product is being delivered to Cuba.

In the case of meat products, a visit by a Cuban Ministry official to the farm and/or processing facility from which the products originate may be required prior to granting a zoosanitary import permit. Any plant product posing a risk to plant health will require a phytosanitary import permit. Such is the case for live plants or parts of plants, seeds, animal feeds, forestry products, products for industrial use such as cotton, tobacco, and medicinal plants and herbs. For the most part, processed consumer-ready food products are not subject to such requirements by the Ministry of Agriculture. However, U.S. exporters are urged to verify the need for any sanitary permits from the Ministry of Agriculture.

Also, all U.S. exporting companies must be registered with the government of Cuba prior to shipping any products to Cuba. Procedures have been streamlined and consist of sending the following documentation to ALIMPORT (see Appendix I for contact information):

1. Company name, address, short history, officers, and any other information demonstrating bona fides of the exporting company;
2. Technical specifications of the product(s);
3. Certificate of free sale;
4. Phytosanitary or health certificate.

Prior to the shipment of any U.S. consumer-oriented food products to Cuba, U.S. exporters must also register the products with INHA. Because ALIMPORT is the sole buying agency for U.S. products, they usually facilitate the product registration procedure with INHA. The following is required for purposes of sanitary product registration:

1. Company name;
2. Product;
3. Commercial name;
4. Name of the manufacturer;
5. Country of origin;
6. Physical and chemical specifications of the product;
7. Composition (list of ingredients);
8. Product label (must conform with Cuban Standard NC108:2001 or CODEX STAN 1-1985);
9. Date marking (date of minimum durability);

10. Packaging;
11. Food Additives;
12. Limits of metal contaminants;
13. Limits of microbiological contaminants;
14. Other contaminants;
15. Storage instructions;
16. Information required to decipher the lot code (if applicable);
17. Certificates
 - a. Certificate of free sale;
 - b. Operating certificate or sanitary license of the manufacturing establishment;
18. Instructions for use (and any other pertinent information about the product).

In addition to the above, three product samples are also required. There are no requirements for sample sizes for testing. However, U.S. exporters should use common sense in providing samples in quantities or sizes ample enough for laboratory analysis. Registration usually takes about 15 days from the time that all the documents and samples have been received.

Travelers carrying food samples into Cuba are required to declare the products to Cuban Customs. For products subject to special import requirements (i.e. meat products), Customs may request additional authorization/documentation by the appropriate regulatory agency. As a general rule of thumb, the declared value of the merchandise should read "No Commercial Value" in the case of samples. Customs rulings taken against travelers or their luggage may be appealed. Initial claims should be made to the Chief of the Customs unit where the ruling was originally made. Claims can be escalated to the next highest level if need be.

Although compliance with health standards is verified mostly at the port of entry and at the importer warehouse level, the Cuban government does exercise some control, albeit on a very limited basis, at the retail level. When random inspections by health officials uncover irregularities such as spoiled product or product past its expiration, the product is usually confiscated. Store managers may be penalized depending on the severity of the violation. The same applies at the wholesale level, except in this case the scrutiny is more intense. At the wholesale level the penalties for violations are also higher. In addition to product confiscation and fines, penalties may also include total removal of the product from the island and temporary suspension of import privileges for the particular item in question.

Section VII. Other Specific Standards:

For information related to Cuba's requirements for meat products exported from the United States, see USDA's Food Safety and Inspection Service's Export Library (www.fsis.usda.gov/Regulations_&_Policies/Cuba_Requirements/index.asp).

For information on Cuba's requirements for live animals exported from the United States, see USDA's Animal and Plant Health Inspection Service website (www.aphis.usda.gov/regulations/vs/iregs/animals/animal_cuba.shtml).

Information on exporting animal products to Cuba such dairy products and pet foods can be found at http://www.aphis.usda.gov/regulations/vs/iregs/products/product_cuba.shtml.

Vitamins and nutritional products are considered pharmaceutical in nature, and they are not sold in supermarkets or retail food stores. These types of products are sold in pharmacies only.

Section VIII. Copyright and/or Trademark Laws:

All trademarks and brand names registered in Cuba are protected under Cuban law. The main legislation governing trademark registration is Decree No. 203-99: Trademarks and Other Distinctive Signs (December 24, 1999). Trademark registration with the Cuban Office of Industrial Property (OCPI) is voluntary. U.S. exporters shipping their products to Cuba are advised to make every effort to register their trademarks and brand names in Cuba in order to obtain protection against infringement. A trademark registration is valid for ten years and may be renewed indefinitely for successive ten year periods. A list of registration fees is available on the OCPI website (see Appendix III.B). U.S. exporters should be aware that although they may own the trademark for their product in the United States, this does not necessarily prevent someone else from registering it in Cuba. Legally established firms in Cuba, domestic and foreign, can register a trademark through their legal representative, a designated representative, or an official agent (see Appendix II.B for a list of such agents). Foreign firms not legally established in Cuba must conduct all business with the Cuban Office of Industrial Property through an official agent. For further information on the trademark registration process, U.S. exporters should consult with an official agent.

Section IX. Import Procedures:

Customs entry must be handled by an authorized Customs Agent. A list of such agents can be obtained from the Cuban Customs Administration (see Appendix I for contact information). The entry process begins with submittal of a customs merchandise declaration. This declaration must be accompanied by the following documents:

1. Shipping documents (i.e. original bill of lading, export certifications where applicable, etc.)

2. Commercial invoice (original)
3. Packing list (original)
4. Certificate of Origin
5. Phytosanitary and fumigation certificates in the case of wood

All documents must be translated into Spanish. Cuban Customs offers some leeway in terms of documentation. For instance, Proforma invoices are temporarily accepted. Importers are also allowed to submit Customs declarations in advance of shipment arrivals, and make temporary or incomplete declarations when all the information necessary for clearance is not readily available. However, a commitment to submit a complete declaration and all the remaining documentation is required.

Shipments are inspected and cleared at three different levels. At the first level, merchandise goes through any one of three channels: green, orange or red. In the green channel, neither the documents nor the merchandise are inspected. In the orange channel, the documents are reviewed to determine if a physical inspection of the merchandise is required. In the red channel, clearance is granted only after the merchandise has been physically inspected. In the second clearance level, the documentation is reviewed again to determine if any errors in classification, valuation, or duty assessment may exist. The third and final level of clearance involves post clearance inspections, which may take place up to five years after the merchandise is imported into the country. Customs may apply administrative sanctions to any importer or customs agents found to be negligent or to exercise malicious intent.

Customs clearance time may vary depending on the volume of cargo entering Cuba at any given time, and the number of documents required for specific merchandise. The entire process may take one to three weeks depending on the effectiveness of the Customs Broker. Information contained in the Bill of Lading and pertaining to the consignee must be complete and accurate. Discrepancies in this regard will most likely delay the clearance process.

Decisions by Customs officials to reject merchandise may be appealed. Depending on the grounds for rejection, the head of the Customs Department or the Minister of Health will have the final say on whether or not merchandise can be imported into the country.

Applicable laws governing Customs procedures include:

1. Decree No. 124: Customs Duties of the Republic of Cuba (October 1990);
2. Decree No. 162: Customs Law of the Republic of Cuba (May 1996)
3. Decree No. 207: Customs Administrative Infractions (May 1996)

Cuba uses the nomenclature of the harmonized system up to 8 digits. Duties for most favored nations (WTO members and those with bilateral agreements with Cuba) average 10.3 percent. However, imports from the United States do not receive most favored nation treatment. Non-most favored nation duties currently average 16.6 percent. For more information on the subject, please refer to the Cuban Tariff Schedule which is available on the Cuban Customs Administration website (see Appendix III.B.).

Section X. U.S. Export Controls:

The U.S. Department of Commerce's Bureau of Industry and Security (BIS) regulates exports to Cuba. Any person seeking to ship any goods, including samples, from the United States to Cuba directly or indirectly, must first obtain authorization from BIS. The U.S. Treasury Department's Office of Foreign Assets Control (OFAC) administers the Cuban Assets Control Regulations that regulate travel to Cuba and use of dollars by travelers in Cuba. Contact information for both BIS and OFAC can be found in Appendix II.A.

Appendix I. Government Regulatory Agency Contacts:

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For general purchasing, documentation and logistics issues related to the importation of bulk and intermediate U.S. agricultural products:

ALIMPORT

Infante #16, 3 Piso

Vedado, Plaza

La Habana, Cuba

Tel: 011 (537) 873-2014

Fax: 011 (537) 873-3151

E-mail: alimport@alimport.com.cu

For general purchasing, documentation and logistics issues related to the importation of processed U.S. agricultural products:

ALIMPORT MID

Calle 8 No. 508

e/5ta y 5ta B Playa

Tel: (537) 204-1395/1274

Fax: (537) 204-1395

For sanitary registration of food products and other food safety issues:

Instituto de Nutrición e Higiene de los Alimentos (Institute of Nutrition and Food Safety)

Ministerio de Salud Pública (Ministry of Public Health)

Infanta No. 1158 entre Llinás y Clavel

Centro de la Habana

Ciudad de la Habana, Cuba CP 10300

Tel: 011 (537) 878-1429, 878-5919, 870-5531 to 34

Fax: 011 (537) 833-8313

E-mail: dirinha@infomed.sld.cu & dsi@sinha.sld.cu

For labeling and other standards:

Oficina Nacional de Normalización (National Standards Office)

Ministerio de Ciencia, Tecnología y Medio Ambiente (Ministry of Science, Technology and the Environment)

Calle E No. 261 entre 11 y 13

Vedado La Habana 10400

Tel: 011 (537) 830-0803, 830-0732 ext. 12, 18 & 46 830-0825

Fax: 011 (537) 836-8048

E mail: nc@ncnorma.cu

For live animals and animal product import requirements:

Instituto de Medicina Veterinaria (Institute of Veterinary Medicine)

Ministerio de Agricultura (Ministry of Agriculture)

Calle 12 #355 E/ 15 y 17, Plaza de la Revolución

Ciudad de la Habana, Cuba CP 10400

Tel: 011 (537) 833-7077

Fax: n/a

E-mail: rbescofet@infomed.sld.cu, pssantos@infomed.sld.cu, egmerlo@infomed.sld.cu

For plant and plant product import requirements:

Centro Nacional de Sanidad Vegetal (National Plant Health Center)

Ministerio de Agricultura (Ministry of Agriculture)

Ayuntamiento No. 231

e/ Lombillo y San Pedro, Plaza de la Revolución

Ciudad de la Habana, Cuba

Tel: 011 (537) 879-1339, 870-0925, 881-5089

Fax: 011 (537) 870-3277

E-mail: cnsv@ceniai.inf.cu, director@sanidadvegetal.cu

Other:

Oficina Cubana de la Propiedad Industrial (Cuban Office of Industrial Property)

Ministerio de Ciencia, Tecnología y Medio Ambiente (Ministry of Science, Technology & the Environment)

Calle Picota No. 15, Entre Luz y Acosta

Habana Vieja, Apartado 2180 Habana 2, C.P. 10200

Ciudad de la Habana, Cuba

Tel: 011 (537) 862-4379, 861-3602, 862-9771, 866-0557 to 59, 862-4395

Fax: 011 (537) 866-5610

E-mail: ocpi@ocpi.cu

Aduana General de la República de Cuba (Cuban Customs Administration)

Calle 6, Esquina a 39, Plaza Revolución

Ciudad de la Habana, Cuba CP 10600

Tel: 011 (537) 855-5466 to 71 ext. 227, 83-8282, 883-7575, 881-9732

E-mail: publico@agr.aduana.cu

Appendix II. Other Import Specialist Contacts:

A. U.S. Government Contacts

Caribbean Basin Agricultural Trade Office

Foreign Agricultural Service

U.S. Department of Agriculture

909 SE 1st. Ave Suite 720

Miami, FL 33131

Tel: (305) 536-5300

Fax: (305) 536-7577

E-mail: atocaribbeanbasin@fas.usda.gov

Website: <http://www.cbato.fas.usda.gov>

Katherine Nishiura, Director

E-mail: Katherine.Nishiura@fas.usda.gov

Omar González, Agricultural Marketing Specialist

E-mail: Omar.Gonzalez@fas.usda.gov

Graciela Juelle, Agricultural Marketing Assistant

E-mail: Grace.Juelle@fas.usda.gov

Office of Exporter Services

Bureau of Industry and Security

U.S. Department of Commerce

Washington, D.C.

Tel: (202) 482-4811

Fax: (202) 482-2927

Website: www.bis.doc.gov

Office of Foreign Assets Control

U.S. Department of the Treasury

Treasury Annex

1500 Pennsylvania Avenue, NW

Washington, DC 20220

Tel: (800) 540-6322

Fax on Demand Service: (202) 622-0077

Website: www.treas.gov/offices/enforcement/ofac/index.shtml

B. Non-U.S. Government Contacts

Official agents specializing in trademark registration:

BUFETE INTERNACIONAL, CONSULTORES DE MARCAS Y PATENTES

Casa Matriz

5ta. Avenida No. 4002

Esquina 40, Playa

Ciudad de la Habana

Tel: 011 (537) 204-5126, 204-5127, 204-5736, 204-5737

Fax: 011 (537) 204-5125

E-mail: marcas@bufeteinternacional.cu

CLAIM, S.A.

Lamparilla # 2, Lonja del Comercio, Oficina 6

Habana Vieja, Ciudad de La Habana CP 10100

Tel: 011 (537) 33-0743, 33-0755, 866-0743, 866-0755

Fax: 011 (537) 33-0746

E-mail: dirmarpat@claim.com.cu & claim@claim.com.cu

CONSULTORIA JURIDICA INTERNACIONAL

Calle 16 No. 314, entre 3ra y 5ta. Avenida, Miramar

Playa, Ciudad de La Habana

Teléfonos: (537) 204-2490, 204-2469

Fax: (537) 204-2303

E-mail: cji@cji.co.cu

LEX, S.A. SERVICIOS JURIDICOS DE MARCAS Y PATENTES

Calle 1ra No. 1001, Esquina 10, Miramar

Playa, Ciudad de la Habana

Tel: 011 (537) 204-9093

Fax: 011 (537) 204-9533

E-mail: lexsa@lex-sa.cu

BUFETE ESPECIALIZADO

Calle 23 No. 501, Esquina a J. Vedado, Plaza de la Revolución

Ciudad de la Habana

Tel: 011 (537) 832-6813, 832-6024

Fax: 011 (537) 833-2159

E-mail: besnet@ceniai.inf.cu

Author Defined:

APPENDIX III. USEFUL WEBSITES/LINKS

A. U.S. Government websites/links.

1. <http://www.fas.usda.gov/itp/cuba/cuba.asp>

USDA's Foreign Agricultural Service "Trade with Cuba" page. This webpage contains the following information related to Cuba:

a. Link to the FAS report on Cuba's Food and Agricultural Situation (March 2008)

- b. Answers to frequently asked questions;
- c. General agricultural background;
- d. Commodity fact sheets and trade updates;
- e. U.S. foreign policy, travel guidance, and general background information;
- f. Export & trade guidance (including a list of agricultural commodities eligible for shipment to Cuba);
- g. Trade data; and
- h. U.S. Legislation (Trade Sanctions Reform & Export Enhancement Act of 2000)

2. <http://www.bis.doc.gov/>

U.S. Department of Commerce, Bureau of Industry and Security website. Information on exporting agricultural commodities to Cuba can be found at <http://www.bis.doc.gov/index.php/policy-guidance/country-guidance/sanctioned-destinations/cuba>.

3. <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

U.S. Department of the Treasury, Office of Foreign Assets Control website. This site offers an overview of Cuban assets control regulations and guidelines and information on the Cuba sanctions program, including information on rules related to use of dollars by travelers and permitted travel. A list of OFAC-Authorized providers of air, travel and remittance forwarding services can be found at:

http://www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_tsp.pdf

4. <http://www.state.gov/r/pa/ei/bgn/2886.htm>

U.S. Department of State fact sheet on U.S. relations with Cuba. This site offers general background information on the subject.

5. <http://havana.usint.gov>

U.S. Interests Section in Havana website. This site offers information on U.S. citizen services as well as USG and non-USG resources.

6. <https://www.cia.gov/library/publications/the-world-factbook/geos/cu.html>

Central Intelligence Agency's World Factbook website. The World Factbook provides general information on Cuba and other countries around the world.

B. Non-U.S. Government websites/links.

The websites listed below are provided for the reader's convenience; USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in these websites.

1. <http://www1.lanic.utexas.edu/la/cb/cuba/>

University of Texas comprehensive listing of websites related to Cuba. English.

2. http://www.nonline.cubaindustria.cu/entrada_english.asp

Cuban Standards On-line. This site provides a catalog of Cuban standards which can be searched for free. Downloading is available to subscribers for a fee. Spanish & English.

3. <http://www.aduana.co.cu>

Cuban Customs Administration website. This site offers detailed information on Customs clearance legislation, requirements, procedures, and other useful information. The Cuban tariff schedule is available at http://www.aduana.co.cu/index.php?option=com_content&view=article&id=72&Itemid=73&lang=es (click on "Arancel comercial 2008"). Spanish & English Section.