



THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Required Report - public distribution

Date: 12/24/2014

GAIN Report Number:

Panama

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report 2014

Approved By:

Erich Kuss, Regional Agricultural Counselor

Prepared By:

Arlene Villalaz, Agricultural Specialist

Report Highlights:

Panamanian consumers continue perceiving U.S. food products as high quality, wholesome and reliable, which has resulted in a continuous growth in demand of 14.8 % annually. The U.S-Panama Trade Promotion Agreement entered into force on October 31, 2012. In addition, the United States – Panama Agreement regarding certain sanitary and phytosanitary measures and technical standards affecting trade in agricultural products, is in force since December 20, 2006. This agreement established simplified requirements for the importation of U.S. food and feed products. Amendments to this Bilateral have facilitated U.S. beef, beef products and pet food exports.

Section I. Food Laws:

Acronyms used in this document:

GOP:	Government of Panama
TPA:	U.S. - Panama Trade Promotion Agreement
AUPSA:	Panamanian Food Safety Authority
MIDA:	Ministry of Agricultural Development of Panama
OIE:	International Organization for Animal Health
BSE:	Bovine Spongiform Encephalopathy
MINSA:	Ministry of Health of Panama
USDA:	U.S. Department of Agriculture
FSIS:	Food Safety Inspection Service
APHIS:	Animal and Plant Health Inspection Service
NOAA:	National Oceanic and Atmospheric Administration

Panama has adhered to the terms of the bilateral agreement with the U.S. regarding certain sanitary and phytosanitary measures and technical standards affecting trade in agricultural products, which is an integral part of the TPA, by publishing the following regulations:

- Law Decree 11 of 22 February 2006, published 24 February 2006, which created the Food Safety Authority, AUPSA, responsible for SPS and certain measures related to the importation of food and feed products.
- MIDA Resolution No. 60 of 24 March 2006, published 8 February 2007, by which Panama grants equivalence recognition to the U.S. sanitary and phytosanitary systems for meats, poultry, dairy and other products for human and animal consumption. Also contains provisions related to certification requirements for U.S. agricultural exports to Panama.
- MIDA Resolution No. DAL-216-ADM of 23 August 2006, published 8 February 2007, by which Panama adopts OIE consistent measures related to BSE for U.S. bovine products.
- MINSA Resolution No. 070-A of 24 March 2006, published 12 February 2007, by which Panama grants equivalence recognition to the U.S. sanitary and phytosanitary systems for meats, poultry, dairy and other products for human and animal consumption. Also contains provisions related to certification requirements for U.S. agricultural exports to Panama.
- MIDA Resolution No. DAL-30-ADM of 2 June 2006, published 27 February 2007, by which Panama recognizes U.S. beef grading and cuts nomenclature systems as equivalent to Panama's.
- MIDA Resolution No. DAL-274-ADM of 20 November 2006, published 27 February 2007, by which Panama accepts U.S. measures related to Newcastle disease and Avian Influenza as consistent with directives from the OIE, and permits the importation of U.S. poultry and poultry products into Panama. Also contains provisions related to certification requirements for U.S. poultry products.
- AUPSA's Scientific and Technical Council of Food Safety Resolution No. 001, of 22 February 2007 published 27 February 2007, and corrected 1 March 2007, by which it recognizes the equivalence of the U.S. sanitary and phytosanitary systems for the importation of meats, poultry, dairy and other products, and contains provisions related to certification requirements. Establishes alternatives to product registration.

- AUPSA's Scientific and Technical Council of Food Safety Resolution No. 002 of 28 February 2007, published 1 March 2007, by which Panama grandfathers MIDA's Resolution DAL-216-ADM, and MIDA Resolution No. DAL-274-ADM on BSE and avian diseases.
- AUPSA's Scientific and Technical Council of Food Safety Resolution No. 002 of May 17, 2013, by which it modifies the Resolution No. 001, of 22 February 2007 that recognizes the equivalence of the U.S. sanitary and phytosanitary systems for the importation of meats, poultry, dairy and other products, and contains provisions related to certification requirements. With this amendment of the Annex of the Resolution 001, henceforth there is no need to use the Bovine Export Verification Program for U.S. Beef and Beef products exports to Panama.
- Executive Decree No. 65 of June 9, 1997 establishes the mandatory Hazard Analysis Critical Control Point or HACCP for all beef, dairy and fishery plants for Panama.

Complete text of these regulations may be accessed by date of publication at the [Official Gazette of Panama](#).

Besides the above mentioned laws and regulations, the U.S.-Panama Trade Promotion Agreement (TPA) which entered into force on October 31, 2012, has several chapters that established new applicable regulations for U.S. food products exported to Panama, such as the chapters of Market Access, Sanitary and Phytosanitary Measures, Technical Barriers to Trade, Rules of Origin, Intellectual Property Rights, among others. The complete text of the TPA can be accessed through this hyperlink of the [U.S. Trade Representative website](#).

Section II. Labeling Requirements:

The label can be in English. There is no requirement for labels to be in Spanish (Article 36 of Law 45 of October 31, 2007), except for medicines, agricultural chemicals, toxic products, and food products that require specific instructions or warnings because of risks to human health, such as health enhancers.

Article 36 of Law 45 of October 31, 2007 defines labeling requirement as follows:

"It is the responsibility of suppliers to consumers:

1- To inform consumers in a clear and truthful manner, of the characteristics of products or services offered, such as their nature, composition, contents, weight, origin, date of expiration, toxicity, precautions, price and any other condition, all of which will be printed on the label of the container or on the shelves where products are offered to consumers".

Expiration date and country of origin of the product are the most important details that local inspectors look for in labels of imported food products. The Authority for Consumers Protection and Defense of Competition (ACODECO) routinely inspects supermarkets and smaller stores (mom & pop's), checking expiration dates on food products. Results are published in newspapers to warn consumers. Weight checks are done mostly on rice and pulses sold in supermarkets. ACODECO and MINSA are empowered to confiscate expired products and to fine stores that offer them to consumers.

For dietary products containing Aspartame or Acesulfame K, an individual label in Spanish must state that the product contains Phenylalanine, according to the Executive Decree No. 423 of June 12, 1993 and MINSA Resolution No. 11 of July 12, 1994.

a. Other Specific Labeling requirements:

For dietary supplements and vitamins: If the product says in the label that it has any type of Therapeutic or Health improvement purpose, this type of products needs to get a certified authorization of the Department of Pharmacy and Drugs of the Ministry of Health of Panama, before it is registered in AUPSA. All the documentation in English, must have a translation in Spanish for the process at MINSA.

For baby food: Since April 2014 every Baby Food product, such as: Infant formula, complementary food (fruit and vegetable juices, puree), baby bottles, and pacifiers, needs to have an additional sticker over the product label, in Spanish and uppercase font that states: "Mother's milk is the best food for infants". Panama issued the Executive Decree 513 of May 14, 2013 and the Executive Decree 1457 of October 30, 2012 Regulating Law No. 50 of November 23, 1995, by which Protects and Promotes Breastfeeding. The new regulation is applicable for locally produced and imported products.

Section III. Packaging and Container Regulations:

Panama requires that the "product is packaged with materials of food grade". There are no regulations issued specifically for packaging materials requirements.

According to Article 54 of Law Decree 11 of February 22, 2006, all processed food products for retail, bottled or packaged in some form with given name and brand, must be registered at the Panamanian Food Safety Authority (AUPSA), prior to importation. This means that all food products intended for retail as a final product for direct consumption should be registered prior to the import, sale or trade. Excluded from the above are raw materials such as: fresh meats (which are not packed and ready for retail), fresh vegetables and fresh fruits, grains in bulk loads or in bags, dairy product in bulk loads or in bags for further processing, ingredients and additives for the process of a final food product.

For bottled water there is a specific returnable plastic bottle regulation, according to MINSA Resolution No. 181 of August 10, 2001.

Section IV. Food Additives Regulations:

Panama adheres to the Codex Alimentarius Standards in regards to food additives, as established on Codex Standard 192-1995 and other Codex Standards for specific categories of food products.

There are some specific food additive regulations:

- Technical Regulation DGNTI-COPANIT (Panama) 08-241-1998 concerns Deli products (hams, sausages).
- It is forbidden to use additives in frozen calamari, per Codex Stan 191-1995.
- For cooking oil and cooking fat/greases/butter, the food coloring, antioxidants, emulsifiers, thickeners, stabilizers and flavors must comply with the Codex Alimentarius standard.
- For beverages in powder mixes, it is forbidden to have Cyclamate as an additive, as established on the Technical Regulation DGNTI-COPANIT (Panama) 26-399-1999 and on MINSA Decree No. 56 of October 18, 1971.
- All food products must be free of Glycerol, sorbitol or propylene glycol, as established on Panama's Executive Decree No. 386 of November 30, 2006.

If a food additive is going to be exported to Panama, for the food processing industry, the additive must be imported through AUPSA's import procedures, described in section IX of this report, and with its specific [Technical Regulations](#).

Section V. Pesticides and Other Contaminants:

MINSA [Executive Decree No. 467](#), from 7 November 2007, published in Official Gazette No. 25932, of 4 December 2007, dictates the "Sanitary Ruling that establishes the maximum limits of pesticide residues and other contaminants in fruits and vegetables for internal consumption as well as for exports". This rule adopts maximum levels applied by the CODEX, the EPA, and the EU, whichever is the lowest. It establishes that the Ministry of Health will collect samples from warehouses and supermarkets, while the Ministry of Agricultural Development will collect samples at farms. No frequency for sampling is established, and cost of analysis is charged to distributors and importers.

Panama has a Residue Lab to analyze food products for pesticides and other contaminants. Random samples are taken from imported food products to be tested at this lab, which uses USDA and/or EPA tolerances for pesticides, and has been reviewed by private consultants to improve procedures and effectiveness (Activity supported by FAS). In addition, they are applying for ISO certification.

Section VI. Other Regulations and Requirements:

a. Technical Regulations, Standards and Conformity Assessments:

The General Directorate of Industrial Norms and Technology (DGNTI) through its Commission of Technical Standards (COPANIT), an agency of the Ministry of Commerce and Industries, oversees quality standards and certification for all products. It participates in the preparation, adoption and adjustment of norms for industry, commerce and services. This agency is also the point of contact in Panama for the Codex Alimentarius. It is also the Panamanian registering authority for participation in ISO program.

The General Directorate of Standards and Industrial Technology (DGNTI) leads in conducting conformity assessments but is joined by a number of other public and private organizations. In Panama, several organizations conduct conformity assessments on a regular basis. These organizations include the Central Laboratory of Health from the Ministry of Health (MINSA), the University of Panama, the Technological University of Panama, the National Secretariat of Science and Technology (SENACYT), the Ministry of Agricultural Development (MIDA), the Consumer Protection Authority and Defense of Competition, and the Agricultural Marketing Institute (IMA).

Law 23 requires that the Panamanian Commission for Industrial and Technical Standards (COPANIT) and the General Directorate of Standards and Industrial Technology (DGNTI) publish all agreements, technical regulations, norms and procedures.

They operate a primary Metrology Lab, duly equipped to offer services such as calibration to weights, and solution to measuring problems.

List of food products for which they have issued a Technical Regulation:

- Cereals, Wheat flour

- Ethylic alcohol for alcoholic beverages
- Rum (local)
- Fruit and Vegetable juices
- Fruit nectars
- Tomato juice
- Orange juice concentrate
- Orange juice
- Milk and Dairy Products
- Vegetable oils
- Animal fats
- Sugar
- Table salt
- Additives
- Colors
- Fish, frozen
- Fishmeal
- Beef and products
- Eggs and egg products

Complete information (in Spanish language) may be accessed at the Ministry of Commerce and Industry website for [Technical Regulations](#).

b. Facility and Product Registration Requirements:

All U.S. federally inspected establishments for meats and poultry are eligible to export to Panama. The list of these can be found at: <http://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/mpi-directory/>

Panama does not have Food Facility Registration requirements for the United States, as it was agreed on the United States – Panama Agreement regarding certain sanitary and phytosanitary measures and technical standards affecting trade in agricultural products, of December 20, 2006.

The Panamanian Food Protection Authority (AUPSA) is the Government of Panama agency created to oversee all aspects of food importation. In compliance with the bilateral SPS agreement, they receive requests for Food and feed Products sanitary registration and provide answers within 24 hours. This procedure can be made online, and it cost is free of charges. The submission of documentation as indicated in this section may be through AUPSA's website: www.aupsa.gob.pa which is user friendly but, it is in the Spanish language only.

According to Article 54 of Law Decree 11 of February 22, 2006, all processed food products for retail, bottled or packaged in some form with given name and brand, must be registered at the Panamanian Food Safety Authority (AUPSA), prior to importation. This means that all food products intended for retail as a final product for direct consumption should be registered before import, sale or trade. i.e. alcohol beverages, snacks, canned food, among others.

Excluded from the above are raw materials such as fresh meats (which are not packed and ready for

retail, used for food service or food processing), fresh vegetables and fresh fruits, grains in bulk loads or in bags, dairy product in bulk loads or in bags for further processing, ingredients and additives for the process of a final food product.

For the Food Product Registration, the Importer or the Exporter must send the following information:

1. Product Name
2. Name and address of the product manufacturer, packager, or distributor, as specified on the label.
3. Product description as stated on the label.
4. Product ingredients (in descending order by weight) as stated on the label.
5. For U.S. food products either:
 - a. A Certificate of Free Sale of the product, or any other certificate issued by any U.S. federal or state or local authority within the last 12 months, such as a Sanitary Certificate issued by your State authority (Agriculture or Health), in which certifies that the product is fit for human consumption and complies with the Sanitary regulations in your State. A list of States authorities can be found at: <http://www.nasda.org/6467.aspx>
 - b. A Supplier or Manufacturer's Declaration (if the product is for international sales only, not sold in the United States), on company letterhead, stating that the product is fit for human consumption.

In addition, so AUPSA may corroborate the above information, it is necessary to send the legible scanned copy of the label.

The originals of such documents shall be presented at the AUPSA's Registry office, within a period of time of 30 working days.

The Food Product Registration shall remain in effect as long as the information provided remains unchanged.

c. Other Certification and Testing Requirements:

The certifications that must accompany the shipments are:

- a. For meats and poultry: a FSIS Export Certificate of Wholesomeness (FSIS form 9060-5)
- b. For fresh vegetables and fresh fruits, grains in bulk loads or in bags: an APHIS Phytosanitary Certificate (PPQ Form 577)
- c. For seafood and fishery products: a NOAA's Health Certificate for fishery products.
- d. For dairy products, other processed products, ingredients and additives for the process of a final food product: A Certificate of Free Sale of the product, or any other certificate issued by any U.S. federal or state or local authority within the last 12 months, such as a Sanitary Certificate issued by your State authority (Agriculture or Health), in which certifies that the product is fit for human consumption and complies with the Sanitary regulations in your State. Also, for dairy products the USDA/AMS Sanitary Certificate for Exports or, the USDA/APHIS Export

Certificate for Animal Products (VS Form 16-4) can be used.

- e. For shell eggs for human consumption: USDA/AMS Disease Free Certification Statements for Panama, and USDA/AMS Fresh Shell eggs Grading Certificate for consumption (AMS Form PY-210S)
- f. For Pet Food: an USDA/APHIS Export Certificate for Animal Products (VS Form 16-4) with the additional statements mentioned on Section VII, paragraph c of this report.

The Inspection, Testing and Sampling requirements are:

1. A computer-based importation/verification system of AUPSA, known as SISNIA, is used at the ports of entry in Panama. The SISNIA system allows for the inspectors to see when the load will arrive, and what kind of tests (microbiological, entomological, chemical, MRL, etc.) must be done. The software also allows the general public to learn about the import sanitary requirements, how much food has been imported and by whom.
<http://www.aupsa.gob.pa>
2. At the ports of entry, shipments clearance is based on documents and physical inspections.
3. Customs inspectors also verify the shipment, specially the Customs Declaration Form and the payment of duties, if applicable.
4. Frozen and Refrigerated food products, for physical inspection, are not opened at the ports of entry because of lack of cold storage facilities.
5. Since the ports of entry, specially the docks, don't have refrigerated facilities, the AUPSA inspectors execute the physical inspection process in the importers' cold storage facilities or at the processing plant, to preserve the cold chain of the food product.
6. For sampling, a whole box of product is taken from the load for further organoleptic, microbiological and toxic residues testing.
7. A laboratory Analysis Order is issued for the sample to be tested and a certified GOP laboratory is selected for the testing purposes (i.e., LCRSP, LADIV, LSV, IEA or other).
8. The analysis parameter(s) to be tested for any specific sample is also randomly selected by the SISNIA, through a Bio-Statistics software.
9. Panama has zero tolerance policy to E. Coli and Salmonella spp. in cooked products, raw products could have a certain number of positive samples, and if this occurs, the inspectors send a warning to the importer.
10. When a Foreign Processing Plant or Establishment (including but not limited to the United States) is First-time exporting, are subjected to sampling of five consecutive

loads/shipments (Starting sampling), then a Reduced sampling protocol follows for every 11 loads and then on every 22 loads.

11. If a MRL analysis yields a positive result or if there is a microbiological finding, five consecutive loads will be sampled.

Section VII. Other Specific Standards:

a. Vitamin Enrichment requirements:

As per MINSA Resolution No. 5705 of October 28, 1996 Panama forbids adding of Potassium Bromate to wheat flour, adopting the CODEX Stan 152-1985-91. The Resolution specifies that it is for wheat flour only, and not for products made of wheat flour such as cookies, crackers, etc., which are not affected by the regulation.

All Wheat Flour must be fortified, according to the Executive Decree No. 80 of March 24, 2003.

Salt for human consumption must contain fluoride, according to the Executive Decree No. 127 of August 31, 1998.

b. Import Requirements for U.S. Beef and Beef products to Panama:

The Import requirements for the United States beef and beef products for human consumption, adopted by AUPSA's Scientific and Technical Council of Food Safety Resolution No. 002 of May 17, 2013, by which it modifies the Resolution No. 001, of 22 February 2007 that recognizes the equivalence of the U.S. sanitary and phytosanitary systems for the importation of meats, poultry, dairy and other products, and contains provisions related to certification requirements. With this amendment of the Annex of the Resolution 001, there is no need to use the Bovine Export Verification Program for U.S. Beef and Beef products exports to Panama, by which Panama recognized the equivalence of sanitary and phytosanitary systems and other related regulatory systems of the United States.

In accordance with the above in the mentioned resolutions, the bovine meat and meat products for human consumption originating from the United States must be accompanied by an Export Certificate of Wholesomeness issued by USDA FSIS, with no additional certification statements.

Article 5 of the Agreement establishes that all products containing, by weight, more than 3 percent of meat have to be accompanied by an FSIS Export Certificate of Wholesomeness.

The previous resolution was modified by AUPSA, after a re-negotiation with the GOP, because since May 2013 Panama and the U.S. have the same BSE Risk Status (Controlled risk) recognized by OIE.

The export requirements for U.S. meats and poultry to Panama, can be found in English in the following link: <http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products/export-library-requirements-by-country/Panama>

In addition to the above, each shipment must be accompanied by the following documents:

1. Copy of the Import Notification Form, filled in the web site of the [Panamanian Food Safety Authority](#)
2. Copy of the commercial invoice of the product.
3. Customs Pre- declaration.

c. Import Requirements for U.S. Pet Food to Panama:

In June 2014, through an exchange of letters between USTR and the Panamanian Ministries of Agriculture, Health, and Commerce, the certification requirements for pet food were simplified. This agreement has entered into force, however Panama has not yet taken the domestic administrative steps required to implement this change.

The Revised Additional Certification Statements on USDA APHIS Export Certificate to Accompany U.S. Exports of Pet Food Containing Animal Origin Ingredients to Panama are:

1. The products may be freely sold in the United States as pet food.
2. Dry, semi-moist, and dehydrated pet food products were subjected during processing to a heat temperature designed to ensure the destruction of pathogenic agents harmful to animals.
3. Canned pet food products have been treated in hermetically sealed containers with an F0 of 3.0 or more.
4. The product has been hygienically handled and packed in clean containers made of impermeable, hermetic, and strong materials that are sufficient to protect the product from environmental contamination and safeguard commercial sterility obtained during thermal processing.

d. Specific Import Requirement for Table Stock Potatoes:

AUPSA requires an additional certification under the Phytosanitary Export Certificate (issued by the Animal and Plant Health Inspection Service (APHIS)) for sprout inhibitor application on shipments of U.S. table stock potatoes. In order to meet this requirement, APHIS recommends that as part of the shipping documents the shipper provide a "Packer Affidavit" stating that a sprout inhibitor application on shipments of U.S. table stock potatoes has been given.

Potatoes must be free of the following pests: *Ditylechus destructor*, *D. dispaci*, *Phthorimaea operculella* and *Pratylenchus penetrans*. Also it needs to be produced in a free area of Potato purple top or apply anti sprout fumigation.

e. Import requirement for third-country food product coming from the United States:

Third-country food product coming from the United States to Panama, are considered by AUPSA as a re-exported or transshipped product. Therefore, the shipment must be accompanied by a sanitary or phytosanitary certificate from the country of origin of the product. This requirement also applies for sanitary registration of the third-country food product. The special regulations for U.S. food product registration are not applicable.

For the Importation of rice (*Oryza sativa L.*) milled, packaged or re-packaged for human consumption and /or for processing originating in Asia, coming from the United States of America, the shipment

must be accompanied by a phytosanitary export or re-export certificate, issued by USDA-APHIS with the following additional declarations:

1. The rice has undergone a process of inspection and sampling, and during the storage period in the United States of America, the grains were not exposed to the risk of pest infestation or infection or pollutants.
2. The rice comes free of live insects of any kind, as well as other biologicals, chemicals and physical contaminants, including soils.
3. The phytosanitary export or re-export certificate must include an additional statement certifying that the rice free of *Trogoderma granarium*.

f. Import requirement for commercial samples of food products, for personal consumption, food aid donations and special events (such as gastronomic exhibitions, tastings and embassies events):

In accordance with the import requirements published on Resolution AUPSA-DINAN-021-2014, for commercial samples of food products, for personal consumption, food aid donations and special events (such as gastronomic exhibitions, tastings and embassies events), only food products can be imported if they have been processed and pre-packaged to minimize the potential health and/or phytosanitary risks, and Non-processed foods only from eligible countries recognized by AUPSA.

Food products for commercial samples, personal consumption, special events and donations do not require a Sanitary Registration of the product in AUPSA.

The following documentation must be presented at the port of entry in Panama (terrestrial border, airports and maritime ports):

1. Import Prior Notification Form with the signature of approval by AUPSA.
2. If the importers are out of the country at the time of application, an e-mail can be send to normas@aupsa.gob.pa with the Import Prior Notification Form scanned requesting the authorization for the importation.
3. Sanitary or Phytosanitary Export Certification notarized. Also, a Free Sale Certificate or a Sanitary Certificate issued by your State authority (Agriculture or Health), in which certifies that the product is fit for human consumption and complies with the Sanitary regulations in your State. A list of States authorities can be found at: <http://www.nasda.org/6467.aspx>
4. Payment of USD. 2.00 for verification of commercial samples of food products, and for personal consumption. The payment must be made through National Bank of Panama, Checking Account No. 010000104031. At the Tocumen International Airport there is a National Bank of Panama.

Are exempt to request the above authorization, the processed food products or ingredients covered on the following HTS Code chapters, based on article 3 of Resolution AUPSA-DINAN-021-2014:

- 13 - Gums, resins and other vegetable saps and extracts
- 15 - Animal or vegetable fats and oils
- 17 - Sugars and sugar confectionery
- 18 - Cocoa or its preparations
- 19 - Preparations of cereals, flour, etc.

- 20 - Preparations of Vegetables, fruit plants
- 22 - Drinks, spirits and vinegar
- 25 - Mineral products
- 28, 30, 32, 34 - additives used for food processing
- 29 - Organic Chemicals
- 33 - Essential Oils and Resinoids
- 35 - Starches and starch products

The maximum allowable amounts authorized for importing food products for commercial samples and, for personal consumption are the following, and if required a greater amount, the importer shall request to AUPSA the Import Prior Notification Form authorization for the importation:

- Commercial samples: up to 5 kilograms or its equivalent in volume by product.
- Personal consumption: up to 20 kilograms or its equivalent in volume, in total per person.
- Dietary Supplements for personal consumption: up to 3 kilograms or its equivalent in volume, in total per person.

If the above requirements and documentation to accompany the food products (in case an AUPSA's Import Prior Notification Form authorization is needed) are fulfilled, the inspection procedure is immediate and on-site.

g. Import requirement for shell eggs for human consumption:

For clarification purposes, packing material represents shell egg cartons (6-egg, 12-egg, 18-egg, etc.); packaging material represents loose pack shipping containers (i.e. 15, 24, or 30-Dozen Cases):

- All shell eggs must originate from the United States.
- Flocks must be participating in the National Poultry Improvement Plan (NPIP) administered by APHIS / USDA.
- Product must be in compliance with the Food and Drug Administration's (FDA) regulations for the Prevention of Salmonella Enteritidis in Shell Eggs during Production, Storage, and Transport.
- Product must be processed and packed under USDA supervision in shell egg facilities utilizing either USDA's voluntary resident or temporary grading service.
- The shell eggs must be graded and certified as U.S. Grade A or better, as outlined in the United States Standards, Grades, and Weight Classes for Shell Eggs. Regardless of the grade, certification must be determined by either online or stationary lot grading.
- All packing and packaging material must be new, showing no evidence of previous use.
- All packing and packaging material must contain the Statement of Identity (EGGS). The "Keep Refrigerated" statement or similar terminology must appear on individual packing material. Packing material must contain the Safe Handling Statement, as well.
- The Country Code (US) must be stamped on individual packing material. Alternatively, each egg can be individually stamped with the Country Code (US) when packaging material is utilized.
- All packing material must contain the Packing Date (Batch Date). This date represents the consecutive day of the year in which the product was processed (i.e. 001 = January 01). All packing material must contain a valid legal line (corporate or producer/packer); U.S. grade, size, and quantity of product; official plant number; and duration of quality.

- All packaging material must contain the Packing Date (Batch Date). This date represents the consecutive day of the year in which the product was processed (i.e. 001 = January 01). All packaging material must contain the name, address, city, state, and zip code of the producer/packer; U.S. grade, size, and quantity of the product; official plant number; duration of quality, and the flock identification number. Alternatively, the flock identification number can be recorded on the Form PY-75 for each load that is produced.
- The USDA Graded for Export Stamp with the applicable certificate number must be stamped on individual packaging.
- The duration of quality cannot exceed 45 days, including the date of processing. The following prefixes must be used in conjunction with the duration of quality: Best Before, or EXP. If the prefix, EXP is used with a duration of quality that exceeds 30 days including date of pack, the following disclaimer will be printed in the remarks section of the Shell Egg Grading Certificate: “The expiration date declared on the product is the responsibility of the applicant.”
- All shipment of fresh shell eggs, in shell (shell), for human consumption, must be stored and transported at a maximum of 7.2 degrees Celsius ambient temperature.
- The containers and / or thermo refrigerated vehicles must be sealed (locked, strapping) and sealed so that these labels can be removed only by the Panamanian Food Safety Authority, upon arrival to the country.
- The shell eggs for human consumption shipments must be accompanied by: USDA/AMS Disease Free Certification Statements for Panama, and USDA/AMS Fresh Shell eggs Grading Certificate for consumption (AMS Form PY-210S).

Section VIII. Copyright and/or Trademark Laws:

The Panamanian [Copyright Law](#) (Law 64 of October 10, 2012) is based on the World Intellectual Property Organization (WIPO) model. It modernizes copyright protection in Panama, provides for payment of royalties, facilitates the prosecution of copyright violators, and makes copyright infringement a felony. The Copyright Office is drafting improvements to the Copyright Law to implement the new WIPO treaties, to raise penalties for infractions and to enhance border measures.

The [Industrial Property Law](#) (Law 61 of October 5, 2012) provides 20 years of patent protection from the date of filing. This Law also provides trademark protection, simplifies the process of registering trademarks and makes them renewable for ten-year periods. It grants ex-officio authority to government agencies to conduct investigations and to seize materials suspected of being counterfeited. The Trademark Registration Office has undertaken significant modernization with a searchable computerized database of registered trademarks that is open to the public and is remotely accessible to customs officials, among others. This facilitates the inspection and investigation process considerably.

The legal framework for the protection of intellectual property rights (IPR) in Panama has improved significantly over the past decade. The government passed an Anti-Monopoly Law in 1996 mandating the creation of commercial courts to hear anti-trust, patent, trademark, and copyright cases exclusively. Two district courts and one superior tribunal began to operate in June 1997 and have been adjudicating intellectual property disputes. In January 2003, the GOP designated an IPR-specific prosecutor with national authority, which has consolidated and simplified prosecution of those cases.

This Industrial Property Law of 2012 establishes on the Panamanian Legal system the Geographical Indications, Designations of Origin, and Indications of Origin. However, IPR implementing regulations

or applications, and protection of Regulation of use are pending, specifically regarding compound terms that include generic terms and specific geographic indications, because the GOP is still undergoing internal consultations.

The TPA provides for improved standards for the protection and enforcement of a broad range of intellectual property rights, which are consistent with U.S. standards of protection and enforcement and with emerging international standards. Such improvements include state-of-the-art protections for digital products such as U.S. software, music, text and videos; stronger protection for U.S. patents, trademarks and test data, including an electronic system for the registration and maintenance of trademarks; and further deterrence of piracy and counterfeiting. Panama is a member of the World Intellectual Property Organization (WIPO), the Geneva Phonograms Convention, the Brussels Satellite Convention, the Universal Copyright Convention, the Bern Convention for the Protection of Literary and Artistic Works, the Paris Convention for the Protection of Industrial Property, and the International Convention for the Protection of Plant Varieties. In addition, Panama was one of the first countries to ratify the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, although the GOP has yet to introduce implementing legislation to put these treaties fully into force in Panama and to establish new offenses, such as those needed for internet-based copyright violations and to enhance border measures.

Under the TPA, Panama would be obligated to ratify or accede to the Patent Cooperation Treaty, the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, and the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure by the date the TPA enters into force. Panama would also be obligated to ratify or accede to the International Convention for the Protection of New Varieties of Plants by 2010 and the Trademark Law Treaty by 2011.

Panama's legal system provides for a trademark protection regime, which includes a simplified process of trademark registration, and the ability to renew a trademark for 10-year periods.

All the copyrights and/or Trademarks must be registered at the [General Directorate for Industrial Property Registration](#) of the Ministry of Commerce and Industry of Panama. And a Panamanian Attorney must submit the registration documents, with a Power of Attorney of the applicant.

Section IX. Import Procedures:

Panama's food and feed trade moves through the Balboa port in the Pacific and the Atlantic ports of Manzanillo, Cristobal, Colon Container Terminal and Evergreen (these three ports are located at Colon city) which are managed by transnational companies. The Tocumen International Airport handles the bulk of Panama's air cargo.

a. Food Products and feeds for animals:

Panamanian regulations allow companies and individuals to import directly with no intervention from agents or distributors. However, it is preferable to work with a customs agent (broker) or an "imports expediter" that has experience in importing food products.

Step 1.: All processed food products for retail, bottled or packaged in some form with given name and

brand, must be registered at the Panamanian Food Safety Authority (AUPSA), prior to importation, as explained in section VI paragraph b of this report.

Step 2: All importers must submit to AUPSA an Import Prior Notification form at least 48 hours ahead when the shipment will arrive to Panama. SISNIA is the online system of AUPSA where importers can upload the requested information. In order to upload the information the importer must be legally established person who must submit to AUPSA the necessary documentation to prove they are legally established. A brief tutorial in Spanish of how the system works is available at: <http://200.46.196.147/aupsa/manualdeusuario/manualusuario.htm>

Step 3: At the Port of Entry in Panama, the Importer shall present these documents, which are going to be checked for compliance:

1. Copy of Import Notification form, submitted on Internet at the AUPSA web site: <http://200.46.196.147/aupsa/login.asp> The notification must be submitted, minimum 48 hours prior to the arrival of the product at the Port of Entry.
2. If the Certificate of Free Sale of the product, or any other certificate issued by any U.S. federal or state authority, or a Supplier / Manufacturer's Declaration [1] , was not submitted at the moment of the Food Product Registration [2] , then a copy of any of the above certificates must be presented at the Port of Entry in Panama.
3. Packing List of products.
4. Certificate of Origin (where appropriate [3])
5. Copy of commercial invoice of the product.
6. Pre-customs declaration

Step 4: AUPSA conducts inspection, testing and sampling on imported food products, mainly in fresh or refrigerated food products, looking for contaminants, for example: live regulated pests, E. coli, Salmonella, heavy metals and Listeria. See section VI paragraph c of this report for more details.

Step 5: If the shipment is cleared, it is released to be imported. If is not cleared, due to findings of any contaminants, AUPSA will notify the importer about which mitigation measure will be applied or if the shipment must be rejected for importation into Panama.

b. Non-food animal and plant products:

The Agricultural Quarantine Directorate of the Ministry of Agricultural Development is the agency in charge of this category. They have a list of requirements for specific products, which may change at any moment due to phytosanitary concerns that may arise. Applicants must fill a form requesting a Phytosanitary Licence. Procedures must be done in person and in the Spanish language. Information may be accessed at: www.mida.gob.pa go to: *Cuarentena Agrop*, then go to: *Solicitud de Importacion*. Or contact the Executive Director of Agricultural Quarantine (contact data below on Appendix I of this report).

^[1] AUPSA has been accepting during the last 3 years, in accordance with the U.S. – Panama SPS/TBT Equivalence Agreement signed on December, 2006, the Supplier or Manufacturer Declaration when the product is not freely sold in the U.S. territory, meaning that is produced for International Sales only. If the food product is freely sold inside the U.S. territory, then any U.S. federal, state or local competent authority should issue a certification, stating that the product is fit for

human consumption, and it has been produced in compliance with the U.S. health standards for food manufacturing.

^[2] AUPSA issued the Import Requirement Resolution number AUPSA-DINAN-077-2009 establishing that when the Certificate of Free Sale is presented during product registration, it does not need to be presented with each shipment.

^[3] Any certificate issued by a U.S. federal, state or local competent authority, including the Certificate of Free Sale, generally indicates that the product is manufactured in the United States, or is originated in the United States; other attest, i.e.: “Country of Origin: United States”. When the certificate does not indicate any origin of the product, then AUPSA’s inspector at the Port of Entry, may or may not request for a Certificate of Origin, to ensure that the product is from the United States.

Also, a Certificate of Origin is necessary when importing under a tariff-rate quota or under a Tariff preferential treatment of the U.S. – Panama Trade Promotion Agreement, which is enforced since October 31, 2012.

Appendix I. Government Regulatory Agency Contacts:

Panamanian Food Safety Authority (AUPSA)

National Directorate of Food Imports Regulations

Ricardo J. Alfaro Avenue, Sun Towers Mall, 2nd Floor. Office No. 70

Panama city, Republic of Panama.

Telephones: (507) 522-0000; or 522-0003

Fax: (507) 522-0014

Contact: Eng. Luis Benavides, Head of Department

Email: lbenavides@aupsa.gob.pa

Web Site: www.aupsa.gob.pa

Ministry of Agricultural Development (MIDA)

Executive Directorate of Agricultural Quarantine

Curundo Heights, Manuel E. Melo street, Building 577, ground floor

Panama city, Republic of Panama.

Telephone: (507) 232-5340

Fax: (507) 507-0877

Contact: Dr. Jorge Marin, Executive Director

Email: jmarin@mida.gob.pa

Web Site: www.mida.gob.pa

Ministry of Health (MINSa)

Food Protection Department

Ancon, Culebra street, after the Oncologist Institute, building 253, ground floor.

Panama city, Republic of Panama.

Telephone: (507) 512-9180

Fax: (507) 512-9114

Contact: Anarella Jaen de Meron, National Head of Department.

Email: ajdemeron@minsa.gob.pa

Web Site: www.minsa.gob.pa

National Authority of Customs (ANA)

Curundu, Dulcidio Gonzalez Avenue, building 1009

Panama city, Republic of Panama.
Telephone: (507) 506-7484
Fax: (507) 506-6240
Contact: Mrs. Yenia Diaz, Head of Regulations Department
E-Mail: yenia.diaz@ana.gob.pa
Web Site: www.ana.gob.pa

Ministry of Commerce and Industry (MICI)
General Directorate for Industrial Property Registration
Ricardo J. Alfaro Avenue, Plaza Edison, 2nd floor.
Panama city, Republic of Panama.
Telephones: (507) 560-0705 or 560-0700 extension 2105
Contact: Leonardo Uribe, General Director
E-Mail: LUribe@mici.gob.pa
Web Site: www.digerpi.gob.pa

Ministry of Commerce and Industry (MICI)
Technical Regulations Department and Codex Alimentarius Focal Point
Ricardo J. Alfaro Avenue, Plaza Edison, 3rd floor.
Panama city, Republic of Panama.
Telephones: (507) 560-0600 extension 2389, or 560-0716
Contact: Eng. Mayela Ortega
E-Mail: MO Ortega@mici.gob.pa
Web Site: www.mici.gob.pa

Appendix II. Other Import Specialist Contacts:

Association of Traders and Distributors of Food and similar of Panama (ACOVIPA)
Ricardo J. Alfaro Avenue, Century Tower Plaza
Panama city, Republic of Panama
Telephone: (507) 236-2459
Contact: Rigoberto Gonzalez, Executive Director
E-Mail: acovipa@veloz.net
Web Site: <http://acoviparetail.org/>

Ingenieros de Alimentos – Consultants
Parque Lefevre, 1st street, Building Palmas Bellas, ground floor, office C.
Panama city, Republic of Panama
Telephone: (507) 222-2221 or 222-5324
Fax: (507) 222-1413
Contact: Eng. Franz Wald, owner and consultant
E-Mail: fwald@ingenieriadealimentos.com
Web Site: <http://www.ingenieriadealimentos.com>

Author Defined:

It is important to note that on July 2009 the AUPSA's Scientific and Technical Council of Food Safety has also given the recognition of sanitary equivalence to the beef and pork sanitary system of Canada, approving all the Canadian facilities listed at a federal level in the Canadian Food Inspection Agency (CFIA) dedicated to the elaboration of bovine and pork meat products, including but not limited to refrigerated or frozen fresh products. The same has been approved for deli meats from Spain, for dairy products from Argentina, Australia and The Netherlands, beef from Chile, among others. The sanitary recognition of equivalences for these other countries has caused significant competition to U.S. food products, due to the simplification of the sanitary measures for imports to Panama for those countries mentioned above.