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El Salvador

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

Review of El Salvador's Food and Agriculture Import Regulations and Standards.

Updated Sections: Section I. Food Laws, Section II. Labeling Requirements, VI. Other Regulations and Requirements, VII. Other Specific Standards, IX. Import Procedures and Appendix I. Government Regulatory Agency Contacts.

Section I. Food Laws:

El Salvador does not have a specific food law that applies to imported foodstuffs. Instead, the Salvadoran Health Code is used to enforce food safety for all food products. The Ministry of Public Health and Social Assistance (MPHSA) is in charge of all registrations and authorizations to import, manufacture, and sell food and beverages, and materials used in the production process. Section 12, Article 88 of the Salvadoran Health Code relates to food imports, and states that in order to import any food or beverages their use must be authorized by a Certificate of Free Sale and Consumption issued by the competent health authority in the country of origin. Each certificate must include the name of the product and its components. In addition, Article 95 states that the Ministry of Health is in charge of product registration including imported food and beverages. Products of animal origin are regulated by the Livestock Division/Food Safety of Animal Products (DGG) of the Ministry of Agriculture (MAG). Other products such as fresh produce are regulated by the Plant Health Division of MAG.

The Government of El Salvador (GOES) has been unable to design a system of food safety and enforcement, mainly because of limited resources. However, local policy makers are beginning to react to criticism from consumers regarding food safety and quality control. The Ministry of Economy through the Consumer Protection Agency (DDC) is in charge of enforcing the Consumer Protection Law. The National Assembly has ratified an updated version of the Law that designates DDC as the sole entity in charge of safeguarding consumers from unsafe products.

Most food products are inspected for safety at the port of entry. However, the Ministry of Health carries out random testing at the retail and wholesale levels to make sure that foodstuffs comply with all required health and quality standards. Nevertheless, many products reach their final destinations without an inspection due to lack of human resources and appropriate infrastructure to control illegal distribution channels. This is most common in open air markets.

The trend in food safety in El Salvador is toward improved control and more efficient regulations, and the use of Codex Alimentarius norms. Meanwhile, Central American norms, and in some instances FDA norms are being used until Codex norms are fully revised and adopted.

Section II. Labeling Requirements:

Based on the Central American Technical Regulation (RTCA) 67.01.07:10, the Ministry of Health requires the following labeling information for all products sold in El Salvador:

- 1) The label should express the nature of the product, composition, quality, origin and general processing method.
- 2) Name of the product: Must be the specific name.
- 3) Net Content: Must be expressed in decimal metric system units.
- 4) Ingredients: Must be listed with their proper names, in decreasing order, according to their importance in the composition of the product. It is not necessary to identify the percentage of each ingredient.
- 5) Additives: Must be mentioned by the group it belongs to (for example: antioxidant), followed by its specific name and its concentration in the final product.
- 6) Lot identification and manufacturing date: in order to identify the lot, a code can be used, which must be provided and clarified to the Health authorities. To identify the manufacturing date, 6 digits must be used year, month, and day in YY/MM/DD format.

- 7) Storage instructions.
- 8) Manufacturer's name: The label must include the manufacturer, importer, dealer, distributor or legal representative of the product, and their respective addresses.
- 9) Sanitary Registry: The label must declare the number of Sanitary Registry (Reg. No. D.G.S. El Salvador), issued by the Environmental Health Department, Section of Food Safety of the Ministry of Health (DSA).
- 10) Country of Origin.
- 11) The product must contain the name and address of the supplier in El Salvador in the form of a sticker; this is usually provided by the supplier or distributor.

The Salvadoran Body for Technical Regulations (OSARTEC) is working on labeling regulations based on Codex. Currently, food products with U.S. labels can be seen throughout the distribution chain. However, the GOES is requiring that a sticker in Spanish that includes a list of ingredients, manufacturing method, and expiration date be used until the requirement of Spanish-English labels is fully implemented.

The Ministry of Health/Food Safety Division and the Ministry of Economy/Consumer Protection Agency enforce local labeling regulations. All products should be properly labeled prior to distribution for human consumption.

Sample-size product labeling requirements are identical to those listed above. However, local authorities are a bit lenient with this type of product due to the small quantities imported. Bulk packed or institutional size products are required to visibly display the contents and ingredients either in the container or package.

Nutritional labeling is not required by the Ministry of Health at this time. However, the U.S. nutrition label needs to be analyzed by the Nutrition Department of the Ministry of Health in order to be accepted. Some locally produced products at the retail level have nutrition facts in English to comply with U.S. regulations due to expectations of exporting to the U.S. market under the Central America – Dominican Republic - U.S. Free Trade Agreement (CAFTA-DR). Local health officials say that since most Salvadorans do not speak English, they could be basing their opinion on the picture that is used in the label by U.S. manufacturing companies and could therefore be misled.

The only requirement for shelf life of a product is the expiration and manufacturing date. The DGG requires a country of origin certificate for all products that are imported to El Salvador.

The GOES does not grant any exceptions under the labeling law. However, in extreme cases, the Ministry of Health can analyze a product in order to guarantee consumer health and decide whether that particular product can be imported for human consumption.

Both Universal Product Code (UPC) and EAN bar codes are acceptable in El Salvador. Bar coding is rapidly becoming an important instrument in the food business. Currently all local supermarket chains require that products sold throughout their stores be coded.

When alcoholic beverages are imported, the label must read: "The excessive consumption of this

product is harmful and creates addiction. Sales to consumers under the age of 18 are prohibited". This is based upon Article 26 of the Regulatory Law for the Provision and Commercialization of Alcohol and Beverages. In the case of tequila, the following is also required: area of production, alcohol grade and manufacturing process.

Section III. Packaging and Container Regulations:

There are no special packaging or container size requirements at this time. However, due to purchasing power constraints, consumers prefer smaller size packages at the retail level. This is especially true at the open market and mom and pop stores. Wholesale outlets offer foodservice size packaging.

Section IV. Food Additives Regulations:

The list of food additives allowed by the MPHSA is based on the additive lists of the Central American Institution for Industrial Research and Technology (ICAITI), the Codex Alimentarius norms and in certain occasions those of the FDA.

Section V. Pesticides and Other Contaminants:

MAG's Inspection and Registration Division is the agency in charge of enforcing all regulations regarding pesticides and their use. By law, no pesticide can be manufactured, formulated, imported or distributed in El Salvador if it hasn't been properly registered. There is no positive or negative residue list at this time.

Maximum tolerances for most pesticides based on Codex tolerances are taken into consideration only for registration purposes. A commission for Codex Alimentarius matters has been created by the GOES. The initiative to control residues has been pushed forward by the private sector using the quality Control Lab of the Salvadoran Foundation for Economic and Social Development (FUSADES) to carry out all necessary tests.

In El Salvador, pesticides are regulated by:

- Law for pesticide, fertilizer and agricultural products control. Legislative Decree # 315, 04/28/73.
- Regulation for the application of the pesticide control law. Executive Decree # 28, 05/21/80.

In addition, the following accords, norms, and international agreements are taken into consideration for pesticide registration and control:

- International Behavior Code for the distribution and use of pesticides (amended in 1989) of FAO.
- Regional agreements for the harmonization of pesticide labeling and required procedures for registration and fiscalization.
- FAO specifications for pesticide quality control. Tolerance (MRLs) specified in the Codex Alimentarius.

In order to register a pesticide, the following information must be specified:

- Scientific and commercial name of the product, quantitative and qualitative formula, structural chemistry, and other necessary information for its complete identification.
- Name and address of the person or company that manufactures, imports, or distributes the product.

- Certificate of origin and confirmation of free sale in the country of origin.

Section VI. Other Regulations and Requirements:

In general, most products are subject to lab tests when undergoing routine controls and when the product is registered. The GOES requires that importers be registered with the MPHSA. Importers must also register each product to be imported with the MPHSA to ensure the product is fit for human consumption. A product that is registered undergoes physical, chemical, microbiological and other related tests to determine that it meets minimum health and sanitary standards. Registration of a product, once granted, is valid for five years. The MPHSA is working on the development of an online import permit mechanism that will be linked to Customs to expedite food import procedures.

Certificates of free sale are required for imported products. A certificate of free sale, ideally, is a certificate from an official public health agency stating that the product to be imported meets all health and sanitary requirements of that agency and it is freely sold and consumed in the country of origin. The certificate can include more than one product and is valid for one year. The certificate must be in Spanish or be accompanied by a copy of an official translation that can be provided by the importer. For U.S. products, the Ministry of Health will accept the Certificate of Free Sale issued by an official U.S. government institution, including local and state government agencies. In addition, FAS/USDA has negotiated with the Ministry of Health the acceptance of the Food Safety Inspection Service (FSIS) 9060-5 certificate for meat and meat products in lieu of the Certificate of Free Sale. However, the Ministry of Agriculture (MAG) is also requiring an original FSIS 9060-5 certificate for U.S. meat and meat products. FAS/USDA is currently in discussions with MAG to accept a notarized copy of the original and allow importers to continue with the import process at the Ministry of Health.

Food groups such as baby food, diet foods, and health foods undergo the same required regulations as other food products. In the case of meat, sanitary regulations are required. These regulations are enforced by DGG through the Law for Sanitary Inspection of Meat (Executive Decree # 39, 07/13/71). Meat and meat products can be imported from any country whose meat inspection system is equivalent to the one established and maintained in El Salvador. Each shipment that contains meat and meat products from a foreign country must include an official certificate of meat inspection from the country of origin in Spanish.

In addition, to obtain the import permit, meat-processing plants must be inspected and certified by a DGG inspector and the importer must present a lab analysis for pesticide residue and heavy metals. Under the CAFTA-DR agreement, El Salvador granted equivalence to the U.S. inspection system for beef, pork, poultry and dairy products and no longer requires plant-by-plant inspections.

FAS/San Salvador and APHIS negotiated with the Ministry of Agriculture a new protocol for pet foods that reflects the current U.S. status as negligible risk country for these products granted by the World Animal Health Organization (OIE). Beef import regulations, including bone-in beef, are in line with OIE specifications for U.S. negligible risk status. Dairy products also must contain a microbiological lab analysis. In addition, equivalence for U.S. table eggs is under negotiation with the Ministry of Agriculture to avoid plant by plant inspections. There are no special packaging or container size requirements in El Salvador.

In the past, while all of the above requirements were official government policy, few were actually enforced. Most products were not registered. Importers were able to import most processed products

with a notarized letter from the manufacturer stating the product is fit for human consumption. However, the MPHSA is now enforcing the product registration requirement and does not allow any imported food product into the country without registration. Product registration at the MPHSA costs US\$35.00 per product plus the microbiological analysis cost that ranges from US\$50 to US\$100 per product. The local postal system is not used to send product samples to El Salvador. Product registration takes approximately two to three weeks.

According to the health authorities in El Salvador, the following information is required for an exporter to register a product:

- An application must be filed at the Environmental Health Department of the Ministry of Public Health and Social Assistance, which shall include the following information:
 1. Petitioner's name and address.
 2. Description of the product.
 3. Name, address and telephone number of the establishment or factory where the product is manufactured.
 4. Product use.
 5. Name, address and telephone of the supplier in El Salvador.
 6. Type of packaging material.
 7. Net content.
 8. Commercial brand name.

This application must be filed with the following documents:

- Power of attorney granted in favor of the Salvadoran attorney or the company representative in the country, duly notarized at the nearest Consulate of El Salvador in the United States or by Apostille.
- An original Certificate of Free Sale issued by the official Health Authorities of the country of origin, and Apostille. If the Certificate is in English it must be translated to Spanish duly notarized by a Salvadoran lawyer. In case the Certificate is used for a list of various products, the original will be attached to one of the product files and the others will use a photocopy. Functioning license of the local warehouse where the product will be stored. Usually the local distributor obtains this license.
- Label of the product, which shall specify the name of the product, list of ingredients, name of manufacturer, importer and/or distributor and the expiration date. In case it is necessary usage instructions are required. If the same product is commercialized in various sizes, a label for each presentation is required.
- Product samples: the Environmental Health Department requires for solid products 3 samples of the product weighing 200 grams each. For liquid products, 3 samples of the product weighing 200 milliliters. For alcoholic beverages, 2 samples of 200 milliliters each must be presented. For bottled water, 3.785 liters (one gallon) for the physical-chemical analysis and 1 sample of 500 milliliters for the microbiological analysis.

Section VII. Other Specific Standards:

For GOES requirements on biotech products, please see report ES1604 in the FAS website

www.fas.usda.gov.

The following table provides the name of the law/legislation and regulatory agencies that affect certain regulations for importation of food products to the local market:

Regulations	Regulatory Agency	Law/Legislation
Weight & Measures	Ministry of Economy	Consumer Protection Law
Food Sanitation	MPHSA	Health Code
Animal Quarantine	DGG	Law for Agricultural Sanitation
Marine Products	MPHSA	Health Code
Meat & Meat Products	DGG	Meat Sanitation
Wine & Alcoholic Beverages	MPHSA/Ministry of Economy	Health Code
Organic Foods & Health Foods	MPHSA	Health Code

Section VIII. Copyright and/or Trademark Laws:

The Law of Trademarks and Other Distinctive Signs, approved in 2002, brings El Salvador closer to compliance with the World Trade Organization’s (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The law reinforces established regulations for the acquisition, registration and protection of trademarks, logos, statements, distinctive advertising signs, and geographical indications. The law also makes it more difficult to register a trademark already in use outside El Salvador—particularly well-known marks—by requiring the person attempting to register the mark to show that he is authorized to do so. El Salvador has also joined the Paris Convention and the Berne Convention; both became effective in February 1994. Additionally, El Salvador is a member of the World Trade Organization (WTO) and a signatory to the agreement on TRIPS.

To comply with CAFTA-DR obligations, El Salvador approved a series of reforms to intellectual property laws. The concept of trademarks was expanded to include marks in respect of goods and services, collective marks, and certification marks, and that geographical indications are eligible for protection as marks. The law now provides for rules on domain name management that requires a dispute resolution procedure to prevent trademark cyber-piracy. Regarding copyright and related rights, the law provides broad protection of copyright and related rights. For instance, each party must provide copyright protection for the life of the author plus 70 years, or 70 years (for corporate works). It clarifies that the right to reproduce literary and artistic works, recording, and performances encompasses temporary copies, an important principle in the digital realm. It also calls for each party to provide a right of communication to the public, which will further ensure that copyright holders have the exclusivity to make their works available online, and specifically protects the rights of performers and producers of phonograms.

An individual can acquire exclusive trademark rights by registering a branded product with the National Registry Center (CNR). Trademark registrations are granted for a period of 10 years and can be renewed indefinitely for similar periods. It is mandatory to record assignments, change of name and address of the registrant, and used licenses affecting trademarks registered in El Salvador.

El Salvador's legal system provides a series of effective actions to combat any illegal procedures regarding trademarks. CAFTA-DR provides that law enforcement agencies must have authority to seize suspected pirated and counterfeit goods, the equipment used to make or transmit them, and documentary evidence. The courts are also given authority to order the forfeiture and/or destruction of such items. Enforcement actions could also be taken without waiting for a formal complaint. Besides in determining damages, the parties should take into account the value of the legitimate goods as well as the infringer's profits. El Salvador now applies criminal penalties against counterfeiting and piracy, including end-user piracy.

The following information is required to register a trademark or brand name:

- Name of product manufacturer.
- Address.
- List of products that are manufactured under each specific brand.
- Brand logo.
- Power of attorney legally notarized by the nearest Salvadoran Consulate.
- Registration certificate from the country of origin legally notarized by the nearest Salvadoran Consulate.
- Once the power of attorney has been duly registered at the Salvadoran Product Registration Office, a sworn declaration of adoption for each registered brand is also requested.

El Salvador, Guatemala, Honduras and Nicaragua signed a Customs Union Treaty on June 30th, 2000. Under this treaty, any local food or beverage product having sanitary registration in any of the signatory countries will be valid in the rest. This does not apply to U.S. products.

El Salvador is a signatory country since 2002 of the 1996 WIPO Copyright Treaty and of the WIPO Performance and Phonograms Treaty. Under CAFTA-DR obligations, El Salvador also joined the Patent Cooperation Treaty (PCT) and the Budapest Treaty on the International Recognition of the Deposit of Microorganism for the Purposes of Patent Procedure.

Section IX. Import Procedures:

Usually when clearing a product through Customs, a Customs inspector, a Customs police officer, and a MPHSA inspector are involved in the process. English is the commercial language used for import documents. On average, it takes approximately three to five days to clear a product through customs. Most importers use a customs agent to expedite the clearing procedures. At this time, there is no appeals system in place for disputed product rejections.

The steps in custom clearance for a prepackaged foodstuff are:

- Request Import Permit from DGG.
- Once the import permit has been granted by DGG, the importer must take the sanitary registration, packing list, bill of lading, insurance policy, airway bill, shipping information and product invoices to the Revenue Department at the Ministry of Finance to get the policy for payment of import tariff.
- The import policy has to be cleared by Customs, Customs police and the Regional Organization for Agricultural Sanitation (OIRSA-Organismo Internacional Regional de Sanidad Agropecuaria).
- Customs police conducts a product inspection.

- Once product has been cleared by Customs Police it can be withdrawn by the importer.

MAG has an online system to process import permits for dairy, meat and fresh produce called Agricultural Food Safety Information System (SISA). Importers have access to this system with an authorized PIN and no longer have to visit MAG offices to request import permits. According to MAG, this new procedure is part of a GOES process to expedite import as well as export procedures. These procedures are due to increased trade as a result of El Salvador's continued negotiations of free trade agreements. This system can be accessed at MAG's website www.mag.gob.sv.

The Ministry of Health also has an online system to request import permits for food products. This system can be accessed at the following website: <http://usam.salud.gob.sv/index.php/servicios/en-linea/guia-de-servicios-gaisa>. Information of costs for different services such as import permits and product registrations can also be found at this website.

To continue with trade modernization, on April 2011 the GOES created a one stop mechanism called "CIEX" (Import/Export Process Center) located at the Central Bank. This new single window mechanism is expected to expedite the import/export procedure. To be able to use the mechanism, the first step is for the importer to register at the Imports System (SIMP) at www.ciexelsalvador.com and step two is for the importer to make a monetary deposit at the CIEX window located in the Salvadoran Central Bank, that will be deducted every time there is an import authorization approved for each import made. Authorization time at the CIEX window is approximately 30 minutes.

Appendix I. Government Regulatory Agency Contacts:

- Agency: Ministerio de Salud Pública y Asistencia Social (Ministry of Public Health).
Departamento de Saneamiento Ambiental (DSA-Food Safety Division)
Contact: Ing. Arnoldo Cruz
Address: Alameda Roosevelt, Edificio Laboratorio
Central Dr. Max Bloch, San Salvador.
Phone: (503) 2205-1614
e-mail: <mailto:arcruz@salud.gob.sv>
- Agency: Ministerio de Agricultura y Ganadería (Ministry of Agriculture).
Dirección de Ganadería (Livestock Division)
Contact: Victor Torres
Address: Final 1 Ave. Norte, Santa Tecla, La Libertad, El Salvador
Phone: (503) 2210-1764/63
e-mail: victor.torres@mag.gob.sv
- Agency: Ministerio de Agricultura y Ganadería (Ministry of Agriculture).
División de Inocuidad de Alimentos (Food Safety Division)
Contact: Guadalupe Diaz Nuila
Address: Final 1 Ave. Norte, Santa Tecla, La Libertad, El Salvador.
Phone: (503) 2202-0804/2210-1763
e-mail: guadalupe.diaznuila@mag.gob.sv
- Agency: Ministerio de Agricultura y Ganadería (Ministry of Agriculture)
Dirección General de Sanidad Vegetal (Plant Health Division),

Contact: Douglas Escobar
Address: Final 1 Avenida Norte, Santa Tecla,
La Libertad, El Salvador.
Phone: (503) 2210-1748
e-mail: Douglas.Escobar@mag.gob.sv

- Agency: Ministerio de Economía (Ministry of Economy)
Defensoría del Consumidor (DDC-Consumer Protection Agency)
Contact: Yanci Guadalupe Urbina González
Address: Calle Circumvalación # 20, Plan de la Laguna, Antiguo Cuscatlán.
Phone: (503) 2526-9000
e-mail: atencionalconsumidor@defensoria.gob.sv
- Agency: Regional Organization for Agricultural
Sanitation (OIRSA-Organismo Internacional Regional para Sanidad Agropecuaria)
Contact: Ing. Edwin Aragón
Address: Final 1a. Avenida Norte y Avenida Manuel
Gallardo, Santa Tecla, La Libertad, El Salvador.
Phone: (503) 2228-7841/2228-7899
e-mail: earagon@oirsa.org
- Agency: Salvadoran Body for Technical Regulations
(OSARTEC- Organismo Salvadoreño de Reglamentación Técnica)
Contact: Mariana Gómez
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San Salvador, El Salvador.
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Appendix II. Other Import Specialist Contacts:

- Company: MUDISA
Contact: Vilma Galvez
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