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Dominican Republic

Food and Agricultural Import Regulations and Standards Report

FAIRS Annual Country Report

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Report Highlights:

This report summarizes the key technical and import requirements for food and agricultural products imposed by the Government of the Dominican Republic. No substantive changes were published in 2018. However, Post clarified the existing requirements so that U.S. exporters can better understand the relevant policies and processes that they must meet to access the Dominican market.

Note: The Office of Agricultural Affairs of the USDA/Foreign Agricultural Service at the U.S. Embassy/Santo Domingo, Dominican Republic prepared this report for exporters of U.S. agricultural products. While great care was taken in the preparation of this report, the information provided may not be completely accurate due to either changes in policies since its preparation, or because clear and consistent information about these policies was not available at the time of publication. It is highly recommended that U.S. exporters verify the relevant import requirements with their foreign customers, who normally have the most updated information on local requirements and can research such matters with local authorities, prior to exportation. 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.

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Section I. General Food Laws

In the Dominican Republic (DR), there are at least 19 policy documents for food safety and sanitation. The key documents include two major laws, two Presidential Decrees, a regulation, a “Norma Dominicana” (NORDOM, a Dominican standard), and a Presidential Document:

- 1) General Law No. 358-02 dated September 9, 2005 for the Protection of Consumer or User Rights (ProConsumidor);
- 2) General Health Law No. 42-01 dated March 8, 2001;
- 3) Presidential Decree No. 1139 dated July 28, 1975 approving the DR Sanitary Regulation for Milk and Dairy Products;
- 4) General Regulation (Presidential Decree) No. 528-01 dated May 14, 2001 for Risk Control in Food and Beverages;
- 5) General Labeling Standard for Pre-packaged Products (Reglamento Técnico Dominicano (RTD 53)/NORDOM 53, 4th revision) dated November 27, 2014 (published in 2015);
- 6) Presidential Document dated July 12, 2016 on the enforcement of the Sanitary Registration and the requirement for Spanish labeling at origin (see a complete list in Attachment 1).

Additional information on each of these documents is provided below and in Attachment 1.

In addition to these documents, other laws and decrees reflect Codex Alimentarius (CODEX) provisions and commitments under the DR-Central America free trade agreement (CAFTA-DR) and the World Trade Organization (WTO).

CAFTA-DR. The CAFTA-DR agreement was duly ratified by the Dominican Congress via Resolution No. 375-05, dated September 6, 2005, and promulgated by the Dominican Executive Branch on September 9, 2005. In addition to its provisions, Law No. 424-06 was enacted to adapt Dominican Laws to the requirements already established by CAFTA-DR and ensure its application in the DR. CAFTA-DR became effective in the DR on March 1, 2007.

CODEX. In order to implement the provisions contained in Codex, the Dominican Executive Branch promulgated Presidential Decrees 170-01 and 1352-04, which respectively created and ratified the National Committee on the Codex Alimentarius (“*Comité Nacional del Codex Alimentarius (CONCA)*”).

Article 127 of the Dominican General Health Law No. 42-01 requires that production, manufacturing, storage, importation, commercialization, transportation, and manipulation of food and beverage products be subject to the guidelines indicated in said law, the NORDOMs, and the Codex Alimentarius.

Moreover, Article 24, paragraph II, of Presidential Decree 528-01 incorporates the Codex Alimentarius as part of the guidelines that pre-packaged foods and beverages need to follow to achieve regulatory compliance in the DR. The article indicates, “*All foods covered by this Regulation and any other formulations and preparations that can be developed must comply with the food standards developed by the Codex Alimentarius, adopted or approved by its auxiliary technical committees thereof, and*

approved by the General Directorate of Standards and Quality Systems (DIGENOR) [today, INDOCAL]”.

WTO: The DR became a member of the General Agreement on Tariffs and Trade (GATT) on May 19, 1950. The DR later acceded to the WTO on March 9, 1995, which the Dominican Congress approved through Resolution 2-95. Since then, the DR has committed itself to comply with the standards and procedures that regulate multilateral commerce.

Furthermore, within the Framework of the 1994 GATT, the DR presented a Technical Rectification (TR) of List XXIII of Tariff Concessions for eight agricultural products considered sensitive to the economy; the Dominican Congress through Resolution 92-99 adopted the TR.

Section II. Food Additive Regulations

The Ministry of Health and Social Welfare (MOH) controls the health risks associated with the inappropriate use of additives or toxins, as well as the presence of disease-causing organisms. The MOH defines the procedure for the application, issuance, and renewal of the necessary approvals, as well as establishing the conditions for permit cancellation. Presidential Decree No. 528-01 (Regulation 528-01) dated May 14, 2001 in Articles 1, 11, and 247 establishes the MOH’s scope regarding additives. For example, this regulation addresses the health risks generated by the inadequate use of contaminating additives or toxins and by the presence of organisms that cause diseases (Art. 1), as well as additives to improve the color, aroma, and conservation of food (Art. 11). The total percentage of additives must be declared, as well as the use for those that are specifically required (Art. 247). (See the MOH/DIGEMAPS contact information below in Appendix I).

Additionally, Section 5.2.4 of the General Labeling Standard for Pre-packaged Products (NORDOM 53) specifies that any food additive used in a quantity large enough to perform a technological function must be included in the list of ingredients. However, processing aids and food additives used in quantities lower than those necessary to achieve a technological function do not need to be included in the list of ingredients. This exemption does not apply to the food additives and processing aids that are specifically regulated by the MOH as described above. The current (fourth) version of NORDOM 53 is dated November 27, 2014 but was published in 2015.

Section III. Pesticides and Other Contaminants

Presidential Decree No. 244-10, dated April 27, 2010, establishes the Technical Regulations regarding the Maximum Residue Levels (MRLs) in the DR. This regulation identifies the MRLs of pesticides and their metabolites for fruit, vegetables and related crops for human and animal consumption. (See the Ministry of Agriculture contact information below in Appendix I.)

Irradiated Foods

The specific regulation on irradiated foods is also found in the General Labeling Standard for Pre-packaged Products (NORDOM 53). Section 6.2 requires that foods treated with ionizing radiation be labeled accordingly and that this statement be placed near the brand name. The use of the international symbol for irradiation is optional, but if used, it should be placed near the brand name. When an irradiated product is used as an ingredient in another food, this must be declared in the list of

ingredients. In addition, when a product consisting of a single ingredient is prepared with irradiated raw material, the product label must state this.

Section IV. Packaging and Container Requirements

Product packaging for all products must comply with the format established in NORDOM 53. Additionally, for products of plant origin, the General Requirements for Importation require that the ship's holds and/or vans/containers be cleaned and disinfected before placing the plant material inside. The shipment will also be subject to phytosanitary inspection upon arrival at the Dominican port. In addition, some products or by-products will require phytosanitary treatment and must come free of pests and/or soil. Packages made of wood must comply with NIMF No. 15-Revision 2009. (Contact information for the National Committee for the Application of Sanitary and Phytosanitary Measures (CNMSF) is provided below in Appendix I.)

For raw dairy product imports, MOH's General Directorate of Drugs, Food and Sanitary Products (DIGEMAPS) requires a form called "List of Requirements for No Objection of Importation of Raw Materials of Dairy Products," DIGEMAPS-AL-LI-011, version 002, dated May 19, 2017. This form requests details about the imported product, the number of containers, and whether it is containerized or is loose cargo. (Contact information for DIGEMAPS is provided below in Appendix I.)

Section V. Labeling Requirements

Labeling must comply with the format established in NORDOM 53. The product's packaging materials must include:

1. Name of the product
2. List of ingredients
3. Net weight
4. Manufacturer's and importer's name and address
5. Importer's industrial registry number (granted by PROINDUSTRIA)
6. Marketing authorization number (granted by MOH)
7. Country of origin
8. Batch identification number
9. Manufacturing date
10. Expiration date
11. Instructions for product conservation
12. Instructions for use

The text must be in the Spanish language and it must be legible and intelligible for consumers, in accordance with Article 38 of Law 358-05 for the Protection of Consumers and Users' Rights. The Law does not specify text size or other parameters.

For alcoholic beverages, an additional disclaimer must be included with the following warning: "*El consumo de alcohol perjudica la salud*" (the consumption of alcohol damages the user's health), according to General Health Law No. 42-01.

The U.S. exporter should forward a sample of the package to the importer to facilitate label development. For products whose label is not in the Spanish language, an adhesive sticker that contains all the required information in Spanish can be applied to the package. Please note that per a Presidential Document dated July 12, 2016, all food products must have a Sanitary Registration number (see Section VII below), which must be included on the label. In addition, this Presidential Document requires that the Spanish label be applied at origin (i.e., it cannot be applied upon arrival in the DR).

On October 3, 2017, the MOH notified the WTO TBT Committee (G/TBT/N/DOM/224) of the new Food Health Regulations (Reglamento Sanitario de Alimentos). These describe the requirements related to food hygiene; food health authorizations; sanitary registration and the cancellation of registration; health certifications; food importation, exportation and donation; sale of street foods; packaging and labeling; advertising; enrichment and fortification; food property claims; food supplements; food classification; food preservation; monitoring, alerts, and traceability; violations; and penalties. The new Food Health Regulations document is being edited and will later be reviewed by the Standards and Legal Consultancy, which is the final stage before the law is enacted. Post sources indicate that it will be published within the first quarter of 2019.

Section VI. Other Specific Standards

General Regulation (Presidential Decree) No. 528-01, dated May 14, 2001, currently addresses risk control in food and beverages. However, the subject resolution will be replaced by the new Food Health Regulations (described in Section V above) and the NORDOM 53.

Section VII. Facility and Product Registration Requirements

It is recommended that U.S. exporters establish direct dialogue with potential Dominican importers for several reasons. First, importers are best equipped to discuss key topics such as product feasibility in the market, prices and distribution. In addition, Dominican law requires that the product label contain the name and address of the Dominican importer and the manufacturer, who is responsible for the quality and purity of the product. The Phytosanitary and Zoo-sanitary Guidance Letters and permits also must contain the name and address of the local importer. If the product in question is subject to a tariff rate quota, these can only be requested by an individual or legal entity residing in the DR (local importer).

Nonetheless, a U.S. exporter can also establish a branch in the DR or incorporate a Dominican company and directly import the goods. Once this process has been carried out, the U.S. exporter can obtain the corresponding Sanitary Registration, the Phytosanitary or Zoo-sanitary Guidance Letters, and permits.

The import process into the DR may be divided into three major phases: **Pre-export**, **Pre-arrival** and **Import Clearance**, depending on the product category. To fulfill the local requirements, the importer must work alongside the exporter, particularly in the initial phase, when the documents for shipment are prepared. Most companies use registered customs agents, upon arrival of the goods (third phase), to comply with clearance formalities, although this may also be done directly by the importer.

Import Procedure Phases

PRE-EXPORT

1. Trademark Registration Certificate
2. Technical Form (only applicable the first time a product is imported, when the same supplier is used by the local distributor);
3. Sanitary Registration (required for prepackaged products)
4. Sanitary No-Objection Certificate (import permit, required for products of animal, plant, and fish origin, including dairy)
5. Product Labeling in compliance with NORDOM 53;
6. Pro-forma invoice;
7. Appointing Customs Agents.

PRE-ARRIVAL

1. Bill of Lading or Airway Bill (Shipping Instructions)
2. Import Declaration

IMPORT CLEARANCE

1. Payment of Import Taxes;
2. Inspection request to the quarantine office at the port of entry;
3. Quarantine controls (when applicable);
4. Submission of copy of the Sanitary Registration/ original Phytosanitary or a Zoo-sanitary Guidance Letter;
5. Submission of Phytosanitary or Zoo-sanitary import permit issued by the Department of Agriculture and Livestock Promotion;
6. Submission of the original invoice;
7. Customs' Valuation;
8. Product release.

Import Procedure Phases

PRE-EXPORT

1. See Section X. Copyright and/or Trademark Laws for detailed information on obtaining a trademark registration from ONAPI.
2. The Technical Form is only applicable the first time an agricultural product is imported, as long as the same supplier is used by the local distributor. The Technical Form would be a phytosanitary, sanitary or No Objection Certificate for agricultural products. Once the product has been imported, the Technical Form may no longer be required.
3. All pre-packaged products, including wine and dairy products, must have a Sanitary Registration in the DR. To obtain Sanitary Registration from the MOH, the application must contain the following information and be accompanied by a set of documents:
 - (i) Application- one original version and one hard copy of the letter addressed to the MOH, requesting the Sanitary Registration of the product and indicating the following information: name

and address of the applicant; name of the product; type of product and trademark; name or company name of the manufacturer; location and address of the manufacturer; qualitative and quantitative product formulas; list of ingredients; description of the product's manufacturing process; and characteristics of the product's container or package.

- (ii) Accompanied by- three original samples of the product, in the same presentation (package or container) in which it will be sold in the market (in case of liquids, each sample must contain a minimum of 250 milliliters; in case of solids, each sample must contain a minimum of 250 grams). Also, a copy of the trademark registration certificate granted by the National Office of Industrial Property; copy of the importer's Industrial Registry Certificate granted by the Development Center and Industrial Competitiveness (PROINDUSTRIA). The Free-Sale Certificate issued by the exporting country, duly legalized under the Hague Convention ("Apostille"); copy of the importer's Mercantile Registry Certificate; copy of the importer's sanitary license (granted by the Ministry of Public Health and Social Welfare); and, authorization granted in favor of the legal representative of the product in the country, duly legalized under the Hague Convention ("Apostille").
- (iii) Other- Labeling must comply with the format established in NORDOM 53, regarding the Labeling of Pre-Packaged Foods.

Note: All food products produced domestically and imported must have the current sanitary registration as well as the inclusion of a product label in the Spanish language that must be placed at origin.

- (iv) Registration Process: The first step is to complete an application for sanitary registration (see Appendix 1), which includes providing samples for testing. MOH will review the application and send the samples to an authorized laboratory for testing. Once the analysis and the application are approved, MOH will issue a Marketing Authorization Certificate with a registration number. The authorization must be renewed every five years and can be done indefinitely.

On December 28, 2017, the DR's MOH issued two Resolutions, which aim to simplify the process for obtaining the required Sanitary Registration for food and beverage products. These Resolutions clarify that all U.S. food products authorized by the U.S. Food and Drug Administration (FDA) qualify the Simplified Procedure to obtain a Sanitary Registration, which is required for all consumer products. Importers should follow the application procedure published by MOH but must submit a certificate of free sale and a certificate of good manufacturing practices issued by the FDA. Alcoholic beverages and other products identified as low-risk by MOH are also eligible for the Simplified Procedure and do not have to submit these additional certificates. Sources indicate that the Simplified Procedure has somewhat reduced the wait time for Sanitary Registrations for new products.

Generally, this application is carried out by the legal representative/local distributor of the product in the country, but can also be done by the manufacturer. Note that for such purposes, the foreign manufacturer must appoint a local distributor before the application is submitted to the MOH, as explained below.

(v) **Timeframe:** The process for obtaining Sanitary Registration may take approximately three months (in general terms, given that there is no timeframe established by law). However, sources indicate that the process has taken substantially longer in certain cases.

(vi) **Fees:** The official fees involved in obtaining a Sanitary Registration amount to a total of **DR\$4,000.00** roughly equivalent to \$83.00. This payment must be separate from others. A certified check must be made in the name of “Dirección General de Salud Ambiental” for a sum of **DR\$1,600.00** roughly equivalent to \$33.00. Finally, another certified check must be made in the name of “Ministerio de Salud Pública y Asistencia Social” for the sum of **DR\$2,400.00** roughly equivalent to \$50.00. These expenses do not include attorney’s fees.

Note: All ingredients contained in pre-packaged food and beverage items should meet the requirements specified in Presidential Decree (or Regulation) No. 528-01, regarding the Rules for the Control of Risks in Food and Beverages.

4. Sanitary No-Objection Certificate

Before an importer can import products of animal, plant, and fish origin, including dairy products, the importer must apply for a sanitary no-objection certificate (also called an import permit) to the Ministry of Agriculture. Once issued, this import permit is valid for 90 days except for import permits for live animals, which are only valid for 30 days (unless an extension to 45 day is granted). The import permit also confirms the import requirements for the specific product, including any required treatments or attestations, via a

5. Labeling (See Section V. Labeling Requirements for detailed information)

6. Invoice or Pro Forma Invoice

Before shipment, an invoice or pro forma invoice must be sent to the Dominican importer since this document is used for obtaining the Guidance Letters and permits from the Ministry of Agriculture (MoAg) and initiates the import clearance process. Upon arrival of the goods, the importer must have received the original invoice since it will be used to clear the goods and for payment of tariffs, duties, and taxes.

7. Appointing Customs Agents

Most companies use authorized customs agents for handling the import clearance, although the importer can carry it out directly. The customs agent is responsible along with the consignee for managing the way in which the import procedures are carried out. The customs agent must be licensed to operate as such by the Ministry of Finance and endorsed by the Dirección General de Aduanas [Customs General Directorate-DGA].

PRE-ARRIVAL

1. Bill of Lading or Airway Bill (Shipping Instructions)

Shipping instructions advise all the details of the cargo and exporter’s requirements for its physical movement. It contains the information related to the sale and the merchandise’s conditions upon embarkation, such as the quantity of product, form of payment, transport temperature, packaging, and pallet used.

In the DR, depending on the product in question, several conditions must be met:

- The ship's containers must be cleaned and disinfected before placing the products for shipping.
- Imported fruits and vegetables must be free of pests or symptoms of diseases, and must not have soil, sawdust or foreign matter, except for mosses previously disinfected, for its packaging.
- All wood packaging must comply with the International Standard for Phytosanitary Measures (ISPM) No. 15, to reduce the risk of introduction and spread of forest pests and diseases.
- Fruits and vegetables should not be packaged or covered in jute bags.
- Fresh fruits must arrive in refrigerated containers, with temperatures between 0°C (32°F) and 2.20°C (36°F) per Resolution 84/96 of the MoAg.

2. Import Declaration

The importer must prepare the Import Declaration through the Automated System for Customs Management (SIGA, per its Spanish acronym). However, only companies can present the Import Declaration through the SIGA. Individuals must file directly before the DGA.

In addition, the process for importation is initiated when the shipping company presents the import cargo manifest. The Import Declaration is presented electronically through the SIGA and the following information must be provided: goods to be imported, quantity, description, value, tariff code, and weight.

The following documentation must be scanned and uploaded to the SIGA: commercial invoice, bill of lading or airway bill, marketing authorization certificate, Phytosanitary or Zoo-sanitary Guidance Letters and permits, certificate of origin, custom agent's ID card, and auction certificate issued by the BARD (for products included in the Technical Rectification). The governmental authority reserves the right to require additional documentation. These will be required in original upon arrival of the goods along with the bill of lading or the airway bill.

To declare the goods through SIGA, the Single Customs Declaration Form (DUA, per its Spanish acronym) must be completed. Both the importer and the customs agent have the authorization in a token previously supplied by the DGA. The Token is an electronic device able to access the DGA's database for the details related to the import declaration in question.

Importers have ten days, counting from the date of arrival of the goods, to present the Import Declaration. Failure to do so will result in sanctions for late declaration.

IMPORT CLEARANCE

After the import declaration process has been carried out, the consignee can request the physical inspection, under the governmental authority's discretion, of the goods through the SIGA. This is done along with the customs inspectors and the supplementary control staff, which may include personnel from the MoAg, through the Divisions of Plant and Animal Protection, and the MOH, among other competent authorities.

Depending on the products in question, an inspection is made by the inspector of the quarantine office of the port of entry who will verify the documentation and perform a physical inspection of the shipment in order to search for possible pests and to take samples for its remittance to the diagnostics laboratory. (If

the pest is common, the goods could be released with a treatment, depending on the level of infestation. If pest is of quarantine concern, the goods may be returned to its place of origin, confiscated, or incinerated.)

Once the physical inspection has been verified with the declaration and the original documents (which had been previously scanned), the file is revised by the Technical Department for verification of the tariff codes, value, commercial agreement, technical rectification, safeguard measurements, and tariff rate quota (TRQ) allocations, among others. Once the file has been approved and closed, payment can be made, and the goods may be cleared.

In September 2017, the MoAg started to implement the Customs Authority's electronic system, One Stop Shop of External Trade (or VUCE in Spanish) to digitize their agricultural imports authorizations process. The system is currently being used for almost all commodities, except for certain meat products and live animals. Once fully implemented, the system is expected to increase transparency for traders, who will be able to view the status of their approvals and reasons for any rejections.

Payment of Import Duties and Taxes of Goods

To pay for the goods, the following is necessary to consider several aspects:

- The proper tariff code must be assigned.
- According to the Tax Code of DR, Law No. 146-00 and its amendments, the calculation of tax settlement is obtained by subtracting the TRQ percentage from the FOB value (this amount is called the Tariff). Afterwards, both quantities (FOB + Tariff) are added. The 18 percent value added tax, called ITBIS in DR, is also collected by Customs for encumbered goods.
- In addition, Selective Tax on Consumption may be applied to certain products, such as alcohol.

Payment can be made physically through a certified check or administration check. Payment of duties and taxes must be made out to "Colector de Aduanas" and tariffs for customs services must be made out to "Dirección General de Aduanas." All payments can be paid in any of the local customs offices. However, the person carrying out the payment must be certified as such by the importer.

Payment can also be made electronically, through the e-banking pages of the following local banks: Banco Popular Dominicano, Citibank, BHD-León and Nova Scotia (Scotiabank). An access pin, administered by the commercial bank, must be obtained.

In case of disputes, parties may refer themselves to the administrative tribunals of the DR, may appeal to arbitration, or may appeal to the Dispute Settlement Body of the WTO.

Standard Documents

On average, U.S. exporters and local importers will deal with 17 different documents generated during the import process.

1. Trademark Certificate;
2. Free-Sale Certificate;
3. Manufacturing process diagram;
4. Qualitative and quantitative formulas;

5. Authorizations granted to the local importer or third parties;
6. Product Label;
7. Certificate of Origin;
8. International Health Certificate;
9. Phytosanitary or Zoo-sanitary Certificate issued by the exporting country;
10. Phytosanitary or Zoo-sanitary Guidance Letters issued by the MoAg;
11. Sanitary No-Objection Certificates, or import permits, issued by the MoAg;
12. Certificate or No Objection Letter;
13. Commercial Invoice or Pro Forma;
14. Import Declaration;
15. Bill of Lading or Airway Bill;
16. Sanitary Registration*; and
17. Petition for sanitary inspection (for quarantine purposes) and clearance;

* **Note:** All food products produced domestically and imported must have a current sanitary registration (or Sanitary Registration) as well as the inclusion of a product label in the Spanish language that must be placed at origin. Additionally, since July 11, 2017, MOH requires a Certificate or No Objection Letter to import alcoholic beverages into the DR.

Section VIII. Other Certification and Testing Requirements

All required certifications and testing requirements are covered in the General Regulation (Presidential Decree) No. 528-01 dated May 14, 2001 for Risk Control in Food and Beverages. This will be replaced by the new Food Health Regulations (Reglamento Sanitario de Alimentos) submitted to the WTO TBT Committee on October 3, 2017 (G/TBT/N/DOM/224 dated October 3, 2017), as well as NORDOM 53.

Section IX. Import Procedures

As a first step, U.S. exporters must determine what type of import license is required for the product in question in order to ensure its access into the Dominican market. In the DR, there are two ministries in charge of regulating the importation of all foods and pre-packaged products into the country: a) MoAg; and b) MOH through DIGEMAPS.

Sanitary Registration

The Sanitary Registration is a permit issued by DIGEMAPS for all imported pre-packaged food and beverage products. It serves as a mechanism for the government authorities to guarantee that pre-packaged products and by-products manufactured in or imported to the DR meet the minimum sanitary standards. Also, that they are safe for human consumption, in accordance to Dominican the General Health Law, No. 42-01 (Articles 109 and 129), Presidential Decree No. 528-01 (Articles 5, 6, 7, 8 and 367) and NORDOM 53.

The following pre-packaged products require Sanitary Registration in the DR: cheese, yogurt, breakfast cereal, tree nuts, wine and beer, prepared foods, condiments, sauces, and snack foods.

Process for obtaining a sanitary no-objection certificate, or import permit, from the MoAg:

Fresh Fruits and Vegetables/Processed Vegetables/Tree Nuts

- (i) **Application:** The application is made through a form (“Formulario de Solicitud Guía de No Objeción Fitosanitaria”), which must be completed and filed before the Department of Plant Protection, with the following information: name of the importer; address; telephone and fax numbers; goods to be imported; quantity; unit of measurement; port of origin; port of departure; port of entry; use; and transportation. In addition, a written request must be addressed to the Division of Plant Quarantine accompanied by the invoice or pro-forma invoice, certificate of origin, and Phytosanitary Certificate issued by the exporting country.
- (ii) **Fees:** The fees involved in obtaining a Guidance Letter from the Department of Plant Health (Phytosanitary Guidance Letter) are **DR\$200.00** roughly equivalent to \$4.00. After this phase is completed, the Department of Promotion for Agriculture and Livestock will then issue the Phytosanitary permit for a cost of **DR\$2,000.00** roughly equivalent to \$41.00.

For Animal products and by-products

- (i) **Application:** The application is made through a written letter (one original and three hard copies) filed before the General Directorate of Livestock, indicating the following information: name of the importer; address; telephone and fax numbers; goods to be imported; quantity; unit of measurement; country of origin and country of export, port of origin; port of departure; port of entry; use; transportation; value of the goods, and animal species from which the product is made. This application must be accompanied by the commercial invoice or pro forma invoice.
- (ii) Once the shipment arrives to the DR, the original International Sanitary Certificate (in Spanish) and the original Certificate of Origin shall accompany it.
Accompanied by: The U.S. exporter must work with the local importer in order to obtain the zoo-sanitary guidance letters and permits, since the application must be accompanied by copies of the following documents: invoice or pro forma invoice, certificate of origin, and zoo-sanitary certificate issued by the exporting country.
- (iii) **Registration Process:** Prior to loading any shipment, the local importer must request a permit in writing, for the importation of the goods. If there are zoo-sanitary requirements, a Zoo-sanitary Guidance Letter is issued with the requirements for importation by the General Directorate of Livestock, respectively. (If there are no requirements, the request is sent to the Unit of Pest Risk Analysis. The Unit of Pest Risk Analysis will issue its recommendation. After the Guidance Letter is issued, the Department of Agricultural and Livestock Promotion will issue the permit).
- (iv) **Timeframe:** The Zoo-sanitary Guidance Letters may take up to two to three days, so long as only negligible risk is involved in the importation of the goods in question. The permit issued by the Department of Agricultural and Livestock Promotion may take an additional two to three days.
- (v) **Fees:** The fees involved in obtaining a Guidance Letter from the Department of Animal Health (Zoo-sanitary Guidance Letter) amount to **DR\$2,000.00** roughly equivalent to \$41.00. After this phase is completed, the Department of Promotion for Agriculture and Livestock will then issue the Zoo-sanitary permit for a cost of **DR\$3,000.00** roughly equivalent to \$62.00, for poultry products, and **DR\$5,000.00** roughly equivalent to \$103.00, for pork products.

Tariff Rate Quotas (TRQs) and Concessions Processes in the DR

Currently, there are two different and separate processes to request TRQs in the DR: (i) allocation of TRQs granted to the United States under CAFTA-DR; and (ii) allocation of WTO TRQs for products listed in the Technical Rectification’s List XXIII.

TRQ Allocations under CAFTA-DR

Any individual or legal entity residing in the DR, except for industry associations or nongovernmental organizations, may request the allocation of TRQs granted to the United States. Currently, there are ten products subject to TRQs (see a detailed table below):

Until 2020:

- Beef (Prime, Choice, and trimmings)
- Pork Meat
- Cheddar cheese
- Beans

Until 2025:

- Chicken Leg Quarters
- Powdered Milk
- Yogurt
- Mozzarella Cheese
- Brown Rice
- Milled Rice

- (i) TRQ Application: Interested parties must submit a written application to the Office of Agricultural Trade Agreements (“OTCA”) of the Ministry of Agriculture (MoAg), to participate in the allocation process of TRQs. The OTCA is responsible for the administration of TRQs under the CAFTA-DR.

Completion of the CAFTA-DR’s TRQ Allocation Application Form is required along with the following documents:

- For Individuals: Copy of identification card; copy of the National Taxpayer Registry as an individual; description of individual's economic activity; certification issued by the DGA which guarantees the import history of the goods requested; information on physical infrastructure (i.e., copy of deed or lease, including additional photos of physical space); current safety certificate or health permit, issued by the DIGEMAPS of the MOH certifying the safety conditions for handling the goods requested; and, designated address, phone, mobile and fax for notifications.
 - In case of Legal Entities (companies, lawyer offices, representatives, etc.): copy of national taxpayer registry; copy of the Mercantile Registry Certificate issued by the competent Chamber of Commerce and Production; certification issued by the DGA guaranteeing the import history of the goods requested; copy of the last General Assembly of Shareholders, duly registered by the competent Chamber of Commerce and Production; designation of the representative of the company as its legal representative, duly notarized and legalized by the Attorney General of the DR; copy of the identity card of the legal representative of the company; information on infrastructure, (i.e., copy of deed or lease, including additional photos of physical space); current safety certificate or health permit, issued by DIGEMAPS, certifying the safety conditions for handling the goods requested; and, designated address, phone, mobile and fax for notifications.
- (ii) Allocation Process: The Commission for the allocation and distribution of TRQs (composed by the Minister of Agriculture (MoAg), the Minister of Industry and Commerce, and the General Director of Customs) publishes a TRQ announcement in at least one national newspaper and on the websites of the MoAg (www.agricultura.gob.do) and OTCA (www.otcasea.gob.do) for the next calendar year, no later than October 1 of each year. The deadline for submitting TRQ applications is 15 business days after the TRQ announcement.

The allocation of the volumes of tariff quotas is based on: historical record of the total imports of agricultural goods carried out by the interested party during the past three consecutive calendar years, preceding the calendar year in which the tariff quota is available; the quantities requested by the interested parties, provided they are commercially viable; and, the quantities available for traditional Importers and new importers, in the corresponding calendar year. The tariff quotas shall be allocated as follows: (a) 80 percent to traditional importers and (b) 20 percent to new importers.

The allocation shall be granted and published in a national newspaper by the Commission by January 1 of each year. The importer must then obtain a Phytosanitary Guidance Letter (prepared by the Department of Plant Protection) or a Zoo-sanitary Guidance Letter (prepared by the Department of Animal Health of the General Directorate of Livestock). The corresponding Guidance Letter is then

delivered to the Department of Agriculture and Livestock Promotion along with the commercial or pro forma invoice for issuance of the permit.

CAFTA-DR Agreement					
Dominican Republic Quota Commitments Part 1					
Details	Beef Prime & Choice	Beef Trimming	Pork Meat	Chicken Leg Qtrs.	Powdered Milk
HS Code->	02012010 02013010 02022010	2023009	02031100 02031200 02031900 02032100 02032200 02032910 02032990	2071492	04021000 04021090 04022110 04022190 04022910 04022990
Base Quota (MT)	1,000	200	3,150	500	2,700
% Quota Growth	10%	10%		10%	10%
2018	2,300	460	9,000	1,150	6,210
2019	2,400	480	9,500	1,200	6,480
2020	Unlimited	Unlimited	Unlimited	1,250	6,750
2021				1,300	7,020
2022				1,350	7,290
2023				1,400	7,560
2024				1,450	7,830
2025				Unlimited	Unlimited

CAFTA-DR Agreement						
Dominican Republic Quota commitments Part 2						
Details	Yogurt	Mozzarella Cheese	Cheddar Cheese	Beans	Rice Brown	Rice Milled
HS Code->	4031000	4061010	4069020	07133100 07133200 07133300	1006300	10062000
Base Quota (MT)	100	125	125	8,000	2,000	8,000
% Quota Growth	10%	10%	10%	7%	7%	7%
2018	230	288	288	15,280	3,820	15,280
2019	240	300	300	15,840	3,960	15,840
2020	250	313	Unlimited	Unlimited	4,100	16,400
2021	260	325			4,240	16,960
2022	270	338			4,380	17,520
2023	280	350			4,520	18,080
2024	290	363			4,660	18,640
2025	Unlimited	Unlimited			Unlimited	Unlimited

TRQ Allocations under WTO

Under the provisions of Article XXVIII of the GATT of 1994, the DR made a Technical Rectification of its List XXIII of Tariff Concessions for eight agricultural products: rice, garlic, sugar, chicken meat, onions, beans, powdered milk, and corn.

Below, the Assigned Quotas to the Products of the Technical Rectification, as established in Presidential Decree No. 569-12 and in the WTO TR List XXIII:

Products of the Technical Rectification (TR)						
Products	HSC: Headings and Subheadings	Volume (Metric Tons)	Basic Tariff (%)	Non-quota Tariff (%)	Application period from/to	Right of first negotiator
1. Rice	10.06	17,810	20	99	1995/2004	U.S.
2. Garlic	0703.20	4,500	25	99	1995/2004	U.S.
3. Sugar (refined/brown)	17.01	30,000	20/14	85	1995/2004	U.S.
4. Chicken meat	0207.10, 0207.21, & 0207.41	11,500	25	99	1995/2004	U.S.
5. Onion	0703.10	3,750	25	97	1995/2004	U.S.
6. Beans	0713.31, 0713.32, & 0713.33	18,000	25	89	1995/2004	U.S./CA
7. Powdered Milk	0402.10, 0402.21, & 0402.29	32,000	20	56	1995/2004	EU/CA/NZ
8. Corn	10.05	1,091,000	Does not apply	Does not apply	1998/2004	U.S./CA

HS: Harmonized System Codes

Source: WTO_G/MA/TAR/RS/54; Nov-03-1998, Rectifications and Modifications of the Lists, Market Access Committee, List XXIII-DR

The Commission for Agricultural Imports publishes an Annual Calendar for the Import of Tariff Quotas for the above products. These products are placed for public auction organized by the Exchange Agribusiness of the DR (BARD, per its Spanish acronym). The Commission and the BARD publish, in a national newspaper, the calendar for the import of the tariff quotas and organize the public auction on the set date. After those products have been awarded, the BARD issues an auction certification to be used before the DGA for the import clearance. In accordance with Article 6, Paragraph VII, of Presidential Decree 505-99 (modified by Presidential Decree 569-12), additional quantities can be placed for auction in a calendar year. Even though the TR application period is 1995-2004, the DR continues applying it probably because there has not been a new WTO negotiation round for countries to modify their market access offers which means a liberalization for the so-called sensible agricultural products. In 2008, the DR sought an opinion from WTO officials on the topic of the Technical Rectification. Their opinion was that it was still valid. However, the official document of the Technical

Rectification clearly establishes that it is until 2004. Therefore, that opinion cannot be binding, unless it comes from an official WTO declaration.

Likewise, after TRQs have been assigned, the importer must obtain a Phytosanitary Guidance Letter, prepared by the Department of Plant Protection or a Zoo-sanitary Guidance Letter, prepared by the DIGEGA's Department of Animal Health. This process is done through inter-agency cooperation. In other words, the importer does not have to go through the process of obtaining the Phytosanitary nor the Zoo-sanitary Guidance Letters. The Guidance Letters are then delivered to the Department of Agriculture and Livestock Promotion along with the commercial or pro forma invoice, for issuance of the authorization. Depending on the product and if it is pre-packaged, the importer must obtain a Sanitary Registration.

Section X. Copyright and/or Trademark Laws

Process for obtaining a trademark registration from the National Office of Industrial Property (ONAPI)

The trademark application must contain the following information and be accompany by a set of documents:

- (i) Application: The application includes one original version and one hard copy of the letter addressed to the Director of the Department of Distinctive Signs, requesting the registration of the trademark in question and indicating the following information: applicant's name and address; mercantile registry number and national taxpayer number (in case of a Dominican applicant); goods and/or services to be protected pursuant to the International Nice Classification of Goods and Services; and printed versions of the trademark's design (when applicable).
- (ii) Application and Registration Process: The application process begins with the filing of the trademark application. If the mark is approved in the substantive evaluation stage by ONAPI, publication fees must be paid. Afterwards, the trademark is published in the Official Gazette of ONAPI. As from this date, third parties have a 45-day period in order to file opposition against the application (since the DR complies with the pre-grant opposition system). If no third party contests the application within this period, the registration certificate is issued and is renewable every ten years. This process is generally carried out by the holder of the trademark or by the distributor if the latter has a Power of Attorney for these matters.
- (iii) Timeframe: The trademark registration process takes approximately three to four months.
- (iv) Fees: The official fees involved in obtaining a trademark registration will depend if the trademark in question is a word or design application and on the number of classes that may be requested. A word application under one international class amounts to **DR\$5,735.00** roughly equivalent to \$120.00. These expenses do not include attorney's fees.

APPENDIX I

Foreign Agricultural Service (FAS) Office in Santo Domingo

U.S. Embassy in Santo Domingo, DR.

República de Colombia Av. #57, Arroyo Hondo, Santo Domingo, Dominican Republic

Telephone: 809-368-7654

E-mail: agsantodomingo@fas.usda.gov

Web page: www.fas.usda.gov

Comment: Please contact this office for more detailed information about the Dominican food market, lists of importers, major players in the sector, questions, etc.

Government Regulatory Key Agency Contacts

1. Ministry of Agriculture (MoAg)

a) Importation of Products & By-products of Vegetable Origin

Note: Currently, the General Directorate of Livestock (DIGEGA) is in the process of updating all the services published on the website. Therefore, some services, like this one, does not have any information available in the website. If you need more information, please, contact the FAS office in Santo Domingo (see above).

Contact Information:

Plant Health Department Services (Sanidad Vegetal)

Tel.: 809-547-3888 Ext. 4101; Email: servicios@agricultura.gob.do

Address: Km. 6 1/2 Autopista Duarte, Los Jardines del Norte, Santo Domingo, D.N., República Dominicana.

b) Process to Import Vegetable Products; Vegetable Quarantine; General Requirements for the Importation of Vegetable Origin Products/National Committee for the Application of Sanitary and Phytosanitary Measures (CNMSF)

Note: Currently, the General Directorate of Livestock (DIGEGA) is in the process of updating all the services published on the website. Therefore, some services, like this one, does not have any information available in the website. If you need more information, please, contact the FAS office in Santo Domingo (see above).

Contact Information: CNMSF

Address: Km 6 ½, Autopista Duarte, Urb. Jardines del Norte, P.O. Box: CP 10602. Santo Domingo, Distrito Nacional. Tel: (809) 227-6188 / (809) 227-3164.

Email: rd.cnmsf.snni@gmail.com

c) Sanitary Requirements for the entry of Pets to the DR; Registration of Products and Veterinary Establishments /General Directorate of Livestock (DIGEGA)

Note: Currently, the General Directorate of Livestock (DIGEGA) DIGEGA is in the process of updating all the services published on the website. Therefore, some services, like this one,

does not have any information available in the website. If you need more information, please, contact the FAS office in Santo Domingo (see above).

Contact Information:

Address: Autopista 30 de mayo, Ciudad Ganadera, Santo Domingo,
D.N. Telephone: 809-535-9689; Email: digegea@ganaderia.gob.do
Service Hours: Monday – Friday; 8:00 a.m. - 3:00 p.m.

- d) Authorization for the importation of animals and products and by products of animal origin/General Directorate of Livestock (DIGEGA).

Note: Currently, the General Directorate of Livestock (DIGEGA) is in the process of updating all the services published on the website. Therefore, some services, like this one, does not have any information available in the website. If you need more information, please, contact the FAS office in Santo Domingo (see above).

Contact Information:

Address: Autopista 30 de mayo, Ciudad Ganadera, Santo Domingo,
D.N. Telephone: 809-535-9689; Email: digegea@ganaderia.gob.do
Service Hours: Monday – Friday; 8:00 a.m. - 3:00 p.m.

- e) Certificates of No Objection for Import of Fishery Products/Dominican Council for Fisheries and Aquaculture (CODOPESCA)
<http://www.codopesca.gob.do/2013-05-18-04-20-9/certificados-de-no-objecion-para-importacion-de-productos-pesqueros>

Contact Information:

CODOPESCA - Consejo Dominicano de Pesca y Acuicultura
Address: Autopista Duarte, km. 6 1/2, Edif. Agricultura, Jardines del Norte, Santo Domingo República Dominicana. Tel: 809-547-3888; Fax: 809-547-3284; Web page: <http://www.codopesca.gob.do>

2. Ministry of Public Health and Social Welfare (MOH)

- a) Food Health Regulations/Ministry of Public Health; Sanitary Registration Notification Procedure and Automatic Renewal; Simplified Sanitary Registration of Food and Beverages; Free Sale Certificate; Registered Products Certification; Sanitary Registration of Imported Pre-packaged Dairy Products Renewal/DIGEMAPS
<http://www.msp.gob.do/ventanilla>

Contact Information:

Ministerio de Salud Pública y Asistencia Social
Av. Dr. Héctor Homero Hernández Esq. Av. Tiradentes, Ensanche La Fe; Santo Domingo, D.N. 10514
Tel: 809-541-3121; Email: infoministeriodesalud@gob.do

3. Ministry of Industry and Commerce and SME (MICM)

Contact Information

a) 7mo. Piso, Edificio de Oficinas Gubernamentales Juan Pablo Duarte (Edificio JPD)

Av. México Esq. Leopoldo Navarro, Gascue
Santo Domingo, D.N., República Dominicana
Apartado Postal: 9876

Telephone: (809) 685-5171 Ext.: 642 / Fax: (809) 686-1973; info@mic.gob.do
<https://www.micm.gob.do/>

b) Av. 27 de febrero Núm. 209, Ensanche Naco
Santo Domingo, D.N., República Dominicana
Apartado Postal: 10121

Tel: (809) 567-7192 / Fax: (809) 381-8076

<https://www.micm.gob.do/c> TORRE MICM, Av. 27 de febrero Núm. 306, Bella Vista. Santo Domingo, República Dominicana. Apartado Postal: 10121; Teléfono: (809) 567-7192 / Fax: (809) 381-8076; <https://www.micm.gob.do/>

4. National Institute for the Protection of Consumer Rights (PRO CONSUMIDOR)

Contact Information

Av. Charles Sumner #33, Los Prados
Santo Domingo, D.N., República Dominicana
Tel.:809-472-2731

info@proconsumidor.gob.do; <https://proconsumidor.gob.do/>

5. Industrial Development and Competitiveness Center [Centro de Desarrollo y Competitividad Industrial_PROINDUSTRIA]

Address: Av. Luperón #1462, 11001, República Dominicana

Horario: Monday to Friday 8:00 AM. to 4:00 PM.

Tel.: +1 809-530-0010

Fax. (809) 530-1303

Contact: oai@proindustria.gov.do

<http://www.proindustria.gob.do/>

APPENDIX II

Other Import Specialist Technical Contacts

World Trade Organization (WTO) Enquiry Points

Each member government is responsible for the notification procedures associated with agreements under the WTO. Issues in this report relate to the Sanitary, Phytosanitary (SPS) and Technical Barriers to Trade (TBT) Agreements. WTO obligations include notifying to the WTO any significant trade-related proposals that are not substantially the same as international standards, providing copies of the proposed regulation upon request, allowing time for comments, and providing upon request copies of other relevant documents on existing regulations related to food and agriculture. Information on the DR's regulations, standards and certification procedures can also be obtained through the National Inquiry Point listed below:

MOH's Food Department

Ave. Dr. Héctor Homero Hernández, Esq. Av. Tiradentes, Ensanche La Fe; Santo Domingo, D.N., R.D. 10514; Tel: +1 809-541-3121

Email: info@ministeriodesalud.gob.do; Ing. Elsa Maritza Acosta Piantini

<elsa.acosta@ministeriodesalud.gob.do>

Email: rd.cnmsf.snni@gmail.com; info@cnmsf.gob.do;

<http://otca.gob.do/>

<http://www.cnmsf.gob.do/>