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Report Highlights:

During Trade Promotion Agreement (TPA) negotiations, Colombia committed to lift its import ban on beef and beef products by October 31, 2006. However, the sanitary beef import requirements have not been published yet and imports are still prohibited. Live poultry and poultry product imports are now permitted from states that reported Avian Influenza cases in the last two years. Colombia introduced new regulations regarding labeling of canned food and raw food materials in 2005. The rules affect both domestic and imported products. More food import regulations may be coming in 2006 and 2007 due to the TPA between the United States and Colombia.

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TABLE OF CONTENTS

SECTION I. FOOD LAWS AND IMPORT LICENSING REQUIREMENTS	3
SECTION II. LABELING REQUIREMENTS	4
SECTION III. PACKAGING AND CONTAINER REGULATIONS	5
SECTION IV. FOOD ADDITIVE REGULATIONS	5
SECTION V. PESTICIDE AND OTHER CONTAMINANTS	7
SECTION VI. OTHER REGULATIONS AND REQUIREMENTS	7
Product Health Registration	7
Importer Registration, Import Registration and Import Licensing	8
Sanitary Permit	8
Pre-Shipment Certification.....	9
Import Duties	9
SECTION VII. OTHER SPECIFIC STANDARDS	10
SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAWS	10
Patents and Trademarks.....	10
Copyrights	10
SECTION IX. IMPORT PROCEDURES FOR SPECIFIC COMMODITY GROUPS.....	10
High-Value, Consumer-ready Food Products for Retail Sale	10
Processed food items for institutional use	12
Beef and Pork, Transformed (fresh, chilled or frozen).....	13
Import Requirements for Poultry Meat (whole birds), not transformed	14
Poultry Parts (fresh, chilled or frozen).....	15
Mechanically Deboned Chicken or Pork	16
Fresh Fruit and Vegetables	17
Processed Fruit and Vegetables (HS: 20).....	17
Wine (HS: 22.04)	19
APPENDIX I. GOVERNMENT REGULATORY AGENCY CONTACTS	20

DISCLAIMER: The Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Bogota, Colombia, prepared this report for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate, either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS, AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

SECTION I. FOOD LAWS AND IMPORT LICENSING REQUIREMENTS

Food Legislation: The basic piece of legislation dealing with food products and human health in Colombia is Law 9 of January 24, 1979 (see text of law on: www.invima.gov.co/normatividad/alimentos). All decrees and regulations produced since then are based on the above-mentioned Law.

Import Licensing: The Colombian Government maintains control over imports through the Ministry of Commerce, Industry and Tourism (MOCIT). All responsibilities in dealing with Colombian foreign trade have been transferred to the MOCIT including the issuance of import licenses and the registration of imports and exports as well as the handling of the export incentives and administration of the certificates of sugar quota eligibility (CQE's).

Because most, if not all, agricultural commodities require permits or have to be approved by another government agency (i.e., the Ministry of Agriculture), they need an import registration at the MOCIT to enter the country.

For food and agricultural products there two import categories:

Licencia previa. Imports that need prior government approval. Imported products that require import registration with the Ministry of Agriculture/ICA or the Ministry of Social Protection/Invima, in addition to approval of the MOCIT.

Libre. Imports free of government approval. In this category, products can enter the country without restriction and do not need prior approval by any government agency. However, importers of these products must be registered at the MOCIT.

Trade participating government agencies:

MINISTRY OF AGRICULTURE/GENERAL – Products subject to import registration in order to restrict imports for non-scientific reasons, either to protect local production from import competition or to regulate imports under tariff-rate quotas. These include products such as poultry parts, which are banned, and products subject to tariff-rate quotas (beef, corn, sorghum, rice and cotton).

INVIMA - Import registration with INVIMA (the equivalent of FDA in the U.S.) under the Ministry of Social Protection applies to most products destined for the final consumer, such as meat and food products for retail sales. While the registration process can sometimes be complicated and costly (particularly for products destined for retail sale), Invima has not used this process to prohibit imports.

ICA, Colombian Agricultural Institute – is the Ministry of Agriculture's agency responsible for sanitary and phyto-sanitary issues (the equivalent of FSIS and APHIS). ICA is responsible for products requiring sanitary or phyto-sanitary registration such as meat, poultry and dairy products, planting seeds, fresh fruits and vegetables, and animal inputs, including pet food. ICA has prohibited imports of beef and beef products from the U.S. due to BSE related restrictions under ICA Resolution 3865 of Dec. 24, 2003, and poultry meat from states where there have been outbreaks of Avian Influenza in the last two years. During the TPA negotiations, Colombia agreed to allow the imports of bovine meat and products without age restrictions no later than October 31, 2006. However, since Colombia has not officially changed its import requirements, for purposes of this report, beef and beef products are still considered ineligible products. Colombia has also agreed to allow uncooked poultry imports from ten states previously banned because of AI.

SECTION II. LABELING REQUIREMENTS

The Government of Colombia (GOC) requires country-of-origin labeling for processed foods. The GOC, however, does not classify frozen vegetables as a processed food and, therefore, no country of origin labeling is required. Also, fresh fruit and vegetables do not require country of origin labeling.

The GOC issued resolution 0485 on February 25, 2005 through the Ministry of the Social Protection (previously known as Ministry of Health) establishing labeling requirements for canned food and food raw materials. The regulation has been in force since September 15, 2005. The label must contain the following information: food product name, list of ingredients, net content and drained weight, producer name and address, country of origin, lot identification, date marking and instructions for product conservation, instructions for product use, and sanitary registration number. These requirements apply to both domestic and imported canned food products and food raw materials. GOC officials have stated that stickers are admitted on the imported products, but they must contain the information of the original label in Spanish. The most important information is lot identification number and expiration date.

Imported processed food products that are not destined for further processing must comply with the labeling requirements mentioned in the previous paragraph. GOC labeling requirements for processed foods do not address the question of ingredient origin. Therefore, if an imported food item contains ingredients from more than one country, for example, U.S. and Canadian peas in the same frozen package, the label must only identify the processor's name and address and the country where the product was produced. The GOC's product labeling requirements for imported processed foods do not require that the exporter identification information be affixed in a specific part of the package.

Product labeling information on imported processed products must be present at the point of retail sale. The responsibility for this labeling information rests with the importer, not the retailer. Many Colombian importers arrange for this information to be placed on the product by the exporting firm, before it enters Colombia.

For processed products shipped with Spanish labels, the following information must be shown: product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients, Ministry of Social Protection (INVIMA) registration number, any recommended method of storage/conservation, and product expiration date, if appropriate.

Imports that are destined for further processing, such as mechanically deboned chicken, do require country-of-origin labeling. The GOC also does not require country-of-origin labeling

for imported bulk-packed or consumer-packed fresh fruits and vegetables. The GOC does not require a sticker/label indicating country of origin on individual pieces of fresh fruit. Colombian consumers, therefore, seldom are aware of the origin of imported fruit and vegetables.

Labeling for Food Products. Food products that are canned, bottled, filled or packed by (marketing agents) such as chain stores, supermarkets, delicatessen, etc for further commercialization must be labeled in accordance to this resolution and must contain at least the following information:

1. Name
2. Ingredients list
3. Net content
4. Name and address of producer or importer
5. Origin country
6. Lot identification
7. Expiration date
8. Preservation method or system

SECTION III. PACKAGING AND CONTAINER REGULATIONS

INVIMA, which regulates food products for human consumption, has no specific requirements for food packages or containers. Pet food is regulated by ICA, the Colombian Agricultural Institute, which requires prior approval of packages and consumer presentations. Retail sales of bulk pet food are not allowed.

SECTION IV. FOOD ADDITIVE REGULATIONS

The Ministry of Social Protection (previously known as Ministry of Health) is the Colombian government ministry in charge of food additive legislation. Within the Ministry, the National Institute for the Surveillance of Drugs and Food (INVIMA) was established in 1993 to guarantee the quality and safety of drugs, food and medical supplies in the Colombian market. INVIMA is the implementing agency for the food and drug legislation issued by the Ministry of Social Protection.

All GOC decrees and resolutions, as well as regulations by the Ministry of Social Protection and the related agencies on food additives, must be published in the Official Gazette (Diario Oficial), in order to become effective. Subscription to the "Diario Oficial" can be obtained at the following address: Diagonal 22 Bis No.67-70 (Ave Esperanza–Ave 68), Bogota, D.C., Colombia. Tel: (57-1) 457-8000. E-mail: correspondencia@imprensa.gov.co or web page: www.imprensa.gov.co

The basic food additive legislation is Decree 2106 of 1983 issued by the previous Ministry of Health. Decree 2106 defines and classifies food additives. It also regulates the use and manufacturing of food additives, as well as their importation. Decree 2106 also regulates the transportation and marketing of food additives. It indicates what information is required in order to ask the authorization of a new food additive.

Besides the basic Decree 2106, the Government of Colombia has issued other decrees that list specific kinds of food additives, e.g., food dyes and anti-oxidants, along with specific requirements for their use.

Colombian regulations do not specifically state that Codex food additives are accepted. Nevertheless, Article 5 of Decree 2106 states that the current recommendations of the Food Chemical Codex and the Codex Alimentarius or any other pertinent scientific publications will

be taken into consideration in the formulation of regulations governing the use of food additives. Additionally, Articles 7 and 8 of Decree 2106 establish an Advisory Committee to suggest changes to Colombian requirements for food additives.

Decree 2106 applies to food additives manufactured in and imported into Colombia, as well as those processed, transported, packed or bottled in Colombia. Food additives sold or consumed in Colombian territory are subject to this decree.

Food additives are all substances or a mix of substances--with or without nutritional value--added intentionally in a minimum quantity to food products with the purpose to avoid their alterations or to preserve them; to grant or intensify their aroma, color or flavor; to modify or preserve their general physical presentation; or to perform any role necessary for the good technology in food production. Casual contaminants, such as pesticides and fertilizers, are not considered to be food additives nor are vitamins or minerals added to enhance food nutritional value, nor any alien substance that has come in contact with food by accident.

The GOC regulated the production, commercialization, packing/bottling, labeling, quality control and sanitary registration of diet supplements (vitamins, nutrient supplements, etc.) by Decree 3249 of September 18, 2005

[www.invima.gov.co/normatividad/suplementos dietarios](http://www.invima.gov.co/normatividad/suplementos_dietarios)

The Ministry of Social Protection elaborates and updates continuously the list of food additives that can be used in Colombia, as well as their levels of use and tolerances and to which foods they can be added. These regulations take into account technological developments, as well as current publications of the Food Chemical Codex and the Codex Alimentarius or any other pertinent scientific source.

If someone is interested in using a food additive not included in the official list of authorized additives he/she must request its inclusion by applying to the Director of Environment Protection (Dirección de Saneamiento Ambiental) of the Ministry of Social Protection (previously known as Ministry of Health). The applicant must specify:

- Purpose in using the additive,
- Justification for its use,
- Food list in whose preparation the additive will be used and food composition (food ingredients),
- Additive physical-chemical properties, and
- Technical bibliography to prove additive effectiveness and harmlessness.

The Advisory Committee will study the application and submit a recommendation to the Ministry of Social Protection, which will take the final decision on inclusion or exclusion of the requested food additive.

Decree 2106 also lists the maximum level of a mixture of food additives that can be used in a given food product. Ministry of Social Protection must approve specific exceptions to this norm.

Food additives are forbidden when they:

- interfere with the food's nutritional value,
- serve to disguise food processing failures or mishandling,
- disguise alterations, changes, contamination or falsification of the food's raw material or the finished product,
- lead to consumer error, confusion or fraud, and

- do not meet the specifications of this decree.

Additives to food products must be listed on the label, according to the role they are supposed to perform, and labeling regulations from the Ministry of Social Protection must be followed (see section on labeling).

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

Colombia does not have national standards for MRL (pesticide Maximum Residue Limits). Colombia applies the Codex Alimentarius regulations on maximum residue levels. If for some reason there are no Codex MRL information for a specific product (either imported or domestically produced) or there are serious doubts about its pesticide content, a sample is taken and analyzed by the National Laboratory for Farming Inputs (known by the Spanish acronym LANIA) or the National Laboratory for Livestock Inputs (known by the Spanish acronym LANIP) which are administered by the Colombian Agricultural Institute (ICA) of the Colombian Ministry of Agriculture and Rural Development. The interested party must pay for the analysis fee (i.e., producer and/or importer/exporter). Information about the specific fees charged by ICA can be found in ICA's web page: www.ica.gov.co/normatividad/tarifas/acuerdo of October 27, 2005.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

Product Health Registration

All processed retail food items, including products imported in bulk for repackaging for retail use without further processing, must be registered and approved by the National Institute for the Surveillance of Drugs and Food (INVIMA), an agency of the Ministry of Social Protection (decree 3075/97). INVIMA charges a registration fee ranging from \$584.00 to \$1,224.00 per product. According to Decree 3075 of 1997, product registration is not required for:

- Products that are not subject to any transformation, such as grains, fruits, fresh vegetable, honey, etc.
- Products of animal origin that are not subject to any transformation process.
- Products used as raw materials by the food industry or HRI sector in food preparation.

A transformed product is defined by the GOC as having been subjected to processing that resulted in a change in its internal structure.

INVIMA registration is valid for 10 years and only for the applicant (exporter or importer) and the manufacturer specified in it. Whenever the U.S. exporter wants to change its Colombian importer, there are two possibilities:

(a) If the U.S. exporter is the applicant for the INVIMA registration, he must submit an application for modification to INVIMA (cost 95,200 pesos or about \$39.67).

(b) If the Colombian importer is the applicant, the U.S. exporter must initiate a new registration process, specifying his new importer(s). Afterwards, he may change his importer(s) whenever he deems it advisable. The U.S. exporter must apply through his legal representative in Colombia or an attorney.

INVIMA registration is valid only for the specifications (e.g., presentation and size) mentioned in the registration. If another presentation of the same product is to be imported, the registering company needs to inform INVIMA in writing of the new product.

INVIMA registration of processed foods requires: (1) a written document from the manufacturer stating that it manufactures the product; and (2) a certificate of free sale stating that the products are approved for human consumption in the United States. This certificate needs to be issued by a U.S. government (state, local or federal) health authority. Although not strictly required, INVIMA registration is facilitated if a description of the manufacturing process and a list of the ingredients is submitted, including any additives, preservatives, and colorings (dyes). Since Colombia implemented the Hague Convention of October 5, 1961 with Law 455 of August 4, 1998, facilitating import documentation, the above listed documents must carry an "apostille" stamp. The "apostille" stamp fee amounts to \$20 each and it is produced by different authorities in each State, i.e. a Notary or a State Secretary or Under Secretary. This procedure replaced the notarization by the Colombian Embassy or a Consulate in the United States and by the Ministry of Foreign Affairs in Bogota. A translator approved by the Ministry of Foreign Affairs must translate these documents into Spanish.

INVIMA charges a registration fee ranging from \$584.00 to \$1,224.00 per product. After the submission of all required documentation, product registration by INVIMA takes about three working days (although we have received reports that this can take longer). Internet can carry out most of the product registration process. After issuing the product registration, INVIMA analyses the documents provided by the importer and may request additional information within a given period. Some importers complain that this procedure may result in additional requirements that become a non-tariff barrier to trade.

Importer Registration, Import Registration and Import Licensing

Every Colombian importer must be registered with the Ministry of Commerce, Industry and Tourism (MOCIT). U.S. exporters seeking to sell to a Colombian firm should ascertain that the Colombian importer has obtained the legal authority to import agricultural products by completing the Ministry of Commerce, Industry and Tourism registration process. Once registered, the importer or importing company enjoys the legal right to import any agricultural product.

Most agricultural imported products require an import registration form (cost 30,000 pesos or about \$12.50) issued by the MOCIT. Internet can carry out the import registration process and its approval takes about two working days.

Sanitary Permit

Products used as raw materials by the food industry or HRI sector in food preparation do not need an INVIMA registration, but they do need a sanitary permit from the Ministry of Agriculture's Colombian Agricultural Institute (ICA). ICA is responsible for the issuance of import sanitary permits for animal products, vegetables, fruits, grains, pet food, dairy products and agricultural inputs, including seeds and GMO's. The permit details the zoo-sanitary or phyto-sanitary (SPS) import requirements for the specific product. The Colombian importer must first obtain the import permit from ICA, before requesting an import registration from the MOCIT. The importer should supply the exporter with the ICA import permit for submission to USDA. USDA then issues a sanitary export certificate referencing the requirements in ICA's import permit. No shipments should be loaded and transported without the submission of the sanitary permit. Whenever, ICA issues new health requirements, the health agency in the US is notified to see if it can comply with the new requirements. Both FSIS and APHIS place the Colombian sanitary requirements in its export library and each exporter can take them from there. The recognized FSIS or APHIS official signs the corresponding export certificate.

For ICA approval, the product must: (1) come from a USDA inspected facility; (2) be free of disease; (3) be inspected by USDA prior to its shipment and be accompanied by a USDA health export certificate; and (4) be inspected by an ICA veterinarian upon arrival in Colombia.

Pre-Shipment Certification

Beginning on July 1, 1999, the Colombian Government eliminated the inspection and certification of imported food products at the loading port as part of an effort to ease import procedures.

Import Duties

Most processed foods are assessed a 20 percent ad-valorem import duty. However, some high-value food product imports, such as fresh/chilled and frozen pork and chicken parts, are subject to the Andean Community's price band and reference price system, which can markedly increase the Colombian import duty. The U.S. Government views the reference price and price band systems applied by Colombia to be inconsistent with Colombia's World Trade Organization obligations. The price band system distorts trade and does not operate in a transparent manner. Colombian processed food imports from Chile and other country members of the Andean Community (Peru, Ecuador, Bolivia, and Venezuela) enter duty-free. This, combined with lower transport charges, provides a significant cost incentive for local importers to turn to regional suppliers rather than to purchase from the United States. This is particularly true for fresh and processed fruit, wine, and at times for meat.

For those U.S. products subject to the price band system, import duties are calculated based upon the CIF adjusted floor, ceiling, and reference price levels determined by the Andean Board of Directors. The Andean Community establishes annual ceiling and floor prices every April. The Andean Community adjusts the reference prices every two weeks, per prices recorded by indicative markets for each marker product. If, the applicable reference price falls within the floor and ceiling price band, the import duty is calculated by applying the common external tariff rate for the Andean Community to the reference price. When the reference price falls below the floor price, a variable levy, or surcharge, is applied, which is based on the difference between the floor price and the reference price. This surcharge is levied in addition to the applied duty. Conversely, when the reference price exceeds the ceiling price, a reduction is made to the applied duty, based on the difference between the reference and the ceiling prices.

The following illustrates how Colombia's import duties are calculated for those U.S. food products subject to the price band system. In the example below, we have calculated Colombia's import duty treatment that would be assessed against imports of chicken parts (if they are approved for import) arriving at Colombian ports September 16-30, 2006:

Price Band Ceiling Price	\$1,700 per ton
Price Band Floor Price	\$1,510 per ton
Reference Price	\$1,022 per ton
Basic Duty Rate	20 percent

Variable Surcharge = (Floor Price - Reference Price) * (1+Basic Duty Rate)/Reference Price

Total Import Duty (77 percent) = Basic Duty Rate (20 percent) + Variable Surcharge (57 percent)

The Total Import Duty is updated and published on the web page of the Andean Community (http://www.comunidadandina.org/politicas/franja_circular.htm) twice a month. The duty paid is the total import duty (77 percent) times the declared import value.

SECTION VII. OTHER SPECIFIC STANDARDS

No other specific standards are noted.

SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAWS

Patents and Trademarks

The agency in charge of patents and trademarks is the Superintendence of Industry and Commerce (www.sic.gov.co). This entity is now under the MOCIT, but it used to be under the Ministry of Economic Development. Two Andean Community decisions on the protection of patents and trademarks and of plant varieties have been in effect in Colombia since 1994. They provide a 20-year term of protection for patents.

Trademark protection requires registration and use of a trademark in Colombia. In a recent decree, Colombia announced that registration of a trademark must be accompanied with its use in order to prevent parallel imports. Trademark registrations have a ten-year duration and may be renewed for successive ten-year periods. Priority rights are granted to the first application for a trademark in an Andean Community country. Colombia is a member of the Inter-American Convention for Trademark and Commercial Protection and the Treaty of Patent Cooperation. The Andean Community decision on patent and trademark protection also provides for protection of industrial secrets.

Copyrights

Andean Community Decision 351 on the protection of copyrights has been in effect in Colombia since January 1, 1994. Andean Community Decision 351/94 and Colombian Law 44/93 regulate protection of copyrights in this country. Law 44/93 extends computer software protection to 50 years, but does not classify it as a literary work. Colombia belongs to both the Berne and the Universal Copyright Conventions. This decision provides a generally Berne-consistent system. The Colombian Agricultural Institute (ICA) is in charge of the issuance of plant variety protection-related and agro-chemical patents.

Law 44/93 significantly increased penalties for copyright infringement, specifically empowering the Attorney General's office to combat piracy. Ineffective anti-piracy enforcement in Colombia adversely affects employment, job creation and revenues, both in the United States and Colombia. U.S. companies suffered trade losses due to copyright piracy and intellectual property violations exceeding \$178 million in 2004 in Colombia.

SECTION IX. IMPORT PROCEDURES FOR SPECIFIC COMMODITY GROUPS

High-Value, Consumer-ready Food Products for Retail Sale

The Colombian importer must register his company with the Ministry of Commerce, Industry and Tourism (MOCIT). This grants the Government of Colombia authorization to the company to import all agricultural products.

The product must be registered with INVIMA, the National Institute for the Surveillance of Drugs and Food. The exporter or the importer can do the registration. INVIMA registration requires: (a) a written document from the manufacturer stating that he/she manufactures

the listed products; and (b) a certificate of free sale stating that the products are approved for human consumption in the United States. This certificate needs to be issued by a U.S. Government (local, state or federal) health authority. Although not required, INVIMA registration is facilitated if a description of the manufacturing process and a list of the ingredients is submitted, including any additives, preservatives, and colorings.

Since Colombia implemented the Hague Convention of October 5, 1961 with Law 455 of August 4, 1998, facilitating import documentation, the above listed documents must carry an "apostille" stamp. The "apostille" stamp fee amounts to \$20 each and it is produced by different authorities in each State, i.e. a Notary or a State Secretary or Under Secretary. This procedure replaced the notarization by the Colombian Embassy or a Consulate in the United States and by the Ministry of Foreign Affairs in Bogota. A translator approved by the Ministry of Foreign Affairs must translate these documents into Spanish. A sample label also may be submitted. An INVIMA registration fee must be paid. This fee covers the cost of preparing an analysis of the product. The product does not need to be analyzed before registration approval is given. The registration cost depends on the item, but ranges from \$584 for ready to be consumed food products to \$1,224 for enriched food items per product. After all required documentation is submitted, product registration by INVIMA takes about three working days (we have, however, received reports that this process can take significantly longer for some products). The registration process can be done by Internet.

INVIMA registration is valid only for the applicant (exporter or importer) and the manufacturer specified in it. Whenever the U.S. exporter wants to change its Colombian importer, there are two possibilities:

- (a) If the U.S. exporter is the applicant for INVIMA registration, he must submit an application for modification to INVIMA (cost 95,200 pesos or about \$39.67).
- (b) If the Colombian importer is the applicant, the U.S. exporter must initiate a new registration process specifying his new importer(s). Afterwards, he may change his importer(s) whenever he deems it advisable. The U.S. exporter must apply through his legal representative in Colombia or a lawyer.

The importer purchases an import registration form at the Ministry of Commerce, Industry and Tourism (cost 30,000 pesos or about \$12.50).

The importer presents the completed MOCIT form to INVIMA for clearance. This process normally takes about 48 hours.

The importer presents the completed MOCIT form and INVIMA clearance to ICA (phytosanitary permits cost 38,000 pesos or about \$15.83 and zoosanitary permits for animal products cost 28,000 pesos or about \$11.68) ICA then issues a sanitary permit. This process normally takes about 48 hours.

The importer presents the completed MOCIT form, INVIMA clearance and ICA sanitary permit to the Ministry of Commerce, Industry and Tourism. The MOCIT will then issue an import registration or license approval. This process normally takes about 48 hours.

If the meat is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients, INVIMA (Ministry of Social Protection) registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

Note: Consumer-oriented food products are assessed a 20 percent import duty. If they are under the Andean Price Band System, then the import duty is assessed as previously shown.

Processed food items for institutional use

The Colombian importer must register his company with the Ministry of Commerce, Industry and Tourism (MOCIT). This grants Government of Colombia authorization to the company to import all agricultural products.

The importer purchases an import registration form at the Ministry of Commerce, Industry and Tourism (cost 30,000 pesos or about \$12.50). The importer then submits the completed import registration form to the Ministry of Commerce, Industry and Tourism. This import registration approval takes about 2 days. Internet can be used for the importer registration.

Note: a. Processed food products are assessed a 20 percent import duty. Processed products used as raw materials by the food industry or HRI sector in food preparation do not require an Invima product registration (decree 3075 of 1997), but they must be labeled as described above and state that they are not for direct consumption.

c. Beef and Pork, Not-Transformed (Fresh, Chilled or Frozen)
HS: 02.01-/02-/03

A transformed product is defined by the GOC as having been subjected to processing that resulted in a change in its internal structure.

The Colombian importer must register his company with the Ministry of Commerce, Industry and Tourism (MOCIT). This grants Government of Colombia authorization to the company to import any and all agricultural products.

The importer purchases an import registration form at the Ministry of Commerce, Industry and Tourism (cost 30,000 pesos or about \$12.50).

The importer presents to ICA his completed import registration form and is issued a sanitary permit (cost 28,000 pesos or about \$11.68). This process normally takes about 48 hours.

Note: The Colombian sanitary agency (ICA) is strict in certifications dealing with trichinae in pork and pork products. Beef imports are banned under ICA's Resolution 3865 of December 24, 2003, which prohibited imports of live bovine, ovine, goats, etc. and their products due to BSE related restrictions for the U.S. However, during the TPA negotiations, Colombia is committed to lift all import restrictions on U.S. beef and beef products beginning on November 1, 2006.

The importer presents the completed import registration form and the ICA sanitary permit to the Ministry of Commerce, Industry and Tourism (MOCIT). The Ministry of Commerce will then issue an import registration approval. This process normally takes 48 hours. An ICA veterinarian inspects the imported meat product upon arrival in Colombia. This service has different tariffs depending on the product and the imported quantity. The ICA official ensures that the product comes from a U.S. inspected and Colombian registered production facility, is free of disease, has been inspected by USDA prior to its shipment, and is accompanied by a USDA (FSIS) export certificate. The importer must pay for the analysis if the port inspector takes samples of the product to be analyzed by an official laboratory in Colombia.

If the meat is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients, INVIMA (Ministry of Social Protection) registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

Imports of beef also require import approval by the Ministry of Agriculture under Decree 3744 of October 21, 2005 which established a TRQ of 3,800 tons for fine beef cuts (the in-quota duty was set at 20 percent and the out-of-quota duty was raised 80 percent for beef). The same decree established a TRQ of 3,200 tons for beef offal (the in-quota duty was set at 20 percent and out-of-quota duty at 70 percent). These TRQ's are established for Mercosur. Resolution 207 of 8/24/06 by the Ministry of Agriculture established TRQ's for countries other than Mercosur (87 tons for fine beef cuts and 599 tons for beef offal).

Poultry meat and pork are subject to a variable duty under the Andean price band system. Currently, total import duties stand at 118 percent for poultry meat, and 20 percent for pork due to high world prices.

Beef and Pork, Transformed (fresh, chilled or frozen)

HS: 02.10-

A transformed product is defined by the GOC as having been subjected to processing that resulted in a change in its internal structure. Beef imports are currently prohibited due to BSE related restrictions, but will likely be permitted as explained above per Colombia's commitments during the TPA negotiations.

The Colombian importer must register his company with the Ministry of Commerce, Industry and Tourism (MOCIT). This grants Government of Colombia authorization to the company to import all agricultural products.

The product must be registered with INVIMA, the National Institute for the Surveillance of Drugs and Food. Either the exporter or the importer can do this registration. INVIMA registration requires: (a) a written document from the manufacturer stating that they manufacture the listed products, and (b) a certificate of free sale stating that the products are approved for human consumption in the United States. This certificate needs to be issued by a U.S. Government (state, local or federal) health authority.

Although not required, INVIMA registration is facilitated if a description of the manufacturing process and a list of ingredients is submitted, including any additives, preservatives, and colorings. Since Colombia implemented the Hague Convention of October 5, 1961 with Law 455 of August 4, 1998, facilitating import documentation, the above listed documents must carry an "apostille" stamp. The "apostille" stamp fee amounts to \$20 each and it is produced by different authorities in each State, i.e. a Notary or a State Secretary. This procedure replaced the notarization by the Colombian Embassy or a Consulate in the United States and by the Ministry of Foreign Affairs in Bogota. A translator approved by the Ministry of Foreign Affairs must translate these documents into Spanish. A sample label also may be submitted. An INVIMA registration fee must be paid. This fee covers the cost of preparing an analysis of the product. The product does not need to be analyzed before registration approval is given. The registration cost depends on the item, but ranges from \$584 for ready to be consumed food products to \$1,224 for enriched food items per product. After all required documentation is submitted, product registration by INVIMA takes about three working days, although we have heard reports that this can take significantly longer.

INVIMA registration is valid only for the applicant (exporter or importer) and the manufacturer specified in it. Whenever the U.S. exporter wants to change its Colombian importer, there are two possibilities:

(a) If the U.S. exporter is the applicant for INVIMA registration, then he must submit an application for modification to INVIMA (cost 95,200 pesos or about \$39.67).

(b) If the Colombian importer is the applicant, the U.S. exporter must initiate a new registration process, specifying his new importer(s). Afterwards, he may change his importer(s) whenever he deems it advisable. The U.S. exporter must apply through his legal representative in Colombia or an attorney.

The importer purchases an import registration form at the Ministry of Commerce, Industry and Tourism (cost 30,000 pesos or about \$12.50). The importer presents the completed MOCIT form to INVIMA for clearance. This process normally takes about 48 hours. The importer presents the completed MOCIT form and INVIMA clearance to ICA (cost 27,000 pesos or about \$11.74). ICA then issues a sanitary permit. This process normally takes about 48 hours.

The importer presents the completed MOCIT form, INVIMA clearance and ICA sanitary permit to the Ministry of Commerce, Industry and Tourism. The MOCIT will then issue an import registration approval. This process normally takes about 48 hours.

If the meat is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients, INVIMA (Ministry of Social Protection) registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

Import Requirements for Poultry Meat (whole birds), not transformed

A transformed product is defined by the GOC as having been subjected to processing that resulted in a change in its internal structure.

The Ministry of Agriculture must approve chicken (or other poultry) imports. Whenever this Ministry determines that domestic supplies are sufficient to meet local demand and/or that imports of this product would economically damage local poultry industry, imports are not approved. Except for selected ports (San Andres, Portete, Leticia), the Ministry of Agriculture has not approved fresh/frozen chicken part imports since 1994.

The GOC, however, does approve imports of processed or prepared poultry parts. Duty treatment for these products is subject to the application of the Andean Community price band and reference price systems.

The importer purchases an import registration form at the Ministry of Commerce, Industry and Tourism (cost 30,000 pesos or about \$12.50). The importer presents to ICA his completed import registration form and is issued a sanitary permit (cost 28,000 pesos or about \$11.67). This process normally takes about 48 hours. The importer presents the completed import registration form, the ICA sanitary permit, and the Ministry of Agricultural approval to the Ministry of Commerce, Industry and Tourism. The Ministry of Commerce, Industry and Tourism will then issue an import registration approval. This process normally takes 48 hours. An ICA veterinarian inspects the imported meat product upon arrival in Colombia and ensures that the product comes from U.S. inspected production facilities previously registered with ICA, is free of disease, has been inspected by USDA prior to its shipment, and is accompanied by a USDA export certificate.

If the meat is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients, INVIMA (Ministry of Social Protection) registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

All meats are assessed a 20 percent basic import duty. Poultry meat is also subject to a variable duty under the Andean price band system. Currently, the total import duty stands at 92 percent for whole birds.

Poultry Parts (fresh, chilled or frozen)

HS: 02.07-13./14./26./27.35./36. and 16.02-31.00.10/32.00.10/39.00.10

The Colombian importer must register his company with the Ministry of Commerce, Industry and Tourism. This grants Government of Colombia authorization to the company to import all agricultural products. The products under this HS codes are subject to the prior licensing approval by the Ministry of Agriculture and Rural Development. Imports of poultry parts are not normally authorized.

The product must be registered with INVIMA, the National Institute for the Surveillance of Drugs and Food. Either the exporter or the importer can do the product registration. INVIMA registration requires: (a) a written document from the manufacturer stating that he/she manufactures the listed products, and (b) a certificate of free sale stating that the products are approved for human consumption in the United States. This certificate needs to be issued by a U.S. Government (local, state or federal) health authority.

Although not required, INVIMA registration is facilitated if a description of the manufacturing process and a list of ingredients is submitted, including any additives, preservatives, and colorings. Since Colombia implemented the Hague Convention of October 5, 1961 with Law 455 of August 4, 1998, facilitating import documentation, the above listed documents must carry an "apostille" stamp. The "apostille" stamp fee amounts to \$20 each and it is produced by different authorities in each State, i.e. a Notary or a State Secretary. This procedure replaced the notarization by the Colombian Embassy or a Consulate in the United States and by the Ministry of Foreign Affairs in Bogota. A translator approved by the Ministry of Foreign Affairs must translate these documents into Spanish. A sample label also may be submitted. An INVIMA registration fee must be paid. This fee covers the cost of preparing an analysis of the product. The product does not need to be analyzed before registration approval is given. The registration cost depends on the item, but ranges from \$584 for ready to be consumed food products to \$1,224 for enriched food items per product. After all the required documentation is submitted, product registration by INVIMA takes about three working days.

INVIMA registration is valid only for the applicant (exporter or importer) and the manufacturer specified in it. Whenever the U.S. exporter wants to change its Colombian importer, there are two possibilities:

- (a) If the U.S. exporter is the applicant for INVIMA registration, he must submit an application for modification to INVIMA (cost 95,200 pesos or about \$39.67).
- (b) If the Colombian importer is the applicant, the U.S. exporter must initiate a new registration process, specifying his new importer(s). Afterwards, he may change his importer(s) whenever he deems it advisable. The U.S. exporter must apply through his legal representative in Colombia or a lawyer.

The importer purchases an import registration form at the Ministry of Commerce, Industry and Tourism (cost 30,000 pesos or about \$12.50).

The importer presents the completed MOCIT form to INVIMA for clearance. This process normally takes about 48 hours.

The importer presents the completed MOCIT form and INVIMA clearance to ICA (cost 28,000 pesos or about \$11.67). ICA then issues a sanitary permit. This process normally takes about 48 hours.

The importer presents the completed MOCIT form, INVIMA clearance and ICA sanitary permit to the Ministry of Commerce, Industry and Tourism. The Ministry of Commerce, Industry and Tourism will then issue an import license approval. This process normally takes about 48 hours.

If the meat is sold in retail packages, it must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, name and address of producer, net contents in metric units, list of ingredients, Ministry of Health registration number, recommended method of storage, and product expiration date. This information may be provided by the application of a sticker to the package.

Note: Poultry parts (fresh, chilled or frozen) are assessed a basic 20 percent import duty, plus an additional import duty calculated by the Andean Price Band System. Currently, the total import duty for chicken parts is 118 percent while turkey parts are levied 70 percent.

Mechanically Deboned Chicken or Pork (HS: 16.02.39-)

The Colombian importer must register his company with the Ministry of Commerce, Industry and Tourism (MOCIT). This grants Government of Colombia authorization to the company to import all agricultural products.

The product must be registered with INVIMA, the National Institute for the Surveillance of Drugs and Food. INVIMA registration requires: (1) a written document from the manufacturer certifying that it manufactures the product, and (2) a certificate of free sale stating that the products are approved for human consumption in the United States. This certificate needs to be issued by a U.S. Government (local, state or federal) health authority. Although not required, product approval is facilitated if a description of the manufacturing process and a list of the ingredients, including any additives, preservatives, and colorings, is detailed.

Since Colombia implemented the Hague Convention of October 5, 1961 with Law 455 of August 4, 1998, facilitating import documentation, the above listed documents must carry an "apostille" stamp. The "apostille" stamp fee amounts to \$20 each and it is produced by different authorities in each State, i.e. a Notary or a State Secretary. This procedure replaced the notarization by the Colombian Embassy or a Consulate in the United States and by the Ministry of Foreign Affairs in Bogota. A translator approved by the Ministry of Foreign Affairs must translate these documents into Spanish. A sample label may be submitted. A registration fee must be paid. This fee covers the cost of preparing an analysis of the product. The analysis need not be done prior to registration approval. INVIMA registration charges depend on the item, but it ranges from \$584 for ready to be consumed food products to \$1,224 for enriched food items per product. After all required documentation is submitted, product registration by INVIMA takes about three working days.

INVIMA registration is valid only for the applicant (exporter or importer) and the manufacturer specified in it. Whenever the U.S. exporter wants to change its Colombian importer, there are two possibilities:

(a) If the U.S. exporter is the applicant for INVIMA registration, he must submit an application for modification to INVIMA (cost 95,200 pesos or about \$39.67).

(b) If the Colombian importer is the applicant, the U.S. exporter must initiate a new registration process, specifying his new importer(s). Afterwards, he may change his importer(s) whenever he deems it advisable. The U.S. exporter must apply through his legal representative in Colombia or a lawyer.

The importer purchases an import registration form at the Ministry of Commerce, Industry and Tourism (cost 30,000 pesos or about \$12.50).

The importer presents the completed MOCIT form to INVIMA for clearance. This process normally takes about 48 hours.

The importer presents the completed MOCIT form and INVIMA clearance to ICA (cost 28,000 pesos or about \$11.67). ICA then issues a sanitary permit. This process normally takes about 48 hours.

The importer presents the completed MOCIT form, INVIMA clearance and ICA sanitary permit to the Ministry of Commerce, Industry and Tourism. The Ministry of Commerce, Industry and Tourism will then issue an import license approval. This process normally takes about 48 hours.

Note: Processed meats are assessed a basic 20 percent import duty, but some products such as hams and sausages are subject to the Andean price band duties.

Fresh Fruit and Vegetables (HS: 07./08).

The Colombian importer must register his company with the Ministry of Commerce, Industry and Tourism (MOCIT). This grants Government of Colombia authorization to the company to import any and all agricultural products.

The importer purchases an import registration form at the Ministry of Commerce, Industry and Tourism (cost 30,000 pesos or about \$12.50).

The importer presents to ICA his completed import license form and is issued a sanitary permit (cost 38,000 pesos or about \$15.85). This process normally takes about 48 hours.

The importer presents the completed import license form and the ICA sanitary permit to the Ministry of Commerce, Industry and Tourism. The Ministry of Commerce, Industry and Tourism will then issue an import license approval. This process normally takes 48 hours.

An ICA official will inspect the imported produce upon arrival in Colombia. The ICA official ensures that the product meets the wholesomeness conditions and is free of disease/pest, has been inspected by USDA prior to its shipment, and is accompanied by a USDA export certificate.

Note: Fresh produce products are assessed a 15 percent import duty. No labeling requirements are specified by the GOC for fresh produce imports.

Processed Fruit and Vegetables (HS: 20).

The Colombian importer must register his company with the Ministry of Commerce, Industry and Tourism. This grants Government of Colombia authorization to the company to import all agricultural products.

The product must be registered with INVIMA, the National Institute for the Surveillance of Drugs and Food. Either the exporter or the importer can do this registration. INVIMA

registration requires: (a) a written document from the manufacturer stating that they manufacture the listed products, and (b) a certificate of free sale stating that the products are approved for human consumption in the United States. This certificate needs to be issued by a U.S. Government (state, local or federal) health authority.

Since Colombia implemented the Hague Convention of October 5, 1961 by Law 455 of August 4, 1998, facilitating import documentation, the above listed documents must carry an "apostille" stamp. The "apostille" stamp fee amounts to \$20 each and it is produced by different authorities in each State, i.e. a Notary or a State Secretary. This procedure replaced the notarization by the Colombian Embassy or a Consulate in the United States and by the Ministry of Foreign Affairs in Bogota. A translator approved by the Ministry of Foreign Affairs must translate these documents into Spanish. A sample label also may be submitted. An INVIMA registration fee must be paid. This fee includes an analysis of the product. Product does not need to be analyzed before registration approval is given. Costs depend on the item, but ranges from \$584 for ready to be consumed food products to \$1,224 for enriched food items per product. After all the required documentation is submitted, product registration by INVIMA takes about three working days. Internet can be used for product registration.

INVIMA registration is valid only for the applicant (exporter or importer) and the manufacturer specified in it. Whenever the U.S. exporter wants to change its Colombian importer, there are two possibilities:

(a) If the U.S. exporter is the applicant for INVIMA registration, he must submit an application for modification to INVIMA (cost 95,200 pesos or about \$36.67).

(b) If the Colombian importer is the applicant, the U.S. exporter must initiate a new registration process, specifying his new importer(s). Afterwards, he may change his importer(s) whenever he deems it advisable. The U.S. exporter must apply through his legal representative in Colombia or an attorney.

The importer purchases an import license form at the Ministry of Commerce, Industry and Tourism (cost 30,000 pesos or about \$12.50).

The importer presents the completed MOCIT form to INVIMA for clearance. This process normally takes about 48 hours.

The importer presents the completed MOCIT form and INVIMA clearance to ICA (cost 38,000 pesos or about \$15.83). ICA then issues a sanitary permit. This process normally takes about 48 hours.

The importer presents the completed MOCIT form, INVIMA clearance and ICA sanitary permit to the Ministry of Commerce, Industry and Tourism. The Ministry of Commerce, Industry and Tourism will then issue an import license approval. This process normally takes about 48 hours.

Note: Processed produce products are assessed a 20 percent import duty. The GOC, however, does not classify frozen vegetables as a processed food and, therefore, no country of origin labeling is required. Frozen vegetables are assessed a 20 percent import duty.

Wine (HS: 22.04)

The Colombian importer must register his company with the Ministry of Commerce, Industry and Tourism. This grants Government of Colombia authorization to the company to import all agricultural products, including wines.

The product must be registered with INVIMA, the National Institute for the Surveillance of Drugs and Food. Either the exporter or the importer can do this registration. INVIMA registration requires: (a) a written document from the manufacturer stating that they manufacture the listed products, (b) a certificate of free sale stating that the products are approved for human consumption in the United States, (c) a product analysis certificate, (d) manufacturer authorization for selling the product in the country by the importer included, and (e) three copies of the product label. Certificates need to be issued by a U.S. Government (local, state or federal) health authority. Although not required, INVIMA registration is facilitated if a description of the manufacturing process and list of the ingredients, including any additives, preservatives and colorings are submitted.

Since Colombia implemented the Hague Convention of October 5, 1961 with Law 455 of August 4, 1998, facilitating import documentation, the above listed documents must carry an "apostille" stamp. The "apostille" stamp fee amounts to \$20 each and it is produced by different authorities in each State, i.e. a Notary or a State Secretary. This procedure replaced the notarization by the Colombian Embassy or a Consulate in the United States and by the Ministry of Foreign Affairs in Bogota. These documents must be translated into Spanish by a translator approved by the Ministry of Foreign Affairs. A sample label also may be submitted. An INVIMA registration fee of about \$754 must be paid. The registration number can cover a type of wines for different presentations as long as they are produced by the same winery and under the same technical process, i.e. burgundy wines in bottles (750 cubic centimeters) or half bottles. After all the required documentation is submitted, product registration by INVIMA takes about three working days although some wine importers complain that it takes longer.

INVIMA registration is valid only for the applicant (exporter or importer) and the manufacturer specified in it. Whenever the U.S. exporter wants to change its Colombian importer, there are two possibilities:

(a) If the U.S. exporter is the applicant for INVIMA registration, he must submit an application for modification to INVIMA (cost 95,200 pesos or about \$39.67).

(b) If the Colombian importer is the applicant, the U.S. exporter must initiate a new registration process, specifying his new importer(s). Afterwards, he may change his importer(s) whenever he deems it advisable. The U.S. exporter must apply through his legal representative in Colombia or an attorney.

The importer purchases an import license form at the Ministry of Commerce, Industry and Tourism (cost 30,000 pesos or about \$12.50).

The importer presents the completed MOCIT form to INVIMA for clearance. This process normally takes about 48 hours.

The importer presents the completed MOCIT import registration form and INVIMA clearance to the Ministry of Commerce, Industry and Tourism. The Ministry of Commerce, Industry and Tourism will then issue an import registration approval. This process normally takes about 48 hours.

Wine must be labeled. Labels must be in Spanish and contain the product name, name and address of importer, place of production, percentage of alcohol, net contents and a statement indicating that excessive consumption of alcohol is harmful to the health. The warning should occupy at least 10 percent of total label. All of this information must be printed on the label prepared by the wine producer/exporter. Imported bottled wine is permitted in containers not exceeding two liters.

Note: Wines are normally assessed a 20 percent import duty. Wines imported from Andean Community countries and Chile enter duty free. Importers report that the wine registration process can be longer than for other products.

APPENDIX I. GOVERNMENT REGULATORY AGENCY CONTACTS

Oscar Franco-Charry, Director General
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APPENDIX II. OTHER CONTACTS

Office of Agricultural Affairs
U.S. Embassy – Bogota
Unit 5119
APO AA 34038
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Fax: (57-1) 315-2181
E-mail: agbogota@fas.usda.gov