Germany

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report 2016

Report Highlights:
Germany is a member of the European Union (EU) and generally follows EU directives and regulations, including those relating to the importation of food products. This report provides an overview of food laws in force in Germany that cover areas which are not yet harmonized. Food laws currently in force in the EU-28 are summarized in the EU 28 FAIRS report.
Disclaimer
This report was prepared by the USDA/Foreign Agricultural Service in Berlin, Germany, 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.

Germany as a member of the European Union (EU) follows all EU directives, regulations, and obligations. This report focuses on food laws in force in Germany that cover areas which are not yet EU-harmonized. EU Regulations are explained in the Food and Agricultural Import Regulations and Standards (FAIRS) report E14065 produced by the U.S. Mission to the EU in Brussels, Belgium, and linked throughout this report as EU 28 FAIRS Report.
Section I. Food Laws:
In Germany, the Food, Commodities, and Feed Code (Lebensmittel-, Bedarfsgegenstände- und Futtermittelgesetzbuch or LFBG) contains most German food and feed laws. These laws are based on, and generally fully harmonized with, EU regulations and directives. The LFGB states the goals of the German food law and provides definitions, procedural rules and product-specific rules. It defines general food safety and health protection rules, addresses labeling requirements, regulates inspection, detention, and seizure rules for suspect food. These rules apply to domestic and imported food products alike.

Liability for the legal and proper marketing of any imported products into Germany lies solely with the product’s German importer. German law enforcement agencies hold the importer responsible for any violations of the Food Law because practically they cannot take action against foreign producers, including those in other EU countries.

The authority for enforcement rests with the federal states (German Länder). This implies that on occasion, a minor infraction to the food law may be tolerated in one state but not in another. However, major violations are prosecuted in all federal states. Domestic and foreign goods are checked through random sampling by government laboratories at the point of sale, at any other point in the trade chain, or at the processing location. German government laboratories, in addition to looking for prohibited ingredients and improper labeling, evaluate products generally, assessing the credibility of the company’s trade practices and whether the product as presented will fulfill consumer expectations. An administrative food safety rule requires German authorities to take five samples per thousand inhabitants annually. Samples may be taken at any part of the food production and trade chain. If a product is determined to create a risk to public health in violation of the Food Law (regardless of whether the product is domestic or foreign), the risk will be reported to the press, which will announce the brand name of the product, its importer, and often its producer.

The agency responsible for monitoring compliance with German food regulations is the Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL). It is under the supervision of the Federal Ministry of Food and Agriculture (BMEL).

Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL)
(Federal Office of Consumer Protection and Food Safety)
Bundesallee 50
38116 Braunschweig
Tel.: +49 531 21497 0
Fax: +49 531 21497 299
E-mail: poststelle@bvl.bund.de
Website: www.bvl.bund.de

The BVL was established as an independent administrative agency and is also responsible for risk management. The BVL, inter alia, exercises authority over substances and products that harbor potential risks and that are directly or indirectly related to food safety (such as plant protection products and veterinary drugs).
The BVL formulates general administrative rules to implement laws in the fields of consumer health protection and food safety, as well as in the preparation and monitoring of surveillance schemes and plans by the Länder. In addition, the BVL coordinates inspections to be carried out by the European Food and Veterinary Office (FVO), and is responsible for implementing the European rapid alert system for consumer health protection and food safety issues in Germany.

The national reference laboratory for the detection of residues and the Community reference laboratory for the detection of residues are also part of the BVL.

Please note: The following products sourced in the United States and imported into the EU must originate from an EU-approved U.S. establishment: red meat, meat products, farmed and wild game meat, ratites, milk and milk products, seafood, bovine embryos and semen, porcine and equine semen, gelatin, and animal casings.

Section II. Labeling Requirements:
A. General Requirements
Germany applies EU-harmonized legislation for:
- General Labeling Requirements
- Nutritional Value Labeling
- Product-Specific Labeling (but for products not yet regulated by the EU, German regulations in the LFGB apply)
- GMO and Novel Foods Labeling
- Health Claims on food packaging and in advertisements
- Organic Food Labeling
- Enriched Foods
- Food Additives and Dietary Supplements
- Country of Origin Labeling for Beef, Seafood, Swine, Lamb, and Poultry

As of December 13, 2014 the EU’s “Food Information to Consumers (FIC)” regulation 1169/2011 mandates the declaration of certain product information for all pre-packaged food and drinks marketed in the EU. For detailed information on the EU-harmonized labeling legislation, please consult the EU 28 FAIRS Report, as well as the USEU website www.usda-eu.org/trade-with-the-eu/eu-import-rules/. Detailed information on key changes to the EU’s new food labeling requirements is also available in GAIN report “New EU Food Labeling Rules Published”, supplemented by GAIN report “How to Comply with the EU’s New Food Labeling Rules.”

All foods marketed in Germany must be labeled in German. Multi-language labels are allowed. Labeling may also include illustrations. Moreover, the EU’s FIC regulation requires the quantity of an ingredient to be declared on the label when necessary to prevent consumer misinformation (known as the quantitative ingredients declaration, or QUID). Since many other requirements are applicable, U.S. food manufacturers and exporters should contact their potential German importer before making changes in labels on products labeled for distribution in Germany.

Some importers may agree to affix computer generated, adhesive labels in Germany for smaller quantities during a test-marketing phase.
GMO-free labeling
Since July 2008 it has been permissible to label foods as not derived from biotech plants. The label “without biotech” is voluntary, and the German government and NGOs hope that the food industry develops a new third product market aside from conventional and organic foods where the consumer can choose between biotech-free and biotech food products. In order to better identify products labeled “without biotech,” the BMELV (now BMEL) launched a new logo which can be used cost-free by food companies. The administration of this program is largely entrusted to the “Verband Lebensmittel ohne Gentechnik e.V.” (non-Biotech Foods Association). For more information on the treatment of biotech foods in Germany, please see our report: Germany - Agricultural Biotechnology Annual.

Allergen labeling
EU regulation 1169/2011 significantly changes the formatting requirements for allergen labeling, effective December 13, 2014. U.S. food producers should particularly note that it is now prohibited to use the statement “Contains [allergen]”, as allergens must be indicated by clearly distinguished typeface in the ingredients list. All alcoholic beverage labels must also indicate allergens. For detailed information, exporters should consult the guidance documents listed above and speak with their potential German importer.

B. Health / Medical Claims
Health Claims
All medical claims or images that attribute the prevention, cure, or treatment of human diseases to a food product are prohibited under the German/EU labeling directive unless explicitly authorized by the European Food Safety Agency (EFSA). The EU’s online “Register of Nutrition and Health Claims” lists the authorized health claims as well as some of the more rejected claims and the reasons for their non-authorization. An exception to the prohibition applies to dietetic foods (see below). For more information please refer to the EU 28 FAIRS Report as well as the USEU website http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/nutrition-health-claims/

Dietetic Foods Ordinance
The German Dietetic Food Ordinance (Verordnung über diätetische Lebensmittel, DiätV) defines the properties foods must have in order for the manufacturer to label them as dietetic. Foods and beverages labeled as dietetic must differ substantially from other regular foods. A simple listing of the nutrient content, bread units, and/or caloric value on the label is not sufficient to allow the use of the term “dietetic.” Health-related statements are strictly limited. Examples for such statements are:
Diätetisches Lebensmittel geeignet zur Behandlung von ...
(Dietetic food suited to treat ...);
Diätetisches Lebensmittel geeignet zur Behandlung von ... nur unter ständiger ärztlicher Kontrolle verwenden
(Dietetic food suitable for treatment of ... only use if under continuous medical supervision) zur besonderen Ernährung bei ... im Rahmen eines Diätplanes
(special diet for ... as part of a diet plan).

It is strongly recommended that U.S. exporters consult a German food laboratory before making any dietary claims for products to be marketed in Germany.

Nutritional Value Labeling
After December 13, 2016, nutritional value labeling will be necessary for all pre-packaged food and drink products marketed in the EU to comply with the EU “Food Information to Consumers (FIC)” regulation 1169/2011. Nutrition labeling is currently not mandatory in Germany unless a nutrition claim is made on the label or in advertisements. However, if nutritional labeling is voluntarily provided, it must comply with the new EU labeling requirements. For details please refer to the EU 28 FAIRS Report.

Section III. Packaging and Container Regulations:
Germany applies EU-harmonized legislation to packaging and containers. For detailed information on the EU’s harmonized legislation on packaging and container regulations, please consult the EU 28 FAIRS Report. However, Germany applies additional requirements regarding packaging waste and recycling of packaging material.

Packaging Waste Recycling - Green Dot System
The German Packaging and Waste Avoidance Law (Verordnung über die Vermeidung und Verwertung von Verpackungsabfällen, or VerpackV) requires producers, importers, and distributors of consumer products, including food stuffs, to enter into a contract for recycling of packaging material with one of the licensed national recycling companies. Traditionally, the German industry has been using the “Green Dot” symbol to assure that packaging material will be recycled in a controlled system. The Green Dot is found on the packaging material of virtually all products retailed in Germany. Since January 1, 2009, the recycling law no longer requires the Green Dot be printed on product packaging to prove that the material will be recycled in a proper manner. However, if the manufacturer or the importer chooses to continue using the Green Dot symbol, it must have a valid licensing contract with the Duales System Deutschland GmbH (DSD) or another of the registered recycling businesses below.

For further information on the Green Dot packaging material disposal and recycling program, contact your potential German importer and/or one of the following companies, which are registered as Green Dot recycling enterprises:

Der Grüne Punkt – Duales System Deutschland GmbH, Köln - www.gruener-punkt.de
BellandVision GmbH, Pegnitz - www.bellandvision.de
EKO-PUNKT GmbH, Mönchengladbach - www.eko-punkt.de
interseroh Dienstleistungs-GmbH, Köln - www.interseroh.de
Landbell AG, Mainz - www.landbell.de
Reclay VFW GmbH & Co. KG, Köln – www.reclay-group.com
Veolia UmweltService GmbH, Hamburg - www.veolia-umweltservice.de
Zentek GmbH & Co. KG, Köln - www.zentek.de

Mandatory Deposit System for One-way Beverage Packages
Since May 2006, one-way beverage packages with a content volume of 0.1 to 3.0 liter there are subject to the German mandatory deposit system. The deposit (Pfand) is collected at the retail level. The requirement applies to domestically produced or bottled products as well as to imported beverages.

Excluded from the deposit system are containers holding the following:
  • fruit and vegetable juices and nectars;
• milk and milk mix beverages containing minimum 50 percent milk;
• dietetic drinks, except for special sports beverages;
• spirits and wine including mix drinks containing minimum 50 percent wine; and
• multi-layer carton packages (since they are regarded to be the least environmentally disturbing).

The deposit symbol must appear on the product label. Detailed information about the deposit system is available through:

DPG Deutsche Pfandsystem GmbH
Luisenstr. 46
10117 Berlin, Germany
Tel.: +49 30 800 974 0
Fax: +49 30 800 974 111
Website: www.dpg-pfandsystem.de/index.php/en/
E-mail: info@dpg-pfandsystem.de

Section IV. Food Additives Regulations:
Germany applies EU-harmonized legislation regarding food additives, including a positive list of allowed substances. For detailed information on the EU-harmonized legislation on food additive regulations, please consult the EU 28 FAIRS Report as well as the USEU website, http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/food-additives/.

Section V. Pesticides and Other Contaminants:
Tolerance levels for pesticide residues were harmonized within the EU in 2008. An EU database on pesticide maximum residue levels (MRLs) is available at http://ec.europa.eu/food/plant/protection/pesticides/database_pesticide_en.htm.

For detailed information on EU-harmonized legislation on pesticide and contaminant regulations, please consult the EU 28 FAIRS Report as well as the USEU website http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/pesticides/.

For application of an import tolerance for a not yet regulated substance in Germany contact:

Federal Ministry of Food and Agriculture (BMEL)
Referat 313 - Rückstände u. Kontaminanten in Lebensmitteln
Rochusstr. 1
53123 Bonn, Germany
Tel.: +49 228 529 3677
Fax: +49 228 529 4262
E-Mail: poststelle@bmel.bund.de
Website: www.bmel.de

The responsible agency for scientific evaluation of pesticide residues in Germany is:

Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL)
Private Industry Standards for Pesticide Tolerance Levels

As a marketing tool, some retail chains in Germany require their suppliers to exceed the EU regulations and adhere to stricter maximum residue levels of 30, 50, or 70% of the respective EU-mandated MRL. Reports indicate that suppliers violating the new contract standard are at risk of being removed from the approved supplier list of the particular retail chain.

Section VI. Other Regulations and Requirements:
The German Government applies EU-harmonized legislation for other related regulations and requirements including product inspection, registration and certification.

For detailed information on certification, please consult the following websites:


Section VII. Other Specific Standards:

For detailed information on the EU-harmonized legislation on other specific standards, please consult the EU 28 FAIRS Report. Detailed information may also be obtained at the following links:

A. GMOs  
B. Novel Foods  
C. Fortified Foods  
D. Dietetic or Special Use Foods  
E. Organic Foods  
F. Pet Food  

Genetically-Engineered Food and Feeds

The relevant authority for the approval of new biotech events and for monitoring the trade of products derived from biotechnology is the Federal Ministry of Food and Agriculture (BMEL). For more information specific to Germany, please see our report: [Germany - Agricultural Biotechnology Annual](http://www.usda.eu.org/)

Functional Foods and Food Supplements

In Germany, the marketing challenge of functional foods in many cases is its definition and distinction from pharmaceutical products, which require special and specific product approval. A German Federal Court ruling determined that products may only be classified as foods if a pharmaceutical effect is not
evident to the consumer and consumers do not expect pharmaceutical effects if they consume the product according to the producers dosage advice. German consumers increasingly associate the improvement of physical fitness and muscle-building with functional food and/or food supplements. German health authorities carefully monitor this to prevent abuse of these products.

Private Certification for Fruits, Vegetables and Nuts
The number of food scandals that have occurred in Europe in recent years involving various commodities - including fresh produce - has prompted the food industry to come up with various programs to ensure the safety of the traded fresh food. While these programs are voluntary, the majority of retail chains in Germany require certification of good agricultural practice. The two most common private certification programs in Germany are GlobalGap (formerly EurepGap) and Q+S. While Q+S is a three-tier system that involves everyone who handles the produce from producers, to wholesalers, and the retail chains, GlobalGap mainly focuses on the producer level and is often supplemented by the IFS (International Food Standard) on the wholesalers level. A major component of both systems is the extensive documentation requirement for all stages of the production process. Both systems/standards are open to international producers provided that they comply with the system and obtain a certification. Also, a simultaneous certification for Q+S and GlobalGap is possible at the producer level. For more information please visit:
www.globalgap.org
www.q-s.de/home_gb.html

Almonds must be accompanied by a Voluntary Aflatoxin Sampling Program – VASP certificate issued by laboratories approved for the VASP program. Peanuts must be tested and certified prior to export based on the EU Pre-Export Certification Program in order to benefit from reduced aflatoxin controls at import.

Organic Foods
The responsible German authority for organic import rules is:
Bundesanztalt für Landwirtschaft und Ernährung (BLE)
Deichmannsaue 29
53179 Bonn, Germany
Tel.: +49 228 6845 3332
Fax: +49 228 6845 3787
Website: www.ble.de
Contact: Beate Scheer
Mail: beate.scheer@ble.de

Country of Origin Labeling (COOL)
Beef
In the EU, a compulsory beef labeling scheme has been in place since 2000. Under this scheme, labels for all bovine meat must indicate the following sets of information. The label must include the following information and German terms to be used are:

- "geboren in: [name of third country]" - born in
- "gemästet in: [name of third country or third countries]" - reared in
- For beef derived from animals born, raised and slaughtered in the same third country, the above
indications may be combined as "Ursprung: [name of third country]" - origin
- A reference number ensuring the link between the meat and the animal or animals
- "geschlachtet in: [third country / approval number of slaughterhouse]"
- "zerlegt in: [third country / approval number of cutting plant]"
- A traceability code linking the meat to the animal or a group of animals representing the production of maximum one day.

Furthermore, EU Regulation 653/2014 as well as the Regulation 1169/2011 (FIC) changed the requirements for voluntary beef labeling. Both regulations went into effect in 2014. Any potentially affected beef exporter should consult their potential importer for more detailed information.

In addition to the compulsory beef labeling program, the German food industry initiated a ‘Quality and Safety’ program (QS) to assure the consumer that the production of such labeled products is fully controlled and recorded based on legal requirements and additional industry-determined production process criteria. The quality and safety program is certified by an approved certification organization. The objective of the QS system is to render foodstuff production processes transparent to consumers from the field and stable to the sales counter, thus increasing consumer confidence in the production, processing, and marketing of foodstuffs. The system is open for domestic and imported products.

QS Qualität und Sicherheit GmbH
Schedestr. 1-3
53113 Bonn
Phone +49 228 35068-0
Fax +49 228 35068-10
Contact: info@qs.de
Website: www.qs.de/home_gb.html

Seafood
EU laws require that on retail level fishery products have to be labeled with origin indication and production method. The German terms are:
"gefangen in [...]" (caught in [catch region]), or
"aus Binnenfischerei in [...]" (caught in freshwater in [country]), or
"aus Aquakultur in [...]" (farmed in [country]), or
"gezüchtet in [...]" (cultivated in [country]).

Pork, Sheep, Goats and Poultry
As of April 1, 2015, country of origin labeling is required for fresh, chilled, and frozen meat of swine, sheep, goats and poultry in accordance with Commission Implementing Regulation 1337/2013. In general the label must indicate where the animal was reared and slaughtered. For more information, see the EU 28 FAIRS Report.

Section VIII. Copyright and/or Trademark Laws:
In Germany, the legal basis for trademarks is the Markengesetz (trademark law) and the Markenverordnung (trademark ordinance). Trademarks are granted for a duration of 10 years. Applications should be directed to the German Patent and Trademark Office:

Deutsches Patent- und Markenamt
Companies which also export to other EU member states may want to consider obtaining a European Community Trademark. For detailed information please consult the EU 28 FAIRS Report. Germany is also a Member of the World Intellectual Property Organization (WIPO/OMPI) and to the Madrid Agreement on International Registration of Trademarks.

Section IX. Import Procedures:

Sample shipments of food products containing meat, poultry or cheese from plants that are not approved for export to the EU require a derogation (special import permit) from the (state) veterinary authority at the first port of entry into the European Union. For shipments to Germany, this is often Frankfurt Airport. Frankfurt Airport is located in the State of Hesse, thus, the veterinary office in the Hessian capital Wiesbaden is responsible for issuing the import permit.

Hessisches Ministerium für Umwelt, ländlichen Raum und Verbraucherschutz
(Ministry of Environment, Rural Regions and Consumer Protection of the State of Hesse)
Mainzer Strasse 80
65189 Wiesbaden, Germany
Tel.: +49 611 815 1465
Fax: +49 611 44789 770
E-Mail: veteinfuhr@hmuelv.hessen.de

The request for derogation can be made informally by letter, fax, or email stating the quantity, origin, and composition (e.g. raw or cooked meat) of the product as well as the intended purpose (machinery testing, trade show display, product competition, etc.) and place of destination. Based on this information the veterinary office will issue an import permit that specifies the veterinary certificates required in that particular case.

The import permit is in German and the veterinary office charges a small fee. Because of language, time difference, and distance (the permit will be sent by commercial mail), it is recommended that the German recipient of the product handle the application for the import permit, wherever feasible. If the point of entry is different from Frankfurt, please contact AgBerlin for information on the applicable veterinary office.

Appendix I. Government Regulatory Agency Contacts:

A. List of Major Regulatory Agencies
Bundesministerium für Ernährung und Landwirtschaft, BMEL
(Federal Ministry of Food and Agriculture)
Rochusstr. 1
53123 Bonn, Germany
The biotech division and the novel foods/feeds division of BVL are responsible for registration and approval of biotech products and novel foods.

**B. World Trade Organization (WTO) Inquiry Post**

Each EU member government is responsible for the notification procedures associated with the agreement under the World Trade Organization (WTO). Examples here relate to the Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) Agreements. WTO obligations include notifying any trade significant proposals which are not substantially the same as international standards, providing copies of the proposed regulation upon request, and allowing time for comments. The German Federal Ministry of Economics and Technology (BMWi) has mandated the German Institute for Standardization (DIN) to set up and run the German »National Enquiry Point« according to the WTO Agreement on Technical Barriers to Trade (TBT).

**DIN Deutsches Institut für Normung e.V.**

Burggrafenstr. 4-10
10772 Berlin, Germany
Tel: +49 30 - 260 12600
Fax: +49 30 - 260 11260
E-mail: presse@din.de
Website: www.din.de

DIN also provides information on all technical rules (including standard, technical regulations and certification systems) valid in the Federal Republic of Germany, irrespective of whether the technical rules have been issued by federal or local authorities or by non-governmental bodies.

**Appendix II. Other Import Specialist Contacts:**

List of German Food Laboratories

Analytec Labor für Lebensmitteluntersuchung
Laufener Str. 83
83395 Freilassing, Germany
Tel: +49-8654-62322 (German line)
E-mail: office@analytec.de
Website: www.analytec.de
Arotop Food & Environment GmbH
Dekan-Laist-Str. 9
55129 Mainz, Germany
Tel: +49-6131 – 583800
Fax: +49-6131 – 5838080
E-mail: arotop@arotop.de
Website: www.arotop.de

Eurofins Analytik GmbH
Wiertz-Eggert-Joerissen
Neuländer Kamp 1
21079 Hamburg, Germany
Tel: +49-40- 492 940
Fax: +49-40- 492 94 111
E-mail: info@eurofins.de
Website: www.eurofins.de/

SGS Institut Fresenius GmbH
Im Maisel 14
65232 Taunusstein, Germany
Tel: +49-6128 - 744-0
Fax: +49-6128 - 744-9890
E-mail: info@institut-fresenius.de
Website: www.institut-fresenius.de

Dr. Wessling Gruppe
Oststrasse 6
48341 Altenberge, Germany
Tel. +49 (0)2505 89-0
Fax +49 (0)2505 89-538
E-mail: info@wessling.de
Website: de.wessling-group.com/en/