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## Germany

### Food and Agricultural Import Regulations and Standards - Narrative

### FAIRS Country Report 2017

**Approved By:**

Emily Scott

**Prepared By:**

Leif Erik Rehder/Kseniya Bielinska/

**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](#).

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## **Section I. Food Laws:**

In Germany, the Food, Commodities, and Feed Code (*Lebensmittel-, Bedarfsgegenstände- und Futtermittelgesetzbuch or LFGB*) 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 enforcement authority 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 to assess the credibility of the company's trade practices and whether the products 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](mailto:poststelle@bvl.bund.de)  
Website: [www.bvl.bund.de](http://www.bvl.bund.de)

The BVL was established as an independent administrative agency and is responsible for risk management. The BVL 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:**

### 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/](http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/). The mandatory nutrition declaration requirement introduced by the new FIC regulation became applicable on December 13, 2016.

Detailed information on food labeling requirements set out in the FIC regulation is 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." These reports as well as updates on EU labeling rules can be found on FAS USEU's website at <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/>

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 is 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 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.

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/allergen-labeling/>

FIC regulation 1169/2011 introduced important changes for allergen labeling. Article 21 of the FIC regulation stipulates that each product or substance capable of inducing an allergic reaction must be indicated in the list of ingredients with reference to the name of the substance or product as listed in Annex II to the FIC regulation. The name of the substance or product must be highlighted through a typeset that clearly distinguishes it from the other ingredients, for example in bold or with a background color.

Example: “tofu” (**soya**) – “whey” (**milk**)

Where an ingredients list is provided, the voluntary use of warning boxes or statements such as “contains X” to repeat the presence of the allergenic ingredients is no longer allowed.

On products that do not require an ingredients list, such as for example wine, the presence of allergens must be indicated using the word “contains” followed by the name of the substance or product as listed in Annex II to the FIC regulation. Allergen labeling is mandatory on all alcoholic beverages and must respect the minimum font size requirement. Member States may decide in which language(s) allergens should be indicated on the label.

In November 2014, the European Commission launched a public consultation on a Guidance Document on Allergen Labeling. The consultation closed on January 4, 2015. For more information please consult DG SANTE’s website: [http://ec.europa.eu/dgs/health\\_food-safety/dgs\\_consultations/food/consult\\_20150104\\_allergy-intolerance\\_en.htm](http://ec.europa.eu/dgs/health_food-safety/dgs_consultations/food/consult_20150104_allergy-intolerance_en.htm).

## Health / Medical 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/>

Trademarks and brand names that suggest health and/or nutritional benefits but do not comply with the new rules must be entirely removed from the EU market by January 19, 2022.

**Health Claims are only allowed if the importance of a balanced diet and healthy lifestyle is also stated on the label**

## 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

Under FIC regulation 1169/2011, the nutrition declaration becomes mandatory on December 13, 2016. Annex V to the FIC regulation lists foodstuffs which are exempted from the mandatory nutrition declaration requirement. The nutrition declaration must be presented, if space permits, in tabular format with the numbers aligned and where space does not permit, in linear format. All elements of the mandatory nutrition declaration should be in the same field of vision on the food label or package.

Mandatory content of the nutrition declaration:

- Energy value: expressed in kilojoules (kJ) and kilocalories (kcal)
- **In this particular order:** amounts of fat, saturates, carbohydrate, sugars, protein and salt, expressed in grams (g), milligrams (mg) or micrograms (µg) per 100 grams or per 100 milliliters

Nutrition declarations per portion or per consumption unit, in addition to the declaration per 100 grams

or milliliters are allowed provided that the number of portions/consumption units is clearly indicated on the package. The salt content must be expressed as “salt” not “sodium” but where appropriate, a statement indicating that the salt content is exclusively due to the presence of naturally occurring sodium may appear in close proximity to the nutrition declaration.

The following elements may, on a voluntary basis, be repeated on the front label:

- Energy value
- Energy value together with the amounts of fat, saturates, sugars and salt

The content of the mandatory nutrition declaration may be supplemented with the indication of the amounts of one or more of the following:

- Monounsaturates
- Polyunsaturates
- Polyols
- Starch
- Fiber
- Vitamins and minerals listed in Part A of Annex III to the FIC regulation (incl. percentage of reference intakes)

Detailed rules on the presentation of the nutrition declaration are set out in Annex XV to the FIC regulation.

Annex V to the FIC regulation establishes a list of products that are exempted from the mandatory nutrition declaration requirement.

The EU’s Food & Drink Industry Federation “FoodDrinkEurope” has launched a website explaining “reference intakes” to food business operators and consumers: <http://referenceintakes.eu/reference-templates.html>. For detailed information on the nutrition panel see the guidance documents listed in “General Requirements” (Chapter A).

Article 35 of the FIC regulation allows voluntary national labeling schemes, such as for example the U.K. traffic light labeling scheme, to provide nutrition information to consumers. The FIC regulation requires the Commission to prepare a report by December 13, 2017, on experience gained with the national schemes and their impact on the internal market. The Commission may accompany this report with proposals to modify the current rules.

For details please refer to the [EU 28 FAIRS Report](#) or <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/nutritional-labeling/>

### **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](http://www.gruener-punkt.de)

BellandVision GmbH, Pegnitz - [www.bellandvision.de](http://www.bellandvision.de)

EKO-PUNKT GmbH, Mönchengladbach - [www.eko-punkt.de](http://www.eko-punkt.de)

INTERSEROH Dienstleistungs-GmbH, Köln - [www.interseroh.de](http://www.interseroh.de)

Landbell AG, Mainz - [www.landbell.de](http://www.landbell.de)

Reclay VFW GmbH & Co. KG, Köln – [www.reclay-group.com](http://www.reclay-group.com)

Veolia Umweltservice GmbH, Hamburg - [www.veolia-umweltservice.de](http://www.veolia-umweltservice.de)

Zentek GmbH & Co. KG, Köln - [www.zentek.de](http://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 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/](http://www.dpg-pfandsystem.de/index.php/en/)  
E-mail: [info@dpg-pfandsystem.de](mailto: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](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](mailto:poststelle@bmel.bund.de)  
Website: [www.bmel.de](http://www.bmel.de)

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

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](mailto:poststelle@bvl.bund.de)  
Website: [www.bvl.bund.de](http://www.bvl.bund.de)

#### **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:**

In line with EU regulations, in Germany product registration is only required for novel foods. An official agency that answers questions on the interpretation of Germany's extensive food law requirements for label registration, review, product clearance and approval, does not exist in Germany. In some instances, German inspection agencies at the point of entry may require the importer to arrange for further inspection of an imported product to satisfy the importer's legal duty to exercise due care and diligence. The importer may engage a private food laboratory to determine if the product is free of illegal substances and residues and labeled properly. German importers frequently use the assistance of officially certified commercial food labs. Fees for these services vary greatly, depending on the expertise and work required. (For a list of food laboratories see Appendix II.)

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:

- Certificates for Plant Products - [www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/plant-health-certification/](http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/plant-health-certification/)
- Certificates for Products covered by veterinary certification - [www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/products-exempt-from-veterinary-certification/](http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/products-exempt-from-veterinary-certification/)

The EU approves establishments to ship products of animal origin based on submissions from U.S. government agencies. Only products processed in approved establishments may enter the EU. Detailed information on approved U.S. establishments is available on our website at <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/>. Third country lists per sector and per country are published on the European Commission's website

[https://webgate.ec.europa.eu/sanco/traces/output/non\\_eu\\_listsPerCountry\\_en.htm](https://webgate.ec.europa.eu/sanco/traces/output/non_eu_listsPerCountry_en.htm)

For more information please look at: <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/approved-u-s-establishments/>

## **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:

- [GMOs](#)
- [Novel Foods](#)
- [Fortified Foods](#)
- [Dietetic or Special Use Foods](#)
- [Organic Foods](#)
- [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](#).

### *Genetically Modified Foods Labeling*

Labeling regulations for genetically modified (GM) food products are established by Regulation 1829/2003 (articles 12-13). These rules apply to products that have undergone varying degrees of processing. The regulation does not require labeling of food products that are not food ingredients, such as processing aids. Meat, milk or eggs obtained from animals fed with GM feed or treated with GM medicinal products do not require GM labeling. The traceability rules require all business operators to transmit and retain information on GM products in order to identify both the supplier and the buyer of the GM product.

Each individual genetically modified organism (GMO) must be approved before it can be used in food and feed. The EU register of authorized GMOs can be consulted on the European Commission's website at [http://ec.europa.eu/food/plant/gmo/eu\\_register/index\\_en.htm](http://ec.europa.eu/food/plant/gmo/eu_register/index_en.htm). All food products containing or consisting of GMOs, produced from GMOs or containing ingredients produced from GMOs must be labeled even if they no longer contain detectable traces of GMOs. The labeling requirement does not apply to foods containing GMOs in a proportion equal to or less than 0.9 percent of the food ingredients considered individually, provided their presence is adventitious or technically unavoidable. Above this level, all products must be labeled using the following wording:

- Where the food consists of more than one ingredient, the words “genetically modified” or “produced from genetically modified [name of ingredient]” must follow in brackets immediately after the ingredient concerned. A compound ingredient with a GM component should be labeled “contains [name of ingredient] produced from genetically modified [name of organism].”
- *Example: a biscuit containing soy flour derived from GM-soy must be labeled “contains soy flour from genetically modified soy.”*
- Where the ingredient is designated by the name of a category (e.g. vegetable oil), the words “contains genetically modified [name of organism]” or “contains [name of ingredient] produced from genetically modified [name of organism]” must be used.
- *Example: for vegetable oils containing rapeseed oil produced from genetically modified rapeseed, the reference “contains rapeseed oil from genetically modified rapeseed” must appear in the list of ingredients.*

The designations may appear in a footnote to the ingredients list, provided they are printed in a font at least the same size as that of the list of ingredients or, where there is no list of ingredients, clearly on the labeling.

- Where there is no list of ingredients, the words “genetically modified” or “produced from genetically modified [name of ingredient]” must appear clearly in the labeling.
- *Example 1: “a spirit containing caramel produced from genetically modified corn.”*
- *Example 2: “genetically modified sweet corn.”*

More information can be found here:

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/labeling-of-genetically-modified-products/>  
[http://ec.europa.eu/food/plant/gmo/traceability\\_labelling/index\\_en.htm](http://ec.europa.eu/food/plant/gmo/traceability_labelling/index_en.htm)

### *Non-GMO Food Labelling*

EU-harmonized legislation defining “non-GM,” “GM-free” or similar labeling terms does not (yet) exist. National provisions and operator-specific “GM-free” and similar labeling schemes have been developed in several Member States.

### 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.

In June 2016, the European Commission issued a report on food and beverages labeled specifically for sportspeople. The report concluded that sportspeople can hardly be characterized as a specific vulnerable group of consumers as sport has become a mainstream activity. The report identified three broad categories of sports food on the EU market: (1) sport drinks, (2) protein-based muscle strengthening, building and post exercise recovery products and (3) energy and performance boosting products. According to the Commission report, there is no need for specific provisions for food 35 intended for sportspeople as existing horizontal EU food rules already provide an adequate framework for these products in terms of food safety, food composition, consumer information and legal certainty. Before the adoption of regulation 609/2013, certain Member States required the notification of sports food as a food intended for particular nutritional uses while others did not. Whether a possible re-notification is needed will depend on the decision of the Member State. For more information see GAIN report “New EU Rules for Sports Food”.

On July 20, 2016, the EU’s new “foods for specific groups” regulation 609/2013 became applicable.

### Private Certification for Fruits, Vegetables and Nuts

Several food scandals in recent years involving various commodities - including fresh produce - have 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](http://www.globalgap.org)

[www.q-s.de/home\\_gb.html](http://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

Council Regulation 834/2007 is the EU's general framework regulation that sets out rules for organic production and labeling. Commission Regulation 889/2008 sets out detailed rules for the implementation of Regulation 834/2007. Commission Implementing Regulation 2016/1842 published on October 19, 2016, sets new rules for the certification of EU organic food imports. Starting October 19, 2017, the EU will require electronic certification through the EU's Trade Control and Expert System (TRACES).

The term "organic" and all its derivatives or diminutives such as "bio" and "eco" may be used only to label products that comply with EU organic production rules and if at least 95% of the ingredients of agricultural origin are organic. For products containing less than 95% organic ingredients, the term "organic" may be used only to indicate individual organic ingredients in the list of ingredients. When reference is made to the organic production method in the ingredients list, the total percentage of organic ingredients must be indicated. The Annex to Regulation 834/2007 lists the term "organic" in all the official EU languages.

For more information see the European Commission's website at [http://ec.europa.eu/agriculture/organic/index\\_en](http://ec.europa.eu/agriculture/organic/index_en)

On July 1, 2012, the use of the EU organic logo became mandatory on all pre-packaged organic products produced in the EU. Organic products imported from third countries may carry the EU organic logo if they comply with the EU production rules. When the EU organic logo appears on the label, the indication of the place of farming is required.

### *Organic Wine*

Commission Implementing Regulation 203/2012, applicable since August 1, 2012, sets out the conditions to label wine as organic. It allows the use of the term "organic wine" but NOT the term "wine made from organic grapes." Sorbic acid and desulfuration are not allowed and the level of sulfites must be at least 30-50 mg per liter lower than their conventional equivalent. As Regulation 203/2012 was only published in March 2012, a month after the U.S. and the EU signed the Equivalency Arrangement, organic wine was not included in the deal. Commission Implementing Regulation 508/2012, published in June 2012, includes U.S. organic wines in Annex III to Regulation 1235/2008 on import arrangements with third countries. Only U.S. organic wines certified to comply with the EU's organic wine making rules can be imported into the EU.

The responsible German authority for organic import rules is:

Bundesanstalt für Landwirtschaft und Ernährung (BLE)

Deichmannsauer 29

53179 Bonn, Germany

Tel.: +49 228 6845 3332

Fax: +49 228 6845 3787

Website: [www.ble.de](http://www.ble.de)

Contact: Beate Scheer

Mail: [beate.scheer@ble.de](mailto: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. Please follow link for more information: <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/beef-labeling/>

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@q-s.de](mailto:info@q-s.de)

Website: [www.q-s.de/home\\_gb.html](http://www.q-s.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]).

Detailed information on shipping seafood and fishery products to the EU is provided in the exporter guide "Exporting Seafood to the European Union – October 2016 Update" which can be downloaded from the Department of Commerce – NOAA Fisheries' website at <http://www.seafood.nmfs.noaa.gov/pdfs/howtoexportseafood2016.pdf>. Information on labeling can also be found in the European Commission's "Pocket Guide to the EU's new fish and aquaculture consumer labels", published in December 2014.

In May 2016, the Commission released a report on the feasibility of an EU eco-label scheme for fishery and aquaculture products.

#### *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 10 years. Applications should be directed to the German Patent and Trademark Office:

Deutsches Patent- und Markenamt  
Zweibrückenstr. 12  
80331 München  
Phone: +49 89 2195-0  
Fax: +49 89 2195-2221  
E-mail: [info@dpma.de](mailto:info@dpma.de)  
Website: <http://www.dpma.de/english/index.html>

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:**

##### Union Customs Code

The "Union Customs Code" (UCC) established in European Parliament and Council Regulation 952/2013 is the new framework regulation on rules and procedures for customs throughout the EU. Implementing provisions were published in Official Journal L 343 on December 29, 2015: Commission Delegated Regulation 2015/2466 and Commission Implementing Regulation 2015/2447 lay down detailed rules for the implementation of certain provision of the new UCC including Binding Tariff Information and origin of goods. The new UCC along with the implementing provisions became applicable on May 1, 2016, but further changes will be phased in up to December 31, 2020.

A complete overview of the EU's new UCC is available on the European Commission's DG for Taxation and Customs Union (TAXUD) website.

The Code lists all the customs procedures applicable to the trade in goods with third countries. Import duties are determined by the tariff classification of goods and by the customs value. With the implementation of the Code, the Member States of the European Union form a customs union which means that all the Member States apply the same tariff on goods imported from outside the EU. Once an imported good is cleared in one Member State, it can move freely throughout the EU. All traders involved in customs transactions have to provide EU customs authorities with security data on goods before they are imported into the EU. The type of security data requested varies according to the means of transport and can include a description of the goods, information on the consignor or exporter, the route of the goods and any potential hazards. The time limits for submitting advance security data also vary according to the means of transport. A guidance document on "Customs formalities on entry and import into the European Union" is available on DG Taxud's website.

#### Import Derogation for Product Samples

Sample shipments of food products containing meat, poultry or cheese from plants that are not approved for export to the EU require 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](mailto: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.

The EU uses the Combined Nomenclature (CN) for the customs classification of goods. The CN eight digit code numbers are based on the Harmonized System (HS) nomenclature: the first six digits refer to the HS headings; the two following digits represent the CN subheadings. The EU's on-line "Taric" customs database can be consulted to look up commodity codes and relevant import duties. Taric is a



multilingual database covering all measures relating to tariff and trade legislation. The EU's 2017 Tariff Schedule was published on October 28, 2016 in Official Journal L 294.

A list of Member State customs authorities can be found at [https://ec.europa.eu/taxation\\_customs/national-customs-websites\\_en](https://ec.europa.eu/taxation_customs/national-customs-websites_en).

A list of excise duties applicable on alcoholic beverages and tobacco can be found at [http://ec.europa.eu/taxation\\_customs/taxation/excise\\_duties/index\\_en.htm](http://ec.europa.eu/taxation_customs/taxation/excise_duties/index_en.htm).

**The EU's new Union Customs Code became applicable on May 1, 2016.**

## **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

Tel: +49-228 - 529-0

Fax: +49-228 - 529-4262

Website: [www.bmel.de](http://www.bmel.de)

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](mailto:poststelle@bvl.bund.de)

Website: [www.bvl.bund.de](http://www.bvl.bund.de)

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](mailto:presse@din.de)

Website: [www.din.de](http://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](mailto:office@analytec.de)

Website: [www.analytec.de](http://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](mailto:arotop@arotop.de)

Website: [www.arotop.de](http://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](mailto:info@eurofins.de)

Website: [www.eurofins.de/](http://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](mailto:info@institut-fresenius.de)

Website: [www.institut-fresenius.de](http://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](mailto:info@wessling.de)

Website: [de.wessling-group.com/en/](http://de.wessling-group.com/en/)