

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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## Portugal

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

### FAIRS Country Report

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**Report Highlights:**

This report is an update of PT1106 and outlines the applicable legislation regarding the export of U.S. food products to Portugal, particularly those rules that differ from EU legislation or regulations. This report should be read in conjunction with the [EU-27 Food and Agricultural Import Regulations and Standards Report](#).

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**DISCLAIMER:** This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Madrid, Spain 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 regarding 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 CUSTOMS CLEARANCE 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:

As a member of the European Union, the Government of Portugal applies EU regulations and legislation, where available, regarding the importation of food, feed, feed ingredients and beverages. Food laws of individual member states have mostly been fully harmonized into EU law. However, it is important to note that when EU-wide legislation is incomplete or absent, Portuguese laws apply and imported product must meet existing Portuguese requirements.

Until November 2011, the Ministry of Agriculture, Sea, Environment, and Land Planning (MAMAOT) controlled imports of live animals and animal products through the Directorate General of Veterinary (DGV) and of feed and plant products through the Directorate General for Agriculture and Rural Development (DGADR). On 3 November 2011 the Council of Ministers approved the new organic law of the Directorate General for Food and Veterinary (DGAV). This body - previously the Directorate General of Veterinary (DGV) - gained a new mandate in the field of food safety encompassing animal and plant health issues.

The enforcement of Food Safety laws is the responsibility of the Portuguese Food Safety and Economic Agency (ASAE) within the Ministry of Economy. Food intended for human consumption must meet the general food safety requirements of EU law.

Food and beverage products originating in the United States do not require any special Portuguese permits and are not subject to special rules or regulations regarding retail sale in Portugal. However, all products must comply with the generally applied rules and regulations required for any food and beverage product sold within the EU market. 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.

**Please note:** For the animal origin products for human consumption that are not harmonized at EU level, Portugal requires the exporting third country to supply a list of the establishments interested in exporting to Portugal. Moreover, Portugal requires that the country of origin confirms that these establishments comply with all the requirements concerning animal health and public health. The products that fall under this category are:

- Honey and honey products: Decision 2011/163/EC, Decision 2003/812/EC, model health certificate in [Regulation \(EC\) n. 2074/2005](#).
- Snails: Decision 2003/812/EC, Decision 2006/766/EC, model health certificate in [Regulation \(EC\) n. 2074/2005](#).
- Frog legs: Decision 2003/812/EC, Decision 2006/766/EC, model health certificate in [Regulation \(EC\) n. 2074/2005](#).
- Eggs and egg products: Decision 2011/163/EC, Regulation (EC) n. 798/2008. On this subject please see [GAIN Report](#) on eggs and egg products.
- Collagen: model health certificate in [Regulation \(EC\) n. 2074/2005](#).

## **Section II. Labeling Requirements:**

Portugal applies EU-harmonized legislation to:

- General Labeling Requirements
- Nutritional Labeling
- Product-Specific Labeling
- GMO and Novel Foods Labeling

The Government of Portugal permits multi-language labeling and stickers; however, one of the languages must be Portuguese. For detailed information on the EU-harmonized labeling legislation, please consult the [EU-27 FAIRS Report](#) as well as the [USEU website](#).

## **Section III. Packaging and Container Regulations:**

Portugal 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-27 FAIRS Report](#) as well as the [USEU website](#).

## **Section IV. Food Additives Regulations:**

Portugal applies EU-harmonized legislation regarding food additives. For detailed information on the EU-harmonized legislation on food additive regulations, please consult the [EU-27 FAIRS Report](#) as well as the [USEU website](#).

## **Section V. Pesticides and Other Contaminants:**

Portugal strictly adheres to EU-harmonized legislation on pesticides and contaminants; however, where the EU does not have a maximum residue level (MRL) for a given pesticide or specific contaminant, [Portuguese national limits](#) are applied. The complete list of MRLs, and commodity combinations allowed in the EU can be obtained from the [Commission's webpage](#). For detailed information on EU-harmonized legislation on pesticide and contaminant regulations, please consult the [EU-27 FAIRS Report](#) as well as the [USEU website](#).

## **Section VI. Other Regulations and Requirements:**

The Portuguese 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 [USEU website](#).

## **Section VII. Other Specific Standards:**

For detailed information on the EU-harmonized legislation on other specific standards, please consult the EU-27 FAIRS Report. Detailed information may also be obtained at the USEU website page for [EU import rules](#). This contains particular information for agricultural biotechnology, biofuels, organic production, food and feed additives, novel foods, and other market and product specific information.

## **Section VIII. Copyright and/or Trademark Laws:**

Portugal is signatory to the Paris Convention for the Protection of Industrial Property (WIPO), party to the Madrid Agreement on International Registration of Trademarks and Prevention of the Use of False Origins. Both the Trademark and the Intellectual Property Laws address protection of brand names and trademarks.

The regulations and standards covered under this section have been harmonized with the European Union requirements. For detailed information on EU-harmonized legislation on pesticide and contaminant regulations, please consult the EU-27 FAIRS Report. Also please refer to [Council Regulation 207/2009](#), which created a single, unitary trademark registration system for the entire European Community.

## **Protected Geographical Indications**

[Council Regulation 510/2006](#) lays down the rules on the protection of designation of origin and geographical indications for agricultural products intended for human consumption (except wine and spirit drinks which are covered by separate legislation). [Commission Regulation 1898/2006](#) established detailed rules for the implementation of Regulation 510/2006. Under these regulations, third country operators can submit registration applications directly to the Commission and can object directly to new registrations. Guidelines for the registration of GIs by third country producers are published on the [Commission's website](#).

Lists of protected names by country, product type, registered name and name applied for are available through the Commission's [online "DOOR" \(Database of Origin and Registration\) database](#). For detailed information on the EU-harmonized legislation on copyright and/or trademark laws, please consult the [EU-27 FAIRS Report](#) as well as the [USEU website](#).

## **Section IX. Import Procedures:**

Instructions for imports from third countries into Portugal of animals and animal products, given by the Directorate General for Food and Veterinary Affairs (DGAV).

## **Live Animals**

The imports of live animals to Portugal, Portugal being a EU Member, obeys, in the greater part, to rules established by the EU legislation to that effect, either relating to sanitary requirements or to the veterinary controls to be made at Border Inspection Posts (BIP). Importing live animals obeys also to other import requirements, namely to customs ([DGAIEC](#)), and to the Protection of Plant and Animal Species in Risk of Extinction – CITES ([ICNB](#)).

## **Sanitary Requirements**

This information encompasses the [Safeguard Measures](#) that can forbid or restrict the imports of certain live animals of certain third countries for reasons of animal or public health:

- [Birds other than cage birds](#): EU legislation applies. The DGAV keeps an updated [list of quarantine centers](#) in Portugal;
- [Ornamental Fish](#): Only importers registered at the DGAV can import these animals. Registration is made at the regional services [DSVR\RA](#);
- [Reptiles destined to Commercial Operators](#): Only importers registered at the DGAV can import these animals. Registration and request for information on national rules for imports is made at [DSVR\RA](#);
- [Ungulate \(Ruminants\) destined to Zoos](#). Only [zoo parks registered](#) with DGAV can import these animals;
- [Other animals – Consult the National Inspection Border Posts](#)

## **Veterinary Controls**

Every living animal is subject to control when entering the EU. Please consult: [Veterinary Controls of Imports and Legislation Applied](#).

## **Food and By-Products of Animal Origin**

The importation of products and by-products of animal origin to Portugal obeys, in its majority, to rules established by the EU legislation to that effect, either relating to sanitary requirements or to the veterinary controls to be made at Border Inspection Posts (BIP).

### **Sanitary Requirements:**

#### **Harmonized products**

Recognition of the right to export most products of animal origin destined to human consumption to Portugal (meats, meat products, fishery products, dairy products, etc.) can be checked at the [EU list of third country establishments](#). The establishment where the product originated must be in this list.

#### **Non-harmonized products**

Other animal origin food products, non-harmonized (like honey, snails, or frog legs, for

example) may not be in the EU lists without that meaning that its import is forbidden. This will depend on multiple circumstances, and so it is recommended to consult the national [Border Inspection Posts](#).

### **Animal Origin Sub-products**

The importation of by-products is regulated by Chapter VIII of the Regulation (CE) n 1774/2002 of the European Parliament and Council, of October 3<sup>rd</sup> 2002. It should always be kept in mind that **safeguard or emergency measures** may apply that restricts imports for animal or public health reasons.

### **Veterinary Controls**

Products and by-products of animal origin are subject to veterinary control on arrival to the EU. Please consult: [Veterinary Controls of Imports and Applicable Legislation](#). The importation of products and by-products of animal origin obeys also to other import conditions, namely to customs ([Direcção das Alfândegas e dos Impostos Especiais sobre o Consumo](#)), and to conditions relative and to the Protection of Plant and Animal Species in Risk of Extinction – CITES ([Instituto da Conservação da Natureza e da Biodiversidade – ICNB](#)). These rules don't apply to products of animal origin sent as [Personal Consignments](#).

### **Food for Animals**

The importation of food for animals from third countries, for utilization or entry in circulation, is possible if these products comply with:

- The requisites defined in the EU legislation for the establishment of norms concerning food for animals;

Or

- The conditions recognized by the EU to be, at least, equivalent;

Or

- When a specific agreement exists between the EU and the exporting country, the requirements contained in that agreement.

On what concerns the importation of food for animals, the sector operators should ensure that the establishments under their control are duly registered at the General Veterinarian Directorate (DGV), in accordance with Article 9 of the [Regulation \(CE\) n 183/2005](#) relative to the hygiene requirements in food for animals.

The entry in the national territory of food for animals imported from third countries can only be done through [Entry Points - EP](#), designated at national level for food for animals of non-animal origin, or through [Border Inspection Posts \(BIP\)](#), designated for animal origin food for animals.

The introduction in the national territory of food for animals imported from third countries should be preceded by a **previous notice**, through the filling of **Part I** of the following templates:

**Common Entry Document – CED**, for Food for Animals of non-animal origin. If the imports from third countries of non-animal origin food for animals are destined to other Member State(s), and Portugal is the first entry point in the EU, the [Model 327/DGV](#) should be filled, as stated in Directive n 98/68/EC.

**Common Veterinary Entry Document – CVED**, for Animal Origin Food for Animals. The importation of Animal Origin By-Products and derivative products can occur if the requirements established in [Regulation \(EC\) n 1774/2002](#) of the European Parliament and Council, of October 3rd, establishing the sanitary rules concerning animal by-products not destined to human consumption.

Previous notice should be submitted with 48 hours antecedence (and never less than one working day for seaports and 6 working hours for airports, in the case of animal origin food for animals), to the email address [importaa@dgv.min-agricultura.pt](mailto:importaa@dgv.min-agricultura.pt), or to the Fax (+351) 217808235 for non-animal origin food for animals, or insertion in the TRACES System for the animal origin food for animals for each consignment of food for animals. For import effects a consignment is considered to be a given quantity of food for animals, belonging to the same lot or the same class and description, and covered by the same document(s), sent through the same transport mean and coming from the same third country or region thereof.

At arrival of the consignments the supporting document of previous notice should be showed to the veterinary services at Entry Point or Border Inspection Posts, for its respective control.

## **Plants and Plant Products**

The Directorate General for Agriculture and Rural Development (DGADR) is the regulatory agency responsible for imports of plants and plant products. According to the information made available by the DGADR these are the conditions for the importation of plants and plant products from third countries:

### **Prohibitions**

It is prohibited the introduction in Portugal of several plants, plant products, and other materials originating in third countries (check the document “Phytosanitary Guide to Imports (Portuguese)”).

### **Special Authorizations for the Importation of Forbidden Materials**

By request of the different Member States and after a risk assessment by the remaining Member States, a special authorization for the importation of certain plants and plant products from certain origins can be issued (list of the [current special authorizations](#)). These derogations are generally issued by a given time period and have attached certain restrictive and rigorous import conditions.

### **Conditioned Material**

As to the importation of authorized products from third countries, the phytosanitary regulations demand that certain plants, plant products, and other materials, are accompanied by a phytosanitary certificate issued by the competent services of the country of origin (check the document



“Phytosanitary Guide to Imports (Portuguese)”), and that the respective importers are inscribed in the official registry.

The phytosanitary inspection of those materials is mandatory and should be done preferably at the first external border, by the Official Services of Phytosanitary Inspection, the introduction in the EU only being authorized when the result of the inspection indicates the fulfilling of the phytosanitary requirements established. The greatest attention and care are given to these inspections in the face of the risk associated with the introduction in the EU of new harmful organisms from third countries.

In exceptional cases the phytosanitary inspection of materials from third countries can be done in inspection posts that are not those approved by the official services of phytosanitary inspection, as long as certain conditions are satisfied (art. 18<sup>th</sup> of Decreto-Lei n° 154/2005).

### **First Steps to Enter the Portuguese Market**

U.S. exporters interested in introducing a product into the Portuguese market should obtain local representation and/or a local importer/distributor to gain knowledge of the market, up-to-date information and guidance on trade laws and business practices, sales contacts, and market development expertise. As local importers have primary responsibility to the Portuguese Government for imported food products entering Portuguese territory, they are in the best position to provide guidance to U.S. exporters through the market-entry process. For more information please see the [Portugal Exporter Guide Annual 2011](#) and the [Portugal Food Processing Ingredients 2011](#).

### **Import Documentation**

The following documents are required for ocean or air cargo shipments of food products into Portugal:

- Bill of Lading and/or Airway Bill
- Commercial Invoice
- Phytosanitary Certificate and/or Health Certificate when applicable  
See “SECTION VI. Other Regulations and Requirements”
- Import Certificate

Most food products require an Import Certificate issued by the competent Portuguese authorities. This certificate must be obtained by the importer as it is intended for tariff classification purposes.

### **Temporary Entry**

Temporary entry may be permitted for goods in transit (up to 24 months), manufacturing for re-export, and/or for temporary storage. Generally, the exporter must pay normally applied import duties and VAT, which are then reimbursed upon re-export of the merchandise to a destination outside of the EU.

### **Samples and Advertising Material**

Portugal grants duty free entry to giveaway samples if properly labeled. Samples are, however,

subject to the same import documentation requirements that apply to normal commercial imports. They also require a nominal value for customs declaration purposes on the commercial invoice which must carry the statement “Samples without Commercial Value.”

For detailed information on the EU-harmonized legislation on import procedures, please consult the [EU-27 FAIRS Report](#) as well as the [USEU website](#).

#### **Appendix I. Government Regulatory Agency Contacts:**

##### **Food Security and Economic Authority (ASAE)**

Autoridade de Segurança Alimentar e Económica

Av. Conde de Valbom, 98

1069-185 Lisboa

Portugal

Tel. (+351) 217 983 600

Fax: (+351) 217 983 654

Email: [correio.asae@asae.pt](mailto:correio.asae@asae.pt)

Website: [www.asae.pt](http://www.asae.pt)

##### **Directorate General for Food and Veterinary Affairs (DGAV, former DGV)**

Direção Geral da Alimentação e Veterinária

Largo da Academia Nacional de Belas Artes, n.º 2

1249-105 Lisboa

Portugal

Tel. (+351) 21 3239500

Fax (+351) 21 3463518

Website: [www.dgv.min-agricultura.pt/](http://www.dgv.min-agricultura.pt/)

The Council of Ministers gathered in 3 November 2011 approved the new organic law of the Directorate General for Food and Veterinary (DGAV). This body - previously the Directorate General of Veterinary (DGV) - gained a new remit in the field of food safety encompassing animal and plant health issues.

##### **Directorate General for Agriculture and Rural Development (DGADR)**

Direcção Geral de Agricultura e Desenvolvimento Rural

Av. Afonso Costa, 3

1949-002 Lisboa

Portugal

Tel: 218442280

Fax: 218442202

Website: [www.dgadr.pt](http://www.dgadr.pt)

##### **Directorate General for Customs and Special Taxation on Consumption (DGAIEC)**

Direcção Geral da Alfandega e Dos Impostos Especiais sobre o Consumo

Rua da Alfandega, No. 5 r/c

1149-006 Lisboa

Tel. 351-218813700  
Fax: 351-218813990  
Email: [dgaiec@dgaiec.min-financas.pt](mailto:dgaiec@dgaiec.min-financas.pt)  
[www.dgaiec.min-financas.pt](http://www.dgaiec.min-financas.pt)

**Directorate General for Customs and Special Taxation on Consumption (DGAIEC)**

Direcção Geral da Alfandega e Dos Impostos Especiais sobre o Consumo

Direcção de Serviços do Licenciamentos (**Import Certificates**)

R. Terreiro do Trigo

Edif. Alfândega

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

The USDA's Foreign Agricultural Service Office for Spain and Portugal, located in Madrid, can also assist U.S. exporters in obtaining specific national legislation on all food product directives. You

may contact us at the following address:

**USDA - Foreign Agricultural Service (FAS)**

Office of Agricultural Affairs

American Embassy Madrid

C/ Serrano, 75 – Box 20

28006 Madrid

Spain

**Tel.:** +34-91-587-2555

**Fax:** +34-91-587-2556

**Website:** <http://www.embusa.es/fas/index.html>

**Email:** [AgMadrid@usda.gov](mailto:AgMadrid@usda.gov)