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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 are summarized in the EU 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 has been 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.

This report was last updated in March 2023, changes were made to the executive summary, and sections II, VI, IX, and X. The sections below are numbered to correspond to the numbers in the EU FAIRS report.

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Executive Summary

Germany as a member of the European Union (EU) follows all EU directives, regulations, and obligations. EU Regulations are explained in the Food and Agricultural Import Regulations and Standards (FAIRS) report produced by the U.S. Mission to the EU in Brussels, Belgium, and referenced throughout this report as “EU FAIRS report”. The EU FAIRS report and other USDA reports are available in the FAS GAIN report database at <https://gain.fas.usda.gov>

This report focuses on food laws in force in Germany that cover areas which are not yet EU-harmonized. In addition, it provides the German terms for labeling information required by EU laws and contact information for regulatory agencies and technical contacts in Germany.

Additional regulation for Germany exists for:

- Voluntary nutrition declaration (traffic light system/Nutri-Score),
- Packaging waste recycling,
- Maximum levels for certain contaminant/product combinations not yet harmonized in the EU.

Germany has also notified the EU and the WTO about proposed national legislation to prevent the migration of mineral oil aromatic hydrocarbons (MOAH) from certain packaging materials into the packaged food.

Germany is the largest economy in the European Union. Its top trading partners are other EU member states. This also pertains to the agricultural sector, with roughly 78% of German imports and 71% of German exports being traded with other EU countries. Germany is a net-importer of agricultural and related products despite also being a major producer. This is in part due to its structural deficit in animal protein feed and in part because of large imports of bananas, citrus, and tropical fruits that cannot be grown in Germany.

In 2022, the most important suppliers to Germany outside the EU were Brazil, China, United States, Switzerland, and Turkey. The top ten imported product categories included dairy products, forest products, fresh fruits, seafood, fresh vegetables, bakery goods, unroasted coffee, rapeseed, vegetable oils, and processed vegetables.

U.S. agricultural exports to Germany amounted to \$3.1 billion¹ in 2022. Soybeans, tree nuts, and distilled spirits were the largest commodities representing 46, 25, and 3 percent of total U.S. agricultural trade, respectively. The value of U.S. agricultural exports to Germany increased by 26 percent compared to 2021. This was mainly due to soybean shipments that were 37 % higher in volume and 22% higher in unit price than in 2021.

¹ Source: Trade Data Monitor, LLC, accessed on February 24, 2023

Section I. General Food Laws

In Germany, the Food, Commodities, and Feed Code (*Lebensmittel-, Bedarfsgegenstände- und Futtermittelgesetzbuch or LFGB*²) 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; and regulates inspection, detention, and seizure rules for suspect food. These rules apply to both domestic and imported food products.

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 LFGB because they cannot take action against foreign producers, including those in other EU countries.

The authority for enforcement rests with the 16 federal states (German *Länder*). This implies that a minor infraction to the LFGB 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, translating into roughly 400,000 samples in total. If a product is determined to pose a risk to public health in violation of the LFGB (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.

Compliance with German food regulations is monitored by the *Bundesamt für Verbraucherschutz und Lebensmittelsicherheit* (BVL), an agency under the supervision of the Federal Ministry of Food and Agriculture (BMEL). For contact information please see Appendix I.

The BVL was established as one of two independent administrative agencies in the wake of the "mad cow disease" crisis in 2002. BVL is responsible for risk management, while risk assessments are carried out by its sister agency, the German Federal Institute for Risk Assessment (BfR). 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 regarding consumer health protection and food safety, as well as in the preparation and monitoring of surveillance systems and plans by the *Länder*. In addition, the BVL coordinates inspections carried out in Germany by the

² <http://www.gesetze-im-internet.de/lfgb/LFGB.pdf> (German language only)