



Food of animal origin from third countries for exhibitions and trade fairs in Germany

General information

When importing food of animal origin from third countries, both veterinary and food hygiene requirements must be complied with. **A distinction is drawn in these requirements between rules concerning product-specific import requirements and conditions on the one hand¹⁺² and rules relating to the import inspection procedure³ for food of animal origin on the other.** These distinct legal areas must also be respected when importing food from third countries for exhibitions and trade fairs. Which of the regulations is to be applied specifically depends on the purpose. One very important factor is whether the food is to be given to exhibition guests to sample or not. Import inspections and veterinary and food monitoring are carried out by the competent Länder authorities.

Product-specific import requirements and conditions

Generally food of animal origin, which is legally (i.e. in compliance with EU import inspection, veterinary and food hygiene regulations) imported from third countries may be freely distributed as a trade sample at trade fairs and exhibitions and can therefore by definition also be sampled by visitors⁴.

Therefore efforts made by individual third countries to obtain a general approval for the importation of certain food of animal origin into the EU and consequently also for

¹ Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption (OJ L 18 of 23.1.2003, p.11).

² Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for products of animal origin (OJ L 139, of 30.4.2004 p.55)

³ Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, of 30.1.1998, p. 9).

⁴ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, of 1.2.2002, p. 1) - Definition "placing on the market" Art. 3 No. 8

sampling this food at exhibitions in Germany, are supported by the Federal Ministry of Food and Agriculture.

The basis for a general approval is that the respective third country is included on a product-specific list issued by the EU Commission by means of a legal act. Several aspects of the respective country are examined prior to such a list being issued, namely the animal health situation, the monitoring of compliance with hygiene requirements, the residue controls and the reliability of the veterinary authorities. A further requirement is that food of animal origin may only be imported into the EU if it is produced in a third-country enterprise that has approval for exportation into the EU. The relevant third-country authority must apply to the EU Commission in order to gain this approval.

If, however, food of animal origin from third countries which does not fulfil the product requirements laid down under Community law is imported for trade fairs and exhibitions , then sampling of this food is only possible at exhibitions if the EU Commission has established a special arrangement for this by legal act.

The EU Commission will only do so in very limited exceptional cases, such as exhibitions of the size of, and held as rarely as, a World Expo (e.g. EXPO 2015 in Milan).

Import Inspection Procedure

Food of animal origin, which is imported as a trade sample for exhibitions and trade fairs, may in general only be brought into the EU via border inspection posts. **However, in the interests of simplification, the EU law on import inspection authorises member states to deviate from the import inspection procedure that is normally required in cases where food from third countries is for exhibitions and trade fairs and not to be placed on the market.** Germany has made use of this authorisation and issued the relevant national provisions in the Ordinance on Disease Control in the Internal Market (Section 22 (4)) and in the Food Import Ordinance (Section 18 (3)).

This means that, taking into account the veterinary legislation of the relevant third country, the competent authority is able, for instance, to allow food samples of animal origin into the EU without them having to enter via a border inspection post. This food, which according to EU law is not fit for the market, may not be given to exhibition visitors to sample and may only be displayed "behind glass". After the exhibition, it must be disposed of as a "category 3 material" or exported out again in accordance with the by-product disposal legislation.

Outlook

Currently, discussions are taking place at EU level on revising EU inspection law, including import inspections. It is not anticipated that the status quo will change regarding food samples of animal origin for use at exhibitions and trade fairs. This means that it will remain the case that the usual import inspection procedure will only be able to be relaxed if these trade samples are not offered for sampling.

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