

Import Regulations



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Import Regulations

As free trade provides an important impulse for global economic growth and an improved standard of living, Germany supports open markets and the liberalization of international trade within a set of clear and multilaterally negotiated agreements. As a result only a very small portion of the goods traded in Germany are actually subject to direct market regulations. For example:

- EU market control regulations apply to several agricultural products.
- Textiles and steel products from a few third countries are generally restricted by import quotas and require an import license. More information on licenses is available on the website of the Federal Office of Economics and Export Control (Bundesamt für Wirtschaft und Ausfuhrkontrolle - BAFA) which is responsible for the relevant procedures.
- Specific import control regulations apply to products that may potentially pose a risk to human health, public security or environmental protection, such as medicine, weapons or endangered species of plants and animals, for instance. The German Customs Administration provides businesses with further guidance on this matter.

Irrespective of any import regulations or licenses, importers are still required to remain informed about the product-related rules that also apply to businesses active on the German market, as the legal environment and administrative procedures guiding business transactions in Germany may differ from those in place in the importer's home country.

An overview on general rules and regulations that need to be observed while introducing products to the German market is available in this section. For more details on the requirements for specific products please refer to our "Business Sectors" section. General information on customs procedures is available in our "Tax and Duty" section. The German Customs Office, which is the competent authority on all customs matters, provides further information and individual support on its online portal.

Labeling and Packaging

Aside from product-related legal requirements, the demands of consumer safety and the protection of the environment also require importers to package their goods accordingly.

As consumer protection and information are of fundamental importance in Germany, there are precise regulations on product labeling. Specific labeling requirements apply to food products, textiles, electrical and electronic equipment, and dangerous substances, to name a few. Additional information is available on our respective "**Business Sectors**" section. Mandatory product labeling is widely harmonized within the Single European Market. An overview on the underlying EU legislation is available on the legislation summary webpage of the European Union.

Since 1990, vendors in Germany have been obliged to take back packaging waste. The requirements mainly depend on whether the packaged products are sold to consumers or businesses and on whether the ownership of the goods is transferred in Germany or abroad. In the latter case, importers of large amounts need to notify the authorities via the "completeness statement" (Vollständigkeitserklärung). The German Chambers of Industry and Commerce (DIHK) provide comprehensive information on the requirements. An introduction to the underlying EU legislation with links to relevant documents is available on the EU's respective legislation summary webpage.

Hygienic Requirements

Increasing international trade volumes bring about the risk of transporting pests and diseases together with the merchandise. To protect itself from their economic and ecological impact, the member states of the European Union have agreed on union-wide phytosanitary standards and requirements.

In Germany, different institutions share the work. The Federal Biological Research Centre for Agriculture and Forestry focuses on issues of plant health (quarantine and quality standards), whereas the Federal Office of Consumer Protection and Food Safety assumes the tasks of risk management and coordinates the process of monitoring for food, animal feed and commodities like tobacco products, cosmetics and other items which either come into contact with humans directly or with food for human consumption.

Importers in Germany who wish to bring plants or products made of plants into the Single European Market or circulate them within the Single European Market have to register with the responsible authorities in their Federal State. EU-directives determine for which items this obligation applies. A list of plants, plant products and other objects which must be subject to a plant health inspection can be found in Annexes V, part A and B of directive 2000/29/EC. The directive is available online from the Eur-Lex, the database of legal documents of the European Commission.

Product Safety

Since 1985, the European "New Approach" to product safety legislation has reduced administrative regulation to the indispensable minimum in order to provide entrepreneurs with a great deal of freedom in fulfilling their responsibilities to the public in the way that best applies to their business. In Germany, the relevant EU legislation on product safety has been implemented in the Act on making products available on the market (Product Safety Act, ProSG). Its provisions affect 90 percent of all consumer goods and technical equipment such as protective clothing, tools and machinery, to name a few.

Only the essential requirements stipulated in the Annex of the respective EU directives are mandatory. The European Commission provides an overview of the relevant EU legislation on

its website. As long as these mandatory requirements are met, businesses are essentially free to choose the technical solutions that ensure a sufficient standard of safety. The conformity with safety requirements is, however, assumed, if the product applies to the norms and standards that were harmonized within the European Union. Such compliance is to be documented by conformity markings, such as the CE-marking, or the EU marking for food commodities. In addition, sufficient safety instructions are to be provided alongside the product. More information on CE marking and other labeling requirements is available in our section "Norms and Standards."

Authorities constantly monitor the safety of goods sold on the Single European Market and utilize the European Rapid Alert System (RAPEX) to ensure that the market is quickly informed about dangerous products. In addition to assuring product safety, foreign importers and manufacturers also have to be aware of the considerable liability risks that may arise from reasonably foreseeable misuse of their products in cases where users were not instructed properly.

Particularly stringent rules apply to products that are either to come into contact with the human body directly or with food for human consumption. Some of the German legal provisions even go beyond the European standard. This is especially true for everyday objects that are not used for food, such as toys, textiles and jewelry. In these cases, placing a product on the German market may need a special permit from the German Federal Office of Consumer Protection and Food Safety (BVL - Bundesamt für Verbraucherschutz und Nahrungsmittelsicherheit). Further information is available on the website of the BVL.

For further details on the requirements for specific products please refer to our "Business Sectors" section.

Food Safety

Germany has an excellent reputation for its high level of food safety. Institutions on the European, national, state and municipal level constantly monitor food products along the whole supply chain from the importer or producer to grocery stores and restaurants' kitchens, in order to ensure a high standard of quality. Manufacturers, importers, vendors and retailers are all responsible for the food they place on the market.

Generally, vendors of food products do not need a special registration or permission to do business, as long as their merchandise conforms with legal standards, such as the specific informational and labeling requirements, and as long as they do not pose any danger to consumers' health. Nevertheless, customs authorities may stop and investigate food imports. They especially may require an official laboratory report proving the product's safety, if a national or European institution has given an alert on the item/s.

General authorization requirements apply to the sale of novel foods. Furthermore, importers of dietetic food need to notify the Federal Office of Consumer Protection and Food Safety (BVL - Bundesamt für Verbraucherschutz und Lebensmittelsicherheit).

Many standards in food hygiene have been harmonized in the Single European Market. Detailed information on the applicable legal framework is available on the website of the European Directorate General for Health and Consumers. Nevertheless, several stricter food safety standards apply on the national level. Due to the free movement of goods, even products that do not comply with these national requirements may enter the country, as long as they are legal in another EU member state. However, importers need a special permit, which is issued by the BVL, if their products do not comply with German food safety standards.

Further information on the import requirements for food products and organic food is available in our section "Business Sectors". Moreover, the BVL provides a comprehensive introduction to food safety in Germany on its website.

Dangerous Substances

In order to protect human health and the environment from the effects of dangerous substances, the REACH (Registration, Evaluation, Authorization and Restriction of chemical products) Regulation of the European Union (1907/2006/EC) provides that importers and manufacturers of these materials need to meet several risk management requirements before their products may enter the Single European Market. Besides the importation of chemical products proper, the REACH requirements may also apply to imports of any and all products that contain these substances. However, some materials, such as most polymers, are excluded.

REACH requires manufactures and importers to assess the risks their products may impose on human health and/or the environment and to register the information with the European Chemicals Agency (ECHA), if they import more than a ton of the respective substance/s per year. The ECHA may then further investigate and evaluate the imported material. Furthermore, importers and manufacturers need to provide sufficient information on the safe handling of dangerous substances along their entire supply chains by labeling their products and providing appropriate safety data sheets. Especially strict requirements apply to substances of very high concern, which may only enter the Single European Market by special authorization.

For a description of the specific requirements that apply to your product, please refer to our page/s on the relevant business sector/s. Comprehensive information on REACH, the substances and the applicable rules and procedures is available on ECHA's online REACH navigator, which is available in all 22 official EU languages.

Electrical and Electronic Equipment

With its Electrical and Electronic Equipment Act enacted in March 2005, Germany was one of the first European countries to implement the respective EU directive on Waste of Electrical and Electronic Equipment (WEEE). Since then, companies selling a broad range of electrical goods have had to comply with it. The regulation requires producers to take back old appliances, thus making them consider future recycling as early as in the designing stage.

In close cooperation with the respective industrial associations in Germany, i.e. Bitkom, the German Association for Information Technology, Telecommunications and New Media, and ZVEI, the German Electrical and Electronic Manufacturers' Association, a national clearing house for the return of used electrical and electronic equipment has been established under the name of EAR - Elektro-Altgeräte-Register. It has taken the legal form of a foundation and has been entrusted with administrative governmental responsibilities in the treatment of electrical and electronic waste. It is supervised by the Federal Environment Agency under the Federal Environment Ministry.

Distributors of almost any kind of electrical or electronic device must register with the EAR-foundation. The foundation organises the collection of used appliances and their further treatment. The Federal Environment Ministry has published a Guide on the Scope of Germany's Electrical and Electronic Equipment Act to help producers, importers and distributors decide whether they have to register their products or not. It is available online.

It is the intention of the Electrical and Electronic Equipment Act to make producers take back and recycle their products. However, several waste management companies in Germany will assume these obligations. Some service companies offer to manage the whole process on behalf of producers, importers and distributors. In Great Britain, the German-British Chamber of Commerce offers its assistance in this field. In Germany, the Garantiesystem Altgeräte (WEEE Guarantee System), a project sponsored by Bitkom Servicegesellschaft, is one potential partner with backing in an industrial association.

In the area of battery recycling, the Act Revising the Law of Waste-Related Product Responsibility for Batteries and Accumulators, which came into effect on December 1, 2009, regulates the placing on the market as well as the collection and recycling scheme of batteries and accumulators in Germany.

Product Contact Points

During the past decades, many trade barriers within the European Union have been removed with the goal of forming a Common European Market. However, national rules still apply, especially in cases where products from other EU Member States might affect public safety, health and the environment.

In order to improve the free movement of goods and services within the Single European Market, the Product Contact Points in Germany provide economic operators from other EU Member States with legally binding information on products for which there are still no uniform regulations within the European Union.

Depending on the nature of the product, the German Product Contact Point is either located at the Federal Agency for Agriculture and Food (Bundesanstalt für Landwirtschaft und Ernährung - BLE) or at the Federal Institute for Materials Research and Testing (Bundesanstalt für Materialforschung und Prüfung). The national Product Contact Points were introduced in 2009 by EC Regulation EG 764/2008.

In the area of e-commerce, the eCommerce Contact Point Germany was established to inform entrepreneur/businesses and consumers about their rights and obligations according to German Law. The eCommerce Contact Point Germany is located at the European Consumer Centre Germany (Zentrum für Europäischen Verbraucherschutz e.V.).

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