
Estudio de Mercado Limones Orgánicos en Alemania

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www.prochile.cl

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Hamburgo

pro|CHILE

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PRODUCTO:

1. CÓDIGO SISTEMA ARMONIZADO CHILENO SACH: 0805500000

2. DESCRIPCIÓN DEL PRODUCTO:

Limón orgánico

3. CÓDIGO SISTEMA ARMONIZADO LOCAL:

Limonos (Citrus limón, Citrus limonum) 0805500000



SITUACIÓN ARANCELARIA Y PARA – ARANCELARIA

1. ARANCEL GENERAL:

El arancel para terceros países es de 12,8%

Existe un arancel llamado SPG (régimen general) que corresponde al 9,8%

2. ARANCEL PREFERENCIAL PRODUCTO CHILENO (*):

Arancel preferencial 0%

3. OTROS PAÍSES CON VENTAJAS ARANCELARIAS:

Perú. GSP + (un régimen especial de estímulo del desarrollo sostenible y la gobernanza) 0%

Turquía 0%

Rep. Dominicana CARIFORUM 0%

España. Miembro activo EU 0%

4. OTROS IMPUESTOS:

7% VAT (IVA) El IVA general en Alemania es de 19%, pero existe un impuesto diferenciado para los alimentos que corresponde a un 7%.

5. BARRERAS PARA – ARANCELARIAS

El ingreso de limones orgánicos a Alemania no tiene mayores exigencias que el cumplimiento de los estándares de calidad y certificaciones exigidas por la ley.



REQUISITOS Y BARRERAS DE ACCESO

1. REGULACIONES DE IMPORTACIÓN Y NORMAS DE INGRESO (VER ANEXO CON MAYORES DETALLES)

El Reglamento del Consejo (CE) No 834/2007 del 28 de junio de 2007 relativo a la producción y etiquetado de productos ecológicos y la derogación del Reglamento (CEE) No 2092/91, establece el marco legal para todos los niveles de producción, distribución, control y etiquetado de productos ecológicos que pueden ser ofrecidos y adquiridos en la UE.

Un resumen de la regulación se encuentra en la página web siguiente:

http://ec.europa.eu/agriculture/organic/eu-policy/legislation_es

Para empezar con la producción biológica es necesario un proceso de cambio de la forma de producción según el reglamento que dura dos años.

Para usar el logotipo de producción ecológica de la UE hay que dirigirse a una de las autoridades de control, que se encuentra en el documento siguiente:

http://ec.europa.eu/agriculture/organic/files/consumer-confidence/inspection-certification/EU_control_bodies_authorities_en.pdf

Más información sobre el logotipo se encuentra en las páginas mencionadas arriba. Además existe el “Bio-Siegel” alemán que está conforme con el reglamento de la UE:

<http://www.bio-siegel.de/english/homepage/>

Otras autoridades de control están en:

<http://www.bioc.info/de/kontrollstellen.php?sid=f31b15b6b1bddf1ad4be4a802196dba5>

2. IDENTIFICACIÓN DE LAS AGENCIAS ANTE LAS CUALES SE DEBEN TRAMITAR PERMISOS DE INGRESO, REGISTRO DE PRODUCTOS Y ETIQUETAS:

En Alemania hay 24 agencias de control del certificado “Bio” que están en competencia. Ellos trabajan en el ramo nacional y actúa según el derecho de la Unión Europa de agrícola biológica. La mayoría de las agencias está organizada en la organización central conferencia de agencias de control (KdK). Todos son admitidos por el instituto federal de agrícola y alimentación (Bundesanstalt für Landwirtschaft und Ernährung BLE).

En el siguiente documento del ministerio federal de alimentación, agrícola y protección del consumidor (BMLEV) en la página 24, se encuentra los contactos de las agencias de control del certificado “Bio” en Alemania:

<http://www.gfrs.de/fileadmin/files/biozertifizierung-gastronomie.pdf>

3. EJEMPLOS DE ETIQUETADO DE PRODUCTOS

A continuación podemos observar diferentes variantes de etiquetas para limones orgánicos con distintas procedencias y orígenes.

frutura Vertriebs GmbH
 Fruturastr. 1 A- 8224 Hartl b. Kaindorf

Zitronen genetzt

Inhalt: 20 x 4 Stück

Herkunft: Südafrika

Klasse: I



(01)09001169347839(13)090921

verpackt am:
 21.09.2009





IV. ESTADÍSTICAS – IMPORTACIONES

1. ESTADÍSTICAS 2010 (LIMONES TOTAL PRODUCTOS BIOLÓGICOS Y PRODUCTOS CONVENCIONALES)

Principales Países de Origen	Cantidad *	Monto (Miles US\$)	% Participación en el Mercado
España	71.893	93.768	57,9
Italia	22.371	27.380	16,9
Turquía	5.583	4.974	3,0
Sudáfrica	6.928	9.676	5,9
Argentina	15.244	22.899	14,1
Chile (Posición 9)	331	439	0,3
Subtotal	122.350	159.136	96,4%
Total	124.395	162.412	100%

2. ESTADÍSTICAS 2009 (LIMONES TOTAL)

Principales Países de Origen	Cantidad *	Monto (Miles US\$)	% Participación en el Mercado
España	83.553	92.329	61,9
Italia	18.386	21.107	14,2
Turquía	4.815	5.607	3,8
Sudáfrica	3.550	5.581	3,7
Argentina	16.933	22.572	15,1
Chile (Posición 13)	30	23	0,02
Subtotal	127.267	147.219	98,8%
Total	128.510	149.248	100%

3. ESTADÍSTICAS 2008 (LIMONES TOTAL)

Principales Países de Origen	Cantidad *	Monto (Miles US\$)	% Participación en el Mercado
España	67.876	119.413	55,2
Italia	26.389	44.629	20,6
Turquía	4.129	5.027	2,3
Sudáfrica	5.642	9.532	4,4
Argentina	23.899	35.197	16,3
Chile (-)	-	-	0
Subtotal	127.935	213.798	98,8%
Total	129.068	215.751	100%

Fuente: Destatis

V ■ POTENCIAL DEL PRODUCTO

1. POTENCIAL DEL PRODUCTO.

En las últimas dos ediciones de la feria BIOFACH, se ha mostrado un claro interés por parte de los importadores por frutas y hortalizas orgánicas provenientes de Chile, con una demanda por limones y naranjas orgánicas.

Más de una decena de importadores de Alemania, Holanda, Austria, Suiza y otros países, se acercaron en diversas ocasiones para consultar por productores de limones orgánicos en nuestro país, lo cual demuestra un claro interés y potencial por estos productos. Sin embargo nuestro país no presenta hasta el día de hoy una oferta visible.

Por razones climáticas no se cultiva limones de forma industrial en Alemania, así que el papel importante que juega el limón en la cocina alemana lleva a una importación muy extensa. El crecimiento del segmento biológico de la alimentación y especialmente de los frutos y las verduras produce un gran potencial del producto en Alemania. Sin embargo hay una competencia muy fuerte que resulta de la importancia de España y otros proveedores de frutos y verduras dentro de la Unión Europea.

1.1. FORMAS DE CONSUMO DEL PRODUCTO.

El limón es uno de los frutos más usados para la preparación de comida y bebidas. El producto se consume en forma similar a Chile. Es muy útil para afinar ensaladas, platos de pescado o carne y otros tipos de comida. El jugo puro de limón contiene mucha acidez así que no se bebe muy frecuentemente de forma pura, pero se agrega mucho a jugos mixtos y otras bebidas.

También se usa mucho la piel de limones, por ejemplo en platos dulces. En este caso se recomienda fuertemente el uso de limones biológicos.

1.2. NUEVAS TECNOLOGÍAS APLICADAS A LA PRESENTACIÓN/COMERCIALIZACIÓN DEL PRODUCTO (VENTAS A TRAVÉS DE INTERNET, ETC.).

Al igual que en casi todos los productos, en Alemania existe una gran diversidad de ofertas. Los productos se pueden comprar en Supermercados, Tiendas especializadas, mercados públicos, Internet etc.

Por ejemplo se puede comprar jugo concentrado de limón que a veces consiste solamente de limón por 20% del contenido. Además se usa aceites esenciales de limón en los segmentos de aromatización y de perfume. Las esenciales de limón se obtienen de exprimir la piel de limones con una efectividad de entre 30% y 60%.

1.3. COMENTARIOS DE LOS IMPORTADORES

Los importadores muestran su abierto interés por encontrar nuevos proveedores de limones orgánicos desde el hemisferio sur, siendo una oportunidad para los productores chilenos. Lo que busca la industria es principalmente limones orgánicos de pequeños o medianos proveedores, comprometidos con el medio ambiente. De igual forma, se espera producto de buena calidad y con entregas en los plazos convenidos.

Uno de los problemas que se ha registrado con los limones provenientes fuera de Europa, es que suelen llegar con niveles muy altos de alcohol producto del grado de maduración.

1.4. TEMPORADAS DE MAYOR DEMANDA/CONSUMO DEL PRODUCTO.

Los limones provenientes de España y otros lugares de la Unión Europea, incluyendo Turquía tienen su periodo de cosecha a partir de noviembre, siendo la demanda desde el Hemisferio Sur a partir de junio.

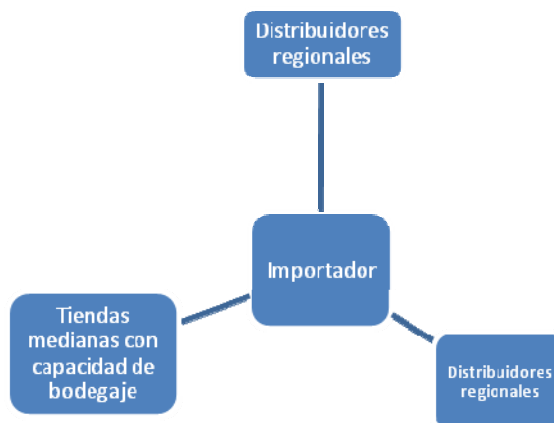
1.5. PRINCIPALES ZONAS O CENTROS DE CONSUMO DEL PRODUCTO.

Existe una demanda transversal en el país.

VI. CANALES DE COMERCIALIZACIÓN Y DISTRIBUCIÓN

• **Importadores de tamaño Medio:**

- Tiendas especializadas
- Diferenciación
- Verdadera cultura ecológica
- Mejores precios
- Menores volúmenes
- Relación de confianza entre Imp-Exp
- Mayor flexibilidad hacia el productor



La mayoría de los consumidores compra los limones en los supermercados generales y en las cadenas de “discounter” que son muy extendidos en Alemania. En caso de los productos “Bio”, la oferta más grande se encuentra en los supermercados generales como EDEKA, Real y Rewe, que tienen precios más elevados que las cadenas de discounter.

También existe una oferta en las pequeñas tiendas de frutos y verduras. Sin embargo es un segmento pequeño en comparación con los supermercados.



VII. PRECIOS DE REFERENCIA – RETAIL Y MAYORISTA

En Alemania existe una diferencia de precios apreciable dependiendo del lugar de venta. Es por eso que tenemos las cadenas de discounter tales como Aldi, Lidl, Netto, Kaufland, donde los precios son mucho menores que en supermercados tradicionales como Edeka, Real y Rewe. Además existen cadenas de tiendas especializadas con precios mayores.

Mercado público, marca FFBI0 € 4,58/kg:

Supermercado Kaufland € 1,98/kg Abril 2011

Aldi € 0,98/kg Abril 2011

Kaufland € 1,18/kg Marzo 2010

Aldi € 1,30/Kg Marzo 2010

Netto € 1,38/kg Abril 2011

Edeka € 3,38/kg Noviembre 2011

VIII. ESTRATEGIAS Y CAMPAÑAS DE PROMOCIÓN UTILIZADAS POR LA COMPETENCIA

No existen campañas registradas por parte de la competencia, sin embargo es importante recordar que países como Argentina, y Perú tienen un mayor reconocimiento por parte de los importadores como productores de orgánicos.

IX. CARACTERÍSTICAS DE PRESENTACIÓN DEL PRODUCTO

Los limones suelen ser comercializados de la siguiente forma:

Cajas de 9kg (120 por pallet)

Cajas de 14,5 (64 – 56 por pallet)

Contenido de cajas de 9kg., calibres (36,45, 50, 60)

Contenido de cajas de 14,5kg calibres (80, 90, 100, 120)





X. SUGERENCIAS Y RECOMENDACIONES

El limón orgánico tiene una demanda importante a contra - estación y las puertas están abiertas para los productores chilenos, sin embargo las oportunidades no duran por mucho tiempo y ya han comenzado a aparecer más y más limones orgánicos de Sudáfrica y Argentina, que en la medida que se logren establecer, restarán posibilidades a los posibles productores chilenos. Se proyecta sin embargo, que existen todavía buenas posibilidades para los próximos años.

XI. FERIAS Y EVENTOS LOCALES A REALIZARSE EN EL MERCADO EN RELACIÓN AL PRODUCTO

Feria Fruitlogística: Feria más importante de fruta fresca y hortalizas

Fecha: 8-10 de Febrero 2012, Berlin
 Dirección: Messe Berlin GmbH, Messedamm 22, 14055 Berlin
 Tel: 030-30380
 Fax: 030-30382325
 Email: central@messe-berlin.de
 Website: www.fruitlogistica.de

Feria Anuga: Una de las ferias más grandes para alimentos en el mundo
 Fecha 2011: 08-10 hasta el 12-10-2011
 Dirección: Koelnmesse GmbH, Messeplatz 1, 50679 Köln
 Deutschland
 Tel. +49 01805 204 220
 Fax +49 221 821 99 1010
 Email: anuga@visitor.koelnmesse.de
 Website: www.anuga.de

Esta Feria de Alimentos es la principal vía de entrada al fascinante mundo de productos e innovaciones tecnológicas del mercado internacional de alimentos y bebidas. También, incorpora una plataforma de 10 ferias monográficas bajo el mismo techo. Es política de ProChile estar presente en forma permanente con un pabellón, antecedentes de la feria se encuentra disponible en sitio web de ProChile e Información en www.anuga.de

BioFach – Feria de productos orgánicos
 Fecha: Febrero de cada año (16-19 de febrero 2011)
 Lugar: Nürnberg
 Expositores 2010: 2.557
 Visitantes 2010: 43.669 profesionales
 Superficie: 89 300mt² (bruto) , 45 881 (neto)
 Fono: +49-911-8606-8648
 Fax: +49-911-8606-8634
 Web: www.biofach.de

(Sólo se admiten productos orgánicos con certificación orgánica según legislación UE) La Feria a través de su página de internet, ofrece un Directorio de empresas expositores e información del sector, adicionalmente publica un Newsletter mensual en diversos idiomas (también en español) con noticias del sector orgánico a nivel alemán, europeo y mundial.

BIONORD Feria de productos locales
 Fecha: (15-16 de Octubre 2010)
 Lugar Hannover
 Expositores: aproximadamente 600 expositores y más de 5000 visitantes
 Fono: +49-0511-87654-820
 Fax 0511-87654-829
info@biosued.de, info@bionord.de

Hannover Messegelände
Messeschneelweg/Hermesallee
30521 Hannover

XII. FUENTES RELEVANTES DE INFORMACIÓN EN RELACIÓN AL PRODUCTO

Supermercado Alnatura, Hamburg

Periódico Handelsblatt

Destatis. Instituto de estadísticas Alemán 2012

Exporthelp http://exporthelp.europa.eu/thdapp/index_es.html

El Export Helpdesk es un servicio en internet prestado por la Comisión Europea para facilitar a los países en desarrollo el acceso en particular a los mercados de la Unión Europea.

Gratuito y de fácil utilización, este servicio proporciona información a los exportadores interesados en suministrar el mercado de la UE.

XIII. ANEXOS

1.- Control de los contaminantes alimenticios en alimentos

In order to ensure a high level of consumer protection, imports into the European Union (EU) of foodstuffs should comply with EU legislation designed to ensure that food placed on the market is safe to eat and does not contain contaminants at levels which could threaten human health.

Contaminants may be present in food (including fruits and vegetables, meat, fish, cereals, spices, dairy products, etc.) as a result of the various stages of its production, packaging, transport or holding, or also might result from environmental contamination.

Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food (OJ L-37 13/02/1993) (CELEX 31993R0315), regulates the presence of such contaminants in foodstuffs in the EU:

- food containing a contaminant to an amount unacceptable from the public health viewpoint and in particular at a toxicological level, shall not be placed on the EU market and will be rejected
- contaminant levels shall be kept as low as can reasonably be achieved following recommended good working practices
- maximum levels may be set for certain contaminants in order to protect public health

Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L-364 20/12/2006) (CELEX 32006R1881) sets maximum levels for certain contaminants in food to be placed on the EU market.

The foodstuffs indicated in the various sections of the Annex must not, when placed on the market, contain higher contaminant levels than those specified in such sections:

- Section 1 – sets limits for nitrate in lettuce, spinach and baby foods.
- Section 2 – sets limits for various mycotoxins in, for example, groundnuts, nuts, dried fruit (including dried vine fruit) and products thereof, cereals and cereal products, milk, infant formulae, dietary foods intended for infants, spices, fruit juices, coffee products, wine, spirit drinks, cider, apple products, processed cereal based foods for infants and young children and baby foods.
- Section 3 – sets limits for various heavy metals in, for example, milk, meat, fish, cereals, vegetables, fruit and wines.
- Section 4 – sets limits for 3-MCPD in Hydrolyzed vegetable protein and soy sauce.
- Section 5 – sets limits for dioxins and dioxin-like PCBs in meat, fish, milk, eggs, oils and fats.
- Section 6 – sets limits for PAHs in oils and fats, smoked meats, smoked fish, fish, crustaceans and bivalve molluscs, infant foods.

The website of Directorate General for Health and Consumers provides more detailed information on the contaminants discussed and regulated in the EU.

Special conditions for certain foodstuffs imported from certain third countries

Community measures have been taken for certain contaminants imported from specific third countries, in particular as regards aflatoxins, melamine, mineral oil and pentachlorophenol and dioxins. More information on these measures can be found on the website of Directorate General for Health and Consumers.

Legislation

- Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food (OJ L-37 13/02/1993) (CELEX 31993R0315)
- Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L-364 20/12/2006) (CELEX 32006R1881)

Other information sources

- Directorate General for Health and Consumers - Factsheet on Food Contaminants: http://ec.europa.eu/food/food/chemicalsafety/contaminants/fs_contaminants_final_web_en.pdf

- Centre for the promotion of imports from developing countries (CBI): <http://www.cbi.eu/marketinfo/cbi/?action=showDetails&id=5142>
- European Food Safety Authority (EFSA): <http://www.efsa.europa.eu/>
Additional information for Germany

Competent authority / competent body

Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz - BMELV (Federal Minister of Food, Agriculture and Consumer Protection)

Abteilung 3 Ernährung, Lebensmittelsicherheit, Tiergesundheit (Department 3 Nutrition, Food safety, Animal Health)

Unterabteilung 32 Sicherheit der Lebensmittelkette (Subdepartment 32 Safety of the Food Chain)

Referat 322: Rückstände und Kontaminanten in Lebensmitteln, Lebensmittelbedarfsgegenstände (Residues and contaminants in food, food articles)

P.O. Box 140270

DE-53123 Bonn

Tel: (+49) 228 99 529 4662

Fax: (+49) 228 99 529 4943

E-mail: 322@bmelv.bund.de

Website: <http://www.bmelv.de>

2.- Para Productos Orgánicos

The placing on the European Union (EU) market of live or unprocessed agricultural products, processed agricultural products for use as food, animal feed, seeds and vegetative propagating material, bearing a reference to organic production methods, must comply with the rules laid down by Council Regulation (EC) No 834/2007 (OJ L-189 20/07/2007) (CELEX 32007R0834).

These rules, established by Council Regulation (EC) No 834/2007 and Commission Regulation (EC) No 889/2008 (OJ L-250 18/09/2008) (CELEX 32008R0889) cover mainly the following aspects:

- Production, processing, packaging, transport and storage of products
- Use of certain products and substances in processing of food (Annexes VIII and IX of Commission Regulation (EC) No 889/2008).

A list of ingredient authorizations is available in the Data base of the Organic Farming Information System (OFIS) official website: http://ec.europa.eu/agriculture/ofis_public/r7/ctrl_r7.cfm?targetUrl=home

- Prohibition of use of genetically modified organisms (GMO) and of products manufactured from GMO in organic production
- European Union organic production logo (New from 1 July 2010). The logo and indications referring to organic production methods may be used only for certain products which meet all the conditions laid down by Regulation. Information on regulation for use, user manual and FAQs is available at: http://ec.europa.eu/agriculture/organic/eu-policy/logo_en
- Inspection measures and specific control scheme to be applied for this type of products by the appointed authorities in the Member States.

Imports from third country

Organic products from third countries may only be placed on the EU market when they are labeled as products with indications referring to organic production, if they have been produced in accordance with production rules and subject to inspection arrangements that are in compliance with, or equivalent to Community legislation.

Imports into the EU are allowed according to the following schemes established by Commission Regulation (EC) No 1235/2008 (OJ L-334 12/12/2008) (CELEX 32008R1235):

Country Authorization

In order to ascertain that goods have been obtained according to production rules equivalent to those laid down in the Community, the European Commission makes a thorough investigation into the arrangements in the country concerned, examining not only the requirements imposed on production but also the measures applied to ensure effective control. Where rules are found to be equivalent, the third country is included in the list of authorized countries established by the Annex III of Commission Regulation (EC) No 1235/2008.

Control by recognized inspection body or recognized inspection authority

The Commission is working on the compilation of a list of control authorities and control bodies competent to carry out inspections in countries not included in the list of recognized third countries. The function of these authorities and bodies is to guarantee that products have been produced:

- in compliance with Community production rules (art. 32 of Council Regulation (EC) No 834/2007) r,
 - are equivalent to Community legislation (art. 33.3 of Council Regulation (EC) No 834/2007)
- Imports of organic products can only take place if these recognized authorities or bodies have controlled them.

Authorizations to importers on a case by case basis

In order not to disrupt international trade, and to facilitate the transition between the rules established by Regulation (EEC) No 2092/91 and those established by Council Regulation (EC) No 834/2007, a transitional system is applicable.

From 1 January 2009 and up to 24 months after the first list of control authorities and control bodies is being published, Member States shall be allowed to continue to grant import authorizations for consignments from third countries not included in the above mentioned list. Importers must prove that products were obtained according to production rules equivalent to those laid down by Community legislation and were subject to inspection measures. The Member State shall notify the European Commission and the other Member States the list of products for which it has issued an authorization.

This possibility should be gradually phased out as the list of control bodies and authorities is being established.

A list of these import authorizations can be found in the Data base of the Organic Farming Information System (OFIS) official website: http://ec.europa.eu/agriculture/ofis_public/r9/ctrl_r9.cfm?targetUrl=home

Documentary Check

Imported consignments must be covered by documents issued by the competent authority or body in the third country, attesting that the consignments comply with the Community legislation:

- Imports from authorized countries, products that have been produced in equivalence with Community rules and importations on a case-by-case basis should obtain an inspection certificate issued by the competent authority or body in the third country according to Annex V of Commission Regulation (EC) No 1235/2008. The original certificate must accompany the goods to the premises of the first consignee; thereafter the importer must keep the certificate at the disposal of the inspection body and/or inspection authority for not less than two years
- Imports of compliant products shall deliver documentary evidence in accordance with the model set out in Annex II of Commission Regulation (EC) No 1235/2008

Verification of the consignment

The release for free circulation into the EU of a consignment of organic products is conditioned by the submission of the original certificate of inspection to the relevant Member State's authority, the verification of the consignment by the relevant Member State's authority and the endorsement of the certificate of inspection.

Legislation

- Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labeling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L-189 20/07/2007) (CELEX 32007R0834)
- Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labeling of organic products with regard to organic production, labeling and control (OJ L-250 18/09/2008) (CELEX 32008R0889)
- Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L-334 12/12/2008) (CELEX 32008R1235)
- List of bodies or public authorities in charge of inspection provided for in article 15 of Regulation (EEC) No 2092/91 (OJ C-72 26/03/2009)

Other information sources

- Frequently Asked Questions about the logo, information on the new EU organic logo
- Download the new organic logo: http://ec.europa.eu/agriculture/organic/eu-policy/logo_en
- Guidelines on import of organic products into the European Union, the document has been elaborated by the Organic Farming Unit of the Directorate-General for Agriculture and Rural Development
- The website of OFIS (Organic Farming Information System) contains a summary of the information consisting of import authorizations, ingredient authorizations and bodies or public authorities in charge of inspections: http://ec.europa.eu/agriculture/ofis_public/index.cfm

Additional information for Germany

The importer or his representative must, at the latest by the time that the certificate of inspection is submitted, inform the inspection body of each consignment to be imported giving the name and address of the first consignee as well as any details that the body may require.

The inspection body will verify that the inspection certificate, preferably written in German, is compliant with the requirements derived from the aforementioned EU legislation. Additionally, and if deemed necessary, the actual products may be physically inspected in order to assure the required level of compliance with these requirements.

The release for free circulation of products not complying with the requirements is conditional on the removal of references to the organic production method from the labeling, advertising and accompanying documents.

3.- Labeling for foodstuffs

All foodstuffs marketed in the European Union (EU) must comply with EU labeling rules, which aim at ensuring that consumers get all the essential information to make an informed choice while purchasing their foodstuffs.

Hence, the applicable labeling provisions are as follows:

- General rules on food labeling
- Specific provisions for certain groups of products:
 - Labeling of Genetically Modified (GM) food and Novel Food
 - Labeling of foodstuffs for particular nutritional purposes
 - Labeling of food additives and flavorings
 - Labeling of materials intended to come into contact with food
 - Labeling of particular foodstuffs

Besides these mandatory rules, there is also additional information that may be included by the manufacturers on a voluntary basis provided that it is accurate and does not mislead the consumer. For example, nutritional labeling is not obligatory unless a nutritional claim (e.g. "low fat", "high fiber") is made on the label or in advertising material. In this case, nutritional claims must comply with a standardized format, pursuant to Council Directive 90/496/EEC (OJ L-276 06/10/1990) (CELEX 31990L0496). Similarly, Council Regulation (EC) No 834/2007 (OJ L-189 20/07/2007) (CELEX 32007R0834) and Commission Regulation (EC) No 889/2008 (OJ L-250 18/09/2008) (CELEX 32008R0889) set out rules governing the use of the organic label.

General rules on food labeling

Labels of foodstuffs according to the general rules lay down by Council Directive 2000/13/EC (OJ L-109 06/05/2000) (CELEX 32000L0013) must contain the following particulars:

- The name under which the product is sold. No trademark, brand name or fancy name may substitute the generic name but rather may be used in addition. Particulars as to the physical condition of the foodstuff or the specific treatment it has undergone (powdered, freeze-dried, deep-frozen, concentrated, smoked, irradiated or treated with ionizing radiation) must be included where omission of such may confuse the purchaser.
- The list of ingredients, preceded by the word "Ingredients", must show all ingredients (including additives) in descending order of weight as recorded at the time of their use in the manufacture and designated by their specific

name. In the case of those products that may contain ingredients liable to cause allergies or intolerances, such as alcoholic beverages, a clear indication should be given on the label by the word “contains” followed by the name of the ingredient. However, this indication will not be necessary provided the specific name is included in the list of ingredients.

- The net quantity of pre-packaged foodstuffs in metric units (litre, centilitre, millilitre) for liquids and (kilogram, gram) for non-liquids.
- The date of minimum durability consisting of day, month and year in that order and preceded by the words "best before" or "best before end" or the "use by" date for highly perishable goods.
- Any special conditions for keeping or use.
- The name or business name and address of the manufacturer, packager or importer established in the EU.
- Place of origin or provenance
- Instructions of use, where appropriate.
- Indication of the acquired alcoholic strength for beverages containing more than 1.2% by volume.
- Lot marking on pre-packaged foodstuffs with the marking preceded by the letter "L".

These particulars must appear on the packaging or on a label attached to pre-packaged foodstuffs. In the case of pre-packaged foodstuffs intended for mass caterers (foodstuffs sold in bulk), the compulsory labeling particulars must appear on commercial documents while the name under which it is sold, the date of durability or use-by-date and the name of manufacturer must appear on the external packaging.

The labeling must not mislead the purchaser as to the foodstuff’s characteristics or effects nor attribute the foodstuff special properties for the prevention, treatment or cure of a human disease. The information provided by labels must be easy to understand, easily visible, clearly legible and indelible and must appear in the official language(s) of the Member State where the product is marketed. However, the use of foreign terms or expressions easily understood by the purchaser may be allowed.

List of applicable legislation

Specific provisions for certain groups of products

There are also labeling provisions which apply to specific groups of food products in order to give the consumers more detailed information on the contents and the composition of these products:

Labeling of Genetically Modified (GM) food and Novel food

Products consisting of or containing Genetically Modified Organisms (GMOs) and food products obtained from GMOs which have been authorized for the placing on the EU market are subject to labeling requirements pursuant to Regulations (EC) No 1829/2003 and 1830/2003 of the European Parliament and of the Council (OJ L-268 18/10/2003) (CELEX 32003R1829) (CELEX 32003R1830).

In the case of pre-packaged products, operators are required to state on a label that “This product contains genetically modified organisms”. This labeling obligation also applies to highly refined products (e.g. oil obtained from genetically modified maize) as well as GM additives and flavorings.

List of applicable legislation

Labeling of foodstuffs for particular nutritional purposes

In addition to the rules applicable to foodstuffs in general, specific provisions (e.g. declaration of the energy value, carbohydrate, protein and fat content, etc.) for groups of foods for particular nutritional uses (baby foods, dietary foods for special medical purposes, foods for weight reduction, foods for sportspeople, etc.) are laid down in specific Directives.

These products must be suitable for their claimed nutritional purposes and marketed in such a way as to indicate their suitability.

List of applicable legislation

Labeling of food additives and flavorings

Additives and flavorings must always be labeled on the packaging of food products by their category (anti-oxidant, preservative, color, etc.) with their name or E-number. Other provisions on labeling of additives sold as such to food producers and consumers are laid down in Regulation (EC) No 1333/2008 (OJ L-354 31/12/2008) (CELEX 32008R1333) and Directive 88/388/EEC (OJ L-184 15/07/1988) (CELEX 31988L0388).

List of applicable legislation

Labeling of materials intended to come into contact with food

According to Regulation (EC) No 1935/2004 of the European Parliament and of the Council (OJ L-338 13/11/2004) (CELEX 32004R1935), articles intended to come into contact with foodstuffs, including packaging materials and containers shall be labeled "for food contact" or shall bear the symbol with a glass and fork.

Labeling of particular foodstuffs

Provisions in relation with the labeling of certain products are established in specific EU legislation. User-friendly fact sheets which summarize EU legislation are available in the Summaries of EU legislation website (http://europa.eu/legislation_summaries/index_en.htm):

- Cocoa and chocolate products
- Honey
- Sugars
- Fruit juices and certain similar products
- Fruit jams, jellies and marmalades and sweetened chestnut purée
- Partly or wholly dehydrated preserved milk
- Caseins and caseinates
- Natural mineral waters
- Caffeine and quinine
- Coffee and chicory extracts
- Spreadable fats
- Beef and beef products
- Alcoholic beverages
- Spirit drinks
- Aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails

- Novel foods and novel foods ingredients
- Food supplements
- Vitamins and minerals
- Food enzymes
- Foods and food ingredients treated with ionizing radiation
- Quick frozen foodstuffs

Other information sources

Further information on food labeling may be found under Directorate General for Health and Consumers (DG SANCO) website:

http://ec.europa.eu/food/food/labellingnutrition/index_en.htm

4.- Marketing standards for fresh fruit and vegetables

Imports into the European Union (EU) of these products must comply with the EU-harmonized marketing standards

Inspection of marketing standards

According to Council Regulation (EC) No 1234/2007 (OJ L-299 16/11/2007) (CELEX 32007R1234) fruits and vegetables which are intended to be sold fresh to the consumer, may only be marketed if they are sound, fair and of marketable quality and if the country of origin is indicated.

The competent authorities designated by the EU Member States (MSs) perform documental and/or physical inspections of the imported products in order to check their conformity with the following EU general marketing standards laid down in Annex I Part A of Commission Regulation (EC) No 1580/2007 (L-350 31/12/2007):

- Minimum quality requirements;
- Minimum maturity requirements;
- Tolerance;
- Marking of origin of produce.

The following fruits and vegetables have specific marketing standards fixed in Annex I Part B of Commission Regulation (EC) No 1580/2007 (L-350 31/12/2007):

- Apples
- Citrus fruit
- Kiwifruit
- Lettuces, curled leaved and broad-leaved endives
- Peaches and nectarines
- Pears
- Strawberries
- Sweet peppers
- Table grapes
- Tomatoes

If the goods conform to the marketing standards, the inspection bodies issue a certificate of conformity which must be presented at the point of importation in order to be released for circulation. The certificate of conformity must conform to the specimen set out in Annex III to Commission Regulation (EC) No 1580/2007 (OJ L-350 31/12/2007) (CELEX 32007R1580).

If the goods do not conform to these standards, the inspection body issues a finding of non-conformity, which deters goods to be moved without authorization.

Approval of checking operations performed by third countries

The European Commission may approve conformity checking operations performed in origin by the authorities of third countries. In this case, prior to the entry into the EU, the third country's inspection bodies must check each lot of goods and draw up a certificate of conformity or any other form agreed between the Commission and the third country.

This approval has been granted to five countries: India, South Africa, Morocco, Kenya and Senegal (please see the Specific Requirement for each of these countries)

Products intended for processing

Imports of products intended for processing are not subject to compliance with the EU marketing standards. However, in accordance with Commission Regulation (EC) No 1580/2007, the packaging of products intended for processing must be clearly marked by the pack with the words "intended for processing" or other equivalent wording.

Legislation

- Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organization of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L-299 16/11/2007) (CELEX 32007R1234)
- Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector (OJ L-350 31/12/2007) (CELEX 32007R1580)

Additional information for Germany

Control procedure

The importer or his authorized representative must inform the competent officials about the data related to the consignment (identification of the importer, country of origin, product identification, net and gross weight, and quality category, etc.) and present any documents or certificates qualifying compliance with the marketing standards.

The products may go through a documentary check, physical inspection and/or sample taking and analysis (according to needs) in order to verify that the goods comply with the corresponding marketing standards.

5.- Control Fitosanitario

The imports into the European Union (EU) of plants, plant products and any other material capable of harboring plant pests (e.g. wooden products and containers, soil, etc) may be subject to the following protective measures, as established by Council Directive 2000/29/EC (OJ L-169 10/07/2000) (CELEX 32000L0029):

1. Import Bans;
2. Phytosanitary certificate and/or phytosanitary certificate for re-export;
3. Customs Inspection and plant health checks;
4. Importers Register;
5. Advance notice on imports.

These phytosanitary measures are intended to prevent the introduction and/or spread of pests and organisms harmful to plants or plant products across the EU boundaries. Those measures enforce the International Plant Protection Convention (IPPC)–FAO, to which EU Member States are contracting parties and which sets out the basic rules and control procedures to secure a common and effective action to protect the countries' agricultural and forestry resources.

The IPPC requires every contracting country to establish a national plant protection organization to inspect growing crops and to report on pests and control them. A complete listing of the national plant protection organizations (NPPOS) can be found at the official website for the IPPC (<http://www.ippc.int/>).

French Overseas Departments and Spanish Canary Islands, in view of their agricultural and ecological characteristics, may request additional conditions to those laid down in the Directive assuming they are justified on grounds of the protection of health and life of plants in their territories.

Council Directive 2000/29/EC establishes several exemptions for each phytosanitary measure (e.g. plants and plant products for trial, scientific purposes, work on varieties selection; internal transit; small quantities that do not pose a risk of spreading harmful organisms etc.). They are usually granted for a limited period, subject to special import conditions and to a specific license.

1. Import bans

Member States shall ban the introduction into their territory of:

- A. Certain particularly dangerous harmful organisms, which are listed in Annex I, Part A to Council Directive 2000/29/EC.
- B. Plants and plant products listed in Annex II, Part A, where they are contaminated by the relevant harmful organisms listed in that part of the Annex to the Directive.
- C. Plants or plant products listed in Annex III, Part A, where they originate in the relevant countries referred to in that part of the Annex to the Directive.

D. Plants, plant products and other objects listed in Annex IV, Part A, except for those meeting the special requirements indicated in that part of the Annex to the Directive.

In relation to wood packaging, the provisions introduced by Commission Directive 2004/102/EC (OJ L-309 06/10/2004) (CELEX 32004L0102) establish that wood packages of any type (cases, boxes, crates, drums, pallets, box pallets and other load boards, pallet collars, etc.) shall go through one of the approved treatments specified in Annex I to FAO International Standard for Phytosanitary Measures No. 15, bear the corresponding mark as specified in Annex II and be made from debarked wood (this requirement is postponed until 1 January 2009 according with Commission Directive 2006/14/EC (OJ L-34 07/02/2006) (CELEX 32006L0014).

Commission Decision 2005/51/EC (OJ L-21 25/01/05) (CELEX 32005D0051), authorizes Member States to provide derogations with regard to the prohibitions referred to in point 14 of Annex III Part A and point 34, section I, Part A, Annex IV above mentioned for soil originating in certain third countries under specific conditions provided for in the Annex of the same Decision and destined for treatment in dedicated hazardous-waste incinerators.

Certain areas of the EU, that are free from plant pests established elsewhere in the EU, have been designated as “protected zones” and may be affected by special bans and requirements to prevent spreading of harmful organisms to particular crops (Annex I Part B; Annex II Part B; Annex III Part B and Annex IV Part B to Council Directive 2000/29/EC) .

2. Phytosanitary certificate and/or phytosanitary certificate for re-export.

Imports of plants and plant products listed in Annex V, Part B to Council Directive 2000/29/EC must be accompanied either by an official “phytosanitary certificate” or a “phytosanitary certificate for re-export” (in case the consignment after being dispatched from a third country, has been stored, repacked or split up in another non-EU country).

Those documents certify the phytosanitary conditions of plants and plants products, and also that the shipment has been officially inspected, complies with statutory requirements for entry into the EU and is free of quarantine pests and other harmful pathogens.

They shall be at least in one of the official languages of the EU and shall be issued by the designated authorities of the third country of export or re-export and made out not more than 14 days before the date on which the plants, plant products or other objects covered by it have left the country of issuance.

Phytosanitary certificates shall be issued in compliance with the provisions of the IPPC and taking into account the FAO International Standard for Phytosanitary Measures No 12 on Guidelines for phytosanitary certificates.

3. Customs inspection and plant health checks.

In addition to the above mentioned certificates, the plants and plant products listed in Annex V, Part B to Council Directive 2000/29/EC shall, from the time of their entry in the EU, be subject to customs inspections and supervision by the responsible official bodies.

The inspections shall consist in:

- Documentary checks establishing that the required certificates, alternative documents or marks have been issued or satisfied
- Identity checks establishing that the plants, plant products or other objects conform to the ones declared on the required documents and
- Plant health checks establishing that the plants, plant products or other objects, including their wood packing material if any, comply with the specific requirements and phytosanitary measures specified in Council Directive 2000/29/EC and can be imported into the EU.

The inspections must be made at the point of entry into the EU at the proper Member State's border inspection post (BIP). However, identity checks and plant health checks may be carried out at the place of destination provided that there is satisfaction of specific guarantees and documents regarding transport of plants and plant products determined for each particular case

4. Importers register

Importers, whether or not producers, of plants, plant products or other objects, listed in Annex V, Part B to Council Directive 2000/29/EC must be included in an official register of a Member State under an official registration number.

5. Advance notice on imports

Member States may require airport authorities, harbor authorities, importers or operators to give, as soon as they are aware of the imminent arrival of a consignment of plants, plant products and other objects advance notice to the customs office of point of entry and to the official body of point of entry.

In addition and without prejudice to provisions of Council Directive 2000/29/EC, plants, plant products and any other material capable of harbouring plant pests may be subject to emergency measures.

Legislation

EU legislation on plant health control

Other information sources

European Commission - DG Health and Consumer Protection:
http://ec.europa.eu/food/plant/organisms/index_en.htm

Additional information for Germany

Inspection Procedure

Imports of plant and plant products can only be done through the authorized points of entry and from the time of their arrival will be subject to the supervision of the officials of the competent authorities under customs surveillance.

The importer or its representative must give advance notice of the arrival and submit a request for inspection that should at least contain:

- The "Taric" code (the product identification in the European Integrated Tariff Nomenclature)

- An statement indicating that the consignment contains produce of phytosanitary relevance
- Reference number(s) of the required phytosanitary documentation
- Official registration number of the importer

The inspections will consist in documentary checks, identity checks and, when judged necessary by the competent officials, also plant health checks. Release from customs can only be done after a favorable result.

Competent authorities / competent bodies

- Julius Kühn Institut - Bundesforschungsinstitut für Kulturpflanzen (Julius Kuhn Institute - Federal Research Centre for Cultivated Plants)

Institut für nationale und internationale Angelegenheiten der Pflanzengesundheit (Institute for National and International Plant Health)

Messeweg 11-12

DE-38104 Brunswick

Tel: (+49) 531 2993 371

Fax: (+49) 531 2993 007

E-mail: ag@jki.bund.de

Website: <http://www.jki.bund.de>

- Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz - BMELV (Federal Ministry of Food, Agriculture and Consumer Protection)

Abteilung 5 Biobasierte Wirtschaft, Nachhaltige Land-und Forstwirtschaft (Department 5 Bio-based economy, sustainable agriculture and forest-based industries)

Unterabteilung 51 Landwirtschaft (Sub-department 51 Agriculture)

Referat 512: Pflanzenschutz (Unit 512 Plant Protection)

P.O. Box 140270

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Tel: (+49) 228 99 529 3527

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E-mail: 512@bmelv.bund.de

Website: <http://www.bmelv.de>

6.- Control de los residuos de plaguicidas en productos alimenticios de origen vegetal y animal

In order to ensure a high level of consumer protection, imports of plant and animal products or parts thereof intended for human consumption in or on which residues of pesticides may be present, are only permitted when complying with guarantees laid down by EU legislation designed to control the presence of chemical substances and residues thereof in live animals, animal products and products of plant origin.

The placing on the market of these products is covered by two main Directives:

Animals and animal products

Council Directive 96/23/EC (OJ L-125 23/05/1996) (CELEX 31996L0023) outlines the procedure to evaluate whether when importing animals and animal products, the guarantees on residues of chemical substances presented by a third country can be deemed equivalent to those requested to the products produced under EU rules. Such products shall only be imported from authorized countries included in the list published in Commission Decision 2004/432/EC (OJ L-154 30/04/2004) (CELEX 32004D0432). Inclusion and retention on this list shall be subject to submission by the third country concerned of a plan setting out the guarantees which it offers as regards the monitoring of the groups of residues and substances referred to in Annex I to the Directive.

Plants, plant products and their protection

Council Directive 91/414/EEC (OJ L-230 19/08/1991) (CELEX 31991L0414) lays down rules and procedures for active substances to be marketed in the EU and for the authorization by Member States of plant protection products containing them. Active substances cannot be used in plant protection products unless they are included in a positive EU list. Such substances are included in the EU Pesticide Database. Once a substance is included in the list, Member States may authorize the use of products which contain it.

Control of pesticide residues in the EU: the maximum residue levels (MRLs)

As from 1 September 2008, Regulation (EC) No 396/2005 of the European Parliament and of the Council (OJ L-70 16/03/2005) (CELEX 32005R0396) defines a fully harmonized set of rules for pesticide residues. This Regulation lays down provisions for the setting of EU pesticide maximum residue levels (MRLs) in food and feed.

Imports of plant and animal products must comply with such MRLs set by the European Commission to protect consumers from exposure to unacceptable levels of pesticide residues.

Annexes to Regulation (EC) No 396/2005 of the European Parliament and of the Council set out the list of products subject to control and MRLs applicable to them:

- The list of products to which the MRLs apply has been established in Annex I, which includes animal products, fruits, vegetables, cereals, spices and certain edible plants.
- The list of EU definitive MRLs is laid down in Annex II.
- The so-called EU temporary MRLs (pesticides for which, before 1 September 2008, MRLs were only set at national level), are listed in Annex III.
- The list of pesticides for which no MRLs are needed because of their low risk is included in Annex IV.
- Annex V, which will contain the list of pesticides for which a default limit other than 0,01 mg/kg will apply and Annex VI, which will contain the list of conversion factors of MRLs for processed commodities, have not been published yet.
- Annex VII contains a list of pesticides used as fumigants for which the Member States are allowed to apply special derogations before the products are placed on the market.

Specific information on the substances and the MRLs included in the lists of Annexes II, III and IV is available at the EU Pesticide Database.

Member State authorities are responsible for the control and enforcement of the MRLs. Such control will be carried out by means of a coordinated multiannual Community control programme of pesticide residues in food of plant and animal origin established by Commission Regulation (EU) No 915/2010 (OJ L-269 13/10/2010) (CELEX 32010R0915). According to this scheme, during the years 2011, 2012 and 2013, Member States shall take and analyze samples for the product/pesticide residue combinations set out in the Regulation.

Furthermore, official controls of the presence of hazardous substances on certain commodities from selected third countries have been increased and shall be carried out according to the provisions of Commission Regulation (EC) No 669/2009 (OJ L-194 25/07/2009) (CELEX 32009R0669).

Legislation

- Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L-230 19/08/1991) (CELEX 31991L0414)
- Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJ L-125 23/05/1996) (CELEX 31996L0023)
- Commission Decision 2004/432/EC of 29 April 2004 on the approval of residue monitoring plans submitted by third countries in accordance with Council Directive 96/23/EC (OJ L-154 30/04/2004) (CELEX 32004D0432)
- Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels (MRLs) of pesticides in products of plant and animal origin (OJ L-70 16/03/2005) (CELEX 32005R0396)
- Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L-194 25/07/2009) (CELEX 32009R0669)
- Commission Regulation (EU) No 915/2010 of 12 October 2010 concerning a coordinated multiannual control programme of the Union for 2011, 2012 and 2013 to ensure compliance with maximum levels of and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin (OJ L-269 13/10/2010) (CELEX 32010R0915)

Other information sources

- Community Reference Laboratories for Residues of Pesticides: <http://www.crl-pesticides.eu>
- Food and Veterinary Office (FVO): http://ec.europa.eu/food/fvo/index_en.cfm
- Document Method validation and quality control procedures for pesticide residues analysis in food and seed: http://ec.europa.eu/food/plant/protection/resources/qualcontrol_en.pdf
- Checks on import of food of non-animal origin: http://ec.europa.eu/food/food/controls/increased_checks/index_en.htm

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