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## **Denmark**

# **Food and Agricultural Import Regulations and Standards**

## **Country Report**

### **2001**

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#### **Report Highlights:**

**July 2001 updates mainly in Section VII (Certification and Documentation Requirements. Section IX (Import Procedures) has been added.**

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## FAIRS REPORT ON DANISH FOOD LAW

### SECTION I. FOOD LAWS

#### **The Danish Ministry of Food, Agriculture and Fisheries.**

**The Ministry** provides assistance to the Minister regarding policy development for food, agriculture and fisheries. Policies are designed in co-operation with the government, Parliament and agricultural, trade and consumer organizations.

The main objectives of the ministry are to promote profitable production and sales in the sectors pertaining to the Ministry, to ensure healthy and high quality products, and to provide a high level of information. The Ministry has a staff of 195.

**The Danish Veterinary and Food Administration** administers Danish food legislation by providing information, counselling and inspection. The Administration is also designed to protect consumers against misinformation, ensure equal conditions for retailers and producers, and promote healthy food habits. At the local level the Administration is represented by 12 district offices, two meat inspection districts and nine border inspection posts. The Administration has 1,410 employees.

**The Danish Plant Directorate** is responsible for the quality of vegetable products, environmental regulation of agricultural production, and control of EU agricultural subsidy schemes. The Plant Directorate has a staff of 510.

**The Danish Directorate for Fisheries** carries out management and control of EC regulations and national rules in the fisheries sector. It also performs quality inspections in companies and in import/export transactions in order to ensure healthy food products. The directorate has a staff of 325.

**The Danish Food Act** applies to all foods sold in Denmark. In the scope of The Food Act a number of regulations and guidelines have been issued. Most of the regulations are in accordance with directives and ordinances adopted in the European Union. The enforcement of the rules is very effectively carried out by the district offices, who inspect every food establishment authorised. That is producers, importers, wholesalers, catering establishments and retailers.

The enforcement of the regulations is further supported by inspections which retailers conduct on their own initiative. All in all it is very important to ensure that any food product is in compliance with all the relevant regulations prior to marketing. Otherwise problems are unavoidable.

**Important notes:** (1) It is not possible to obtain a pre-approval of products (composition, labeling etc.) from Danish authorities. It is the responsibility of the producer, the Danish importer and the retailer to ensure the product's legality. (2) The terms (community regulations) and (national regulations) describe the origin of the requirements being discussed.

## **SECTION II. LABELING REQUIREMENTS**

### **General requirements** [Community regulations]

Most foods are covered by the general regulation on labeling of foods, but certain foods are covered by specific regulations as well, e.g. fish products, chocolate, fruit juice, marmalade products and food supplements.

**All foods** sold in Denmark must be marked with a batch-identifying code (a lot- number or a date of production). This is true for “bulk packed” products as well as prepacked products – **and is the only requirement for “bulk packed” products.** All other information may be handed over to the importer in document form.

Normally **all prepacked foods** intended for the final consumer or catering establishments must be labeled according to the general rules prior to retail sale or catering service:

- **Name and address.**  
Name and address of either the producer, the packaging establishment or a sales company within The European Community. (That means, it is enough to state the name and address of an American producer or packer).
- **Product designation.**  
The designation must describe the product in a proper way or maybe a name stated by law. A fantasy name or a trade mark cannot replace the product designation. Pictures or claims regarding a certain component as well as naming of specific ingredients in the product designation requires a quantitative declaration of that ingredient either in accordance with the product designation or in the ingredients list.(QUID = QUantitative Ingredients Declaration).
- **Composition.**  
The composition of a food must be declared as an ingredients list, listing all ingredients used in order of falling weight at the time of production. Some groups of ingredients e.g. vegetable oils can be declared by a group name. Allowed group names are defined in the labeling regulations. Composite ingredients well known to consumers e.g. margarine, need not be specified if the content is below 25 percent of the total weight of the product. The ingredients list must start with the word “Ingredienser”.

Beverages with an alcohol content of more than 1.2 percent vol. must be declared with the actual % vol. Some categories of foods are exempted from requirement of ingredients list, e.g. alcoholic beverages, some dairy products and products with only one ingredient.

- **Net weight.**  
Net content (weight or volume) must be stated in metric system. Drained net weight should be stated as well when appropriate. Number of pieces can be stated as well. Net weight is

not necessary when the weight is below 50g, and for food supplements in tablet form where the number of tablets is sufficient.

- **Durability.**

The durability must be stated by best before/best before end date (“Mindst holdbar til”/”Mindst holdbar til og med”). Very perishable foods must be marked with last day of consumption (“Sidste anvendelsesdato”). The durability statements must be followed by storage instructions and instructions for use, if it is necessary in order to ensure correct use and storage.

Certain food categories such as confectionery, salt, vinegar and wine are excepted from shelf-life information.

**Other labeling requirements:** [Community and national regulations]

**Language requirements.** The labeling language must be Danish. Certain words from other languages which are very similar to Danish in spelling, may be used. In practice though, most of the labeling will have to be in Danish.

**Foreign labels.** Products can not be sold with a standard U.S. label only. Stick-on labels can be used in addition to a U.S. label, or to cover certain text on the original label, which is not in conformity with Danish labeling requirements. (E.g. claims or nutritional information which is not appearing in Danish).

**The Danish label or stick-on label** must be applied prior to retail sale or sale to catering establishments. Before that, there are no labeling requirements.

**For sample-size and institutional packed products** in small packages where the biggest surface is less than 10 cm<sup>2</sup>, it is sufficient to state product designation, net weight and durability (and lot no. if durability does not include the date). For products in bigger packages all requirements must be fulfilled.

**Standard U.S. labeling** does not match standard Danish labeling at several points. For example declaration of food additives in foods is different in naming, health claims are not allowed in Denmark, and RDAs are different as well. It is advisable to always properly adapt the label to meet the Danish requirements, as all details are enforced.

**Country of origin** must be declared, if exclusion of that information can mislead the consumer as to where the product originates. Besides it is not allowed to call a product e.g. “American barbecue” if it is not produced in USA – even if you state the actual country of origin. In that case the product must be designated e.g. “Barbecue American Style” Produced in ....

**Exceptions to the labeling regulations** are not granted beforehand. In certain cases a dispensation can be obtained to use a faulty label until reprinting, if the fault is minor. Such dispensations are granted by the district offices. [National procedure]

**Food additives** must be declared in the ingredients list by functional class, followed by a specific name or E-no., as defined in the labeling regulation and positive additive list. Flavors must be declared merely as “aroma” and it is possible to state “natural, nature identical or artificial” in accordance with the definitions in the flavor regulation.

**Nutrients** can be added after granting from the authorities, but the use allowed is very limited. Added nutrients can not be claimed on the label, but only declared in the ingredients list and in a nutritional information. [National regulation]

**Misleading** the consumer by using claims and pictures is prohibited by the Danish authorities. A campaign has been run, forcing companies to change misleading labeling. Examples are as follows:

*Pictures* of fruit or other ingredients can only occur when the ingredient is actually in the food product in an "appropriate" amount. A flavor or a minimal part of the ingredient is not enough.

The word *fresh* can only be used if the product is sold to the consumer within a few hours after production.

When a product is claimed to be *luxury*, it must be possible to document the better quality. Claims like *real, true and pure* must be possible to document as well.

The use of geographic names and national symbols is addressed above.

***Requirements Specific to Nutritional Labeling*** [Community and national regulations]

**The standard U.S. nutritional fact panel** is not acceptable for use on Danish labels. The information must be presented in Danish and use the specific terminology defined in the nutritional declaration regulations.

The information must be provided according to 100g or ml of the product, as sold to the consumer in the sales container. In addition if appropriate, the facts can be given related to a piece, a serving or to 100g or ml prepared food.

Naturally occurring vitamins and minerals in the food can only be declared if they exceed 15 percent of ADT (“Anbefalet daglig tilførsel”/ Recommended daily intake) – the values of which differ to some extent from US-RDA values.

**The Nutritional Labeling Requirements** apply to all foods, except natural mineral waters and food supplements. In general, labeling is voluntary, but if a nutritional claim is made or if a vitamin/mineral is added, the nutritional labeling becomes mandatory.

A nutritional declaration can be “short” or “long” meaning either consisting of *energy (kJ/kcal), protein, carbohydrate and fat or energy (kJ/kcal), protein, carbohydrates, sugars, fat, saturates, fibers and sodium*. Both versions can be supplemented by several other nutrients. If unsaturated

fatty acids are declared, declaration of saturates is mandatory. That combination is also possible in the short version.

If vitamins /minerals are declared, it is mandatory to state the percentage of ADT accordingly.

**Natural mineral water and food supplements** are exempted from the declaration of energy and energy-supplying nutrients. Nutritional declaration of food supplements can be given per daily dose instead of per 100 g. [National regulation on food supplements]

**Nutrient content claims** are described in guidelines, one general and one specifically related to *Light*. Nutritional claims are restricted to naturally occurring nutrients (not allowed for added vitamins and minerals), and must be followed by a nutritional declaration. All nutrient claims result in a nutritional declaration, except from claims related to salt and alcohol which are not regarded as nutrients (salt is not but sodium is). The nutrient claim must be nutritionally relevant seen in relation to general nutritional recommendations and/or to comparable food products . It is forbidden to claim that a food has reached a better nutritional standard by adding of nutrients (vitamins/ minerals), and vitamins/minerals added as e.g. antioxidants or colors must not be declared as nutrients.

Both *absolute descriptors* and *relative descriptors* can be used. Implied claims are not described in the guidelines. As long as they are not misleading to the consumer, they will be accepted. [National regulation]

*Specific guidelines regarding nutritional claims:* [National regulation]

**Fibers.** High fibre content can be claimed at a content between 4-8g per MJ, and “rich in fibers” can be claimed at contents above 8g per MJ.

**Fat.** Light or low with regard to fat can be claimed if the fat content is reduced with at least 50 percent *and* the energy content is reduced with at least 30 percent. This is with reference to comparable reference products.

**Sugar.** Light or low with regard to sugar can be claimed when the content of energy contributing carbohydrates is reduced with at least 30 percent *and* the energy content is reduced with 30 percent as well, also compared to reference product.

**Sodium.** The term “light” is not recommended in relation to sodium. The terms “low” or “reduced” are preferred instead.

**Health claims** and *functional claims* are not allowed in Denmark. Due to this, *functional foods* are difficult to market in Denmark and only a few products in this category exist on the market.

#### **SECTION IV. FOOD ADDITIVES REGULATIONS**

[Community and national regulations]

Danish food additive regulations are primarily based on common regulations within the

European Community. Four major EC-directives on the use of additives and the labeling rules are implemented in Danish food additive regulations. They are the directives governing colors, sweeteners, flavors and miscellaneous food additives and in addition the labeling directive. The EC regulation also provides requirements as to identity and purity of approved food additives.

**The Danish Positive Additive List** regulates the use of colors, preservatives and miscellaneous food additives in all foods in accordance with the EC-directives. The Danish authorities have tried to introduce a more restricted regulation on sulfur dioxide and sulfites, nitrate and nitrites than the ED-rules, as Denmark has used the derogation clause referring to consideration of public health. This is until further turned down by the Commission, but the case will be taken to court. In the meantime, the Danish regulation matches the EC regulation but the Danish retailers will only sell goods conforming with the proposed Danish restrictions.

CODEX evaluations of the safety of food additives have been considered in the development of the community regulations, but the list of CODEX approved food additives for imported foodstuffs is not applicable as such.

The Danish Veterinary and Food Administration is not authorized to add new food additives to the list or to change the conditions for use of existing ones. This has to be applied for through an EC procedure.

The said directives and the Danish Positive additive list does not include flavors, bacterial cultures and most enzymes, but the Danish Positive additive list additionally covers the use of nutrients, which is nationally regulated. A negative list of naturally occurring flavoring matters also exists in the flavor regulation.

The Danish Positive additive list is only available in Danish. The list can be bought in bookshops or from "Statens Information".

**Labeling** of food additives in foods shall consist of a category designation followed by the specific name or the E-number of the additive used. The category designations are defined in the labeling directive and implemented in the Danish labeling regulation. The specific names and E-numbers of the food additives are specified in the directives and in the Danish Positive food additives list.



Special Danish rules for food additives:

**Flavors.** All *smoke flavors* must be approved by the Danish Veterinary and Food Administration prior to use. The application must follow the guidelines issued by the EC body SCF (Scientific Committee for Food) which include information regarding production method, chemical composition and toxicological data. An approval obtained in another EC country and based on the same information can be accepted as documentation in Denmark.

**Enzymes.** In Denmark all enzymes have to be approved by the Danish Veterinary and Food Administration prior to use in production of foods or as ingredients. A guideline concerning the data requested is printed as an appendix to the food additives regulations.

**Micro-organisms.** In Denmark all bacteria, yeast and fungi cultures have to be approved by the Danish Veterinary and Food Administration prior to use in production of foods or as ingredients. A guideline concerning the data requested is printed as an appendix to the food additives regulations.

**Preservatives.** Denmark has tried to adopt more restricted rules for the use of sulphites in general and nitrate and nitrites in meat products, than the rest of the European Community has adopted according to the Directive. The Danish government finds that the commonly accepted levels give rise to unacceptable health concerns. It is questionable whether Denmark can maintain these national standards as the European Commission has just refused to accept the Danish position. The issue will probably be tried at the EC court. Until the courts decision Denmark is obliged to accept the EC limits for products on the market.

**Vitamins and minerals.** The Danish Positive food additives list includes a list of accepted vitamin and mineral sources and their specifications for identity and purity. Only nutrients from this list can be added to foods.

## **SECTION V. PESTICIDE AND OTHER CONTAMINANTS**

[Community and national regulations]

The Danish pesticide regulation is primarily based on the common regulation within the European Union.

CODEX maximum residue limits have been considered in the development of the community regulations, but the list of CODEX MRLs is not necessarily followed in detail. Besides the EC lists, specific Danish maximum limits for a range of pesticides found in fruit, vegetables, cereals and fish are contained in the regulation.

The pesticide regulation consists of positive lists of maximum limits for a range of pesticides in different foods and animal feed. Food products must not be sold if the pesticide residues exceed the maximum limits.

The control of residues in animal feed is conducted by *the Danish Plant Directorate*, and the

control of food is conducted by the *district offices* of food control.

The evaluation of new pesticides is conducted by the *Danish Environmental Protection Agency*, who also can inform regarding approved pesticides.

Information on pesticide residues can be obtained from the *Danish Veterinary and Food Administration*.

**Other contaminants.** [Community and national regulations]

**Certain metals.** There are maximum limits for lead, mercury, cadmium and tin in foods. It is forbidden to import or sell food with contents exceeding the maximum limits. Besides a survey limit list exists. This contains lower limits, which should preferably be met. Control findings exceeding the survey limits are reported by the district units to the directorate.

**Erucic acid.** The content of erucic acid in fats and oils must not exceed five percent. This also applies to fats and oils as ingredients in food with more than five percent fat or oil added.

**Mycotoxins.** Maximum limits for content of different aflatoxins are set for certain foods such as peanuts, dried fruits, cereals and milk. National limits are set additionally for content of aflatoxins in foods in general and for ochratoxin A in cereals.

**Ethylene oxide.** There is a ban on the use of ethylene oxide. This means that it is totally forbidden to market food products or ingredients (e.g. spices) treated with ethylene oxide. [National regulation]

**Irradiation.** Irradiation of foods and ingredients require a national approval. Very few approvals have been issued, mainly for spices. When an irradiated food or ingredient is marketed, the irradiation must be stated on the label.

## **SECTION VII. OTHER SPECIFIC STANDARDS.**

**Weights and measures.** [Community regulation]]

Weights must be stated in metric units (weight or volume). An optional directive on package sizes exists. Denmark has not adopted the rules so package sizes are optional for ordinary food products.

Prepacked products marketed with constant nominal content, can be covered by an official measure control and marked with an e in connection with the weight labeling. Imported foods can be covered by the e-marking as well, provided the importer effects a notification and establishes an agreement regarding control with the competent authority, the Danish Agency for Trade and Industry.

***Vitamin and mineral enrichment requirements in foods.*** [National regulation]

In Denmark, there are only a few vitamins and minerals that can be added to certain foods. The authorized additions are based on the principles of fortification/enrichment (iodine in salt), substitution (vitamin A and D in margarine) and restoration (vitamin B in cereals, vitamin C in fruit juices). These principles are in accordance with the definitions of CODEX.

In the case of e.g. restoration of vitamins and minerals in wheat flour, it is only allowed to add B1, B2, Calcium and Iron. This is different than the rules in the United States. According to Danish authorities, they will allow further enrichment according to the mandatory US requirements in order to avoid the introduction of a technical trade barrier. This is when the flour is used as an ingredient in a compound food. This principle might be relevant for other foods as well.

The general conditions for adding of nutrients to foods are:

- 1) The added nutrients must fulfil the Danish specification requirements, as stated in the Positive additive list.
- 2) The Danish Veterinary and Food Administration must be notified of the enrichment, with information about type and amount of nutrients added. A fee is charged.
- 3) Iodine (13mg/kg salt) must be added to edible salt and salt used as ingredient in bakery products. The total content (naturally occurring and added) of nutrients must be declared in the ingredients list and in a nutritional information.

***Novel foods/ GMO's.*** [Community regulation]

Novel foods are defined as foods not previously consumed in significant quantities within Europe. Also new combinations of ingredients may be considered novel, depending on the Danish interpretation of the directive.

Novel foods, including GMOs, can be used after EC certification. Once a GMO is approved for use in foods, no product specific registration is necessary. GMO products, as well as ingredients (including food additives and flavors) deriving from GMOs, which can be analytically detected (DNA or protein containing), must be declared as genetically modified in connection with the product designation or in the ingredients list. Accidental contents of GMOs in combined foods and single ingredient foods at a level below one percent need not be declared.

***Dietetic and special use foods.*** [Community and national regulation]

Special regulations on dietetic foods cover:

*Slimming foods (VLCD and LCD diets)*

*Baby and infant formulas.*

*Nutritional preparations for special medicinal uses.*

Baby and infant formulas intended for healthy children, and low calorie diets and special medicinal diets are subject to EC harmonisation, and these products need no specific approval prior to marketing.

Very low calorie diets are subject to a national registration procedure. The regulations cover standards and requirements regarding composition, labeling and warnings. Other special use foods might exist and would be subject to national regulations.

***Organic foods.*** [Community and national regulation]

A product can be marketed as organically grown or under given circumstances as organic ingredient in composite foods, provided the production is granted by an accredited inspection body. Third country inspection bodies must conform to the standard of EC member state inspection bodies, which is described in an EN and ISO standard.

The name of the inspection body in question must be stated on the label, and the logo can be used as well.

The national Danish logo for organic products controlled by the Danish district offices can only be used for labeling purposes, if a part of the food production is carried out in Denmark (e.g. packaging process).

***Health foods and Dietary supplements.*** [National regulation]**Vitamins and minerals.**

Vitamin and mineral supplements can be classified as food supplements as well as drugs (medicine) depending on their strength. A list of maximum values for each nutrient as a dietary supplement exists. For example, vitamin C has a maximum of 90mg a day as dietary supplement. If this limit is exceeded, the product will be classified as a drug. If only one nutrient in a combined product is over its limit, the product is a drug.

***Vitamins and minerals as drugs.***

Products classified as drugs must be authorized by the Danish Medicines Agency, according to a national application with efficacy and safety based on bibliographic data. Only recognised nutrients are allowed as active substances and it is not possible to mix them with herbals or other substances.

***Vitamins and minerals as food supplements.***

Only recognised nutrients and certain specified sources of them are accepted. Products have to be approved by the food authorities. A guiding minimum value for each nutrient exists, because the addition of a nutrient has to be nutritionally relevant. It is possible to mix with herbals and other food ingredients (e.g. fish oils). Propionic bacteria cultures are not accepted as food supplements as they provide no direct nutritional function.

#### Herbal drugs.

These components can be classified as drugs (Danish Medicines Agency authorisation) or as food supplements (no registration necessary), depending on the degree of safety data, well established use, efficacy documentation and claims used. Health or functional claims are usually not allowed for food supplements. For drugs only, minor difficulties suitable for self medication are accepted as indication.

Special labeling requirements and mandatory warnings exist.

#### ***Fruits and vegetables.*** [Community regulation]

Fruits and vegetables can be sold unpacked by piece or by weight. The country of origin must be stated and any surface treatment must be noted. The surface treatment of fruits is regulated through the food additives regulation.

Regulations on potatoes for breeding and for consumption are administered by the Danish Plant Directorate who controls the sort, the quality and the labeling of potatoes.

Processed fruits and vegetables are in general covered by the ordinary food regulations. Jams, jellies and marmalade, as well as fruit and vegetable juices, are subject to special standards and labeling requirements, which are based on EC directives.

## **Certification and Documentation Requirements.**

### Authorities

Import documents required for the Danish market are similar to those required for importing to the European Union. The Danish regulations are implementations of EU directives common for all EU member states. Imported food products must guarantee conformity to Danish standards and regulations.

The Danish agencies involved in the import procedure are:

#### **The Danish Veterinary and Food Administration.**

The Administration is the authority outlining the regulations for implementing the Directives from the EU. Furthermore, the Administration is the authority for complaints about rejected imports and decisions made by the Regional Veterinary and Food Control Authorities and the Border Veterinary Service.

#### **The Regional Veterinary and Food Control Authorities.**

The Regional Authorities (there are 11 in Denmark) handle the paperwork connected with imports to Denmark. The Regional Authorities are also responsible for inspecting importers' storage facilities.

**The Border Veterinary Service (border inspection posts).**

The nine Border Veterinary Service posts inspect documents and livestock products and live animals at arrival at a Danish port or airport. Imported vegetable products and processed foods are not inspected at arrival in Denmark, but when the importer receives them. Inspection at the importer's facilities is carried out by the Regional Veterinary and Food Control Authorities.

**The Plant directorate (The Border Plant Inspection Service).**

Documents required for importing food to Denmark.

The documents required for importing food to Denmark include general documents on trade, customs documents and certificates on health and hygiene for food and agricultural products. The requirements for certificates regarding livestock products are more comprehensive than for other types of food products and plants.

Besides the certificates and documents listed below, the imported products must be in accordance with the Danish standards and regulations for the specific product. The imported products must also have a label in Danish that meets the Danish requirements for labeling information. The label must show if a product has been genetically modified or radiated. Labeling rules are discussed in Section 2.

If the imported product is determined for the market in the European Union, the product will be accompanied by a Certificate of Free Sales. The Border Veterinary Service prepares the certificate. The certificate states that the imported products have been submitted to border inspection by the arrival in the EU and that the product has been approved for the European Union market.

**Vegetable products, other processed foods and plants.**

In general, imports of vegetable products and other processed foods than livestock products do not require specific import documents or certificates, but there are some exemptions.

One exemption is the case of potential contamination from aflatoxin. This concerns imports of peanuts and peanut products, paranuts, pistachios, and dried figs. For these products, the importer must present documentation that the shipment does not exceed the Danish limits for aflatoxin content. Documentation can be a certificate from the exporter's laboratory, from the importer's laboratory, from the Food Control Authorities in the exporting country or a statement on the invoice from the supplier.

Imported plants, cut flowers, seeds, and some types of fruit are submitted to inspection at the border. These products all require a Certificate of Plant Health. The importer must notify the

Border Plant Inspection at least 24 hours before the expected arrival of the shipment. Shipments without the required Certificate of Plant Health will be rejected, and there is no dispensation for missing certificates.

**Livestock products: meat, dairy, poultry, eggs, and seafood.**

Imports of livestock products require several certificates depending on the type of product. The Danish regulations for required documentation are very comprehensive and in line with the documents required for importing to the European Union. For imports of livestock products to Denmark, most import regulations are found in Order no. 723, dated July 25, 2000. Imports of meat and meat products demand the most documents.

The importer is responsible for gathering the required certificates and documents such as the Certificates of Health and Hygiene. The exporter provides the required information, documentation and tests. The importer has to be registered at the Regional Food Control Authorities. The Border Veterinary Service prepares the certificate of Veterinary Control.

Certificates required for meat, poultry, and processed meat products:

Certificate of Health  
Certificate of Hygiene  
Certificate of Veterinary Control  
Statement of Slaughtering Method  
Statement of Tricine Control  
Statement of BSE free products

Minced meat and meat products must present a Health Certificate for the fresh meat and a Hygiene Certificate for the minced or processed products. The time of freezing must show on the documents of trade.

Imports from the U.S.A. of beef and processed beef for human consumption have been suspended. Beef and processed beef can only be imported to Denmark in the case when:

1) the beef is produced from dairy cows, 2) the beef is produced from packers which are approved by the European Union and, 3) the beef meets the conditions agreed upon by the U.S. and the EU.

Certificates required for fresh and frozen seafood:

Certificate of Health  
Certificate of Veterinary Control

Certificates required for fresh and processed milk and dairy products:

Certificate of Health

Certificate of Hygiene  
Certificate of Veterinary Control

Certificates required for eggs and egg products:

Certificate of Veterinary Control  
Statement of Animal Health  
Statement of Public Health  
Statement of Producer Identification

**Live Animals**

The regulations for importing live animals are stated in Order No. 271 dated April 6, 2000. Imports of live animals require a Certificate of Animal Health. The live animals are inspected at one of the six Border Veterinary Service posts. The border post prepares the Certificate of Veterinary control of Live Animals. The latter certificate states the animals are approved for transportation and sales in the European Union.

**More information**

More information on procedures and the required certificates and documents can be obtained from the Danish food and Veterinary Administration: [www.fdir.dk](http://www.fdir.dk) or tel: +45 3395 6000.

**SECTION VIII TRADEMARK LAWS**

Application: A trademark may be applied anywhere in the marketing efforts. E.g. letterheads, prints, sales letters, newspaper and TV advertising, on the packaging and on the food item itself.

Obtaining the sole and exclusive right of a trade mark: The sole and exclusive right of a trademark may be obtained by:

1. using the trademark
2. registration of a trademark

If a trademark is without specific characteristics, it will not be protected by itself. To obtain the sole and exclusive right, it has to be used intensively to make it known within the industry as a symbol for the company.

Besides the use of the trademark only, registration ensures practical advantages, such as noting of a license. The sole right obtained by registration is extended to commodities and services not yet in use or marketed.

Registration of a trademark in Denmark may be obtained through the filing of an application with the Danish Patent and Trademark Office, Ministry of Trade and Industry, Helgeshoej Alle 81, DK-2630 Taastrup. Tel: +45 4350 8000. Fax: +45 4350 8001/ E-mail: [pvs@dkpto.dk](mailto:pvs@dkpto.dk). Web: [www.dkpto.dk](http://www.dkpto.dk). A trademark registration may be obtained for distinctive marks, which may



be reproduced by graphic means.

The Office will examine whether the trademark complies with registration conditions (such as if the mark lacks distinctiveness, is illegal or misleading). If the mark is confusingly similar to an existing registered trademark or a trademark applied for, a company name or a name of a person, the applicant will be notified of these rights. The applicant may then choose to either make amendments to the application or let the Office register the trademark. The registration of the trademark will be published in the Danish Trademarks Gazette. An opposition may be filed against the registration within two months after the publication.

By having a trademark registered, the owner ensures that other applicants for Danish, EU and international trademarks can obtain knowledge of the mark and thus avoid a conflict.

A trademark registration may be renewed every 10 years. Obligation to use a registered trademark means that continuous maintenance of the registration will be best ensured if the trademark is put to use within the first five years after registration.

The applicant will receive the result of the examination performed by the Office within two to three months. The basic fee for a trademark application is DKK 2,300.

To meet the needs for international protection, two international registration systems were introduced in April, 1996.

EU Trademark. With only one application, a trademark can be registered with validity in all EU member countries. An EU application can be sent directly to the EU trademark office in Alicante, Spain or through the Danish Patent and Trademark Office.

The Madrid - Protocol. On the basis of one trademark applied for or registered domestically in a country joining the Madrid-Protocol (e.g. United States of America) the applicant can have the trademark registered in all Madrid-Protocol countries by one application.

## **SECTION IX IMPORT PROCEDURES**

### **Steps and agencies in the import procedures**

The agencies involved in the import procedures are:

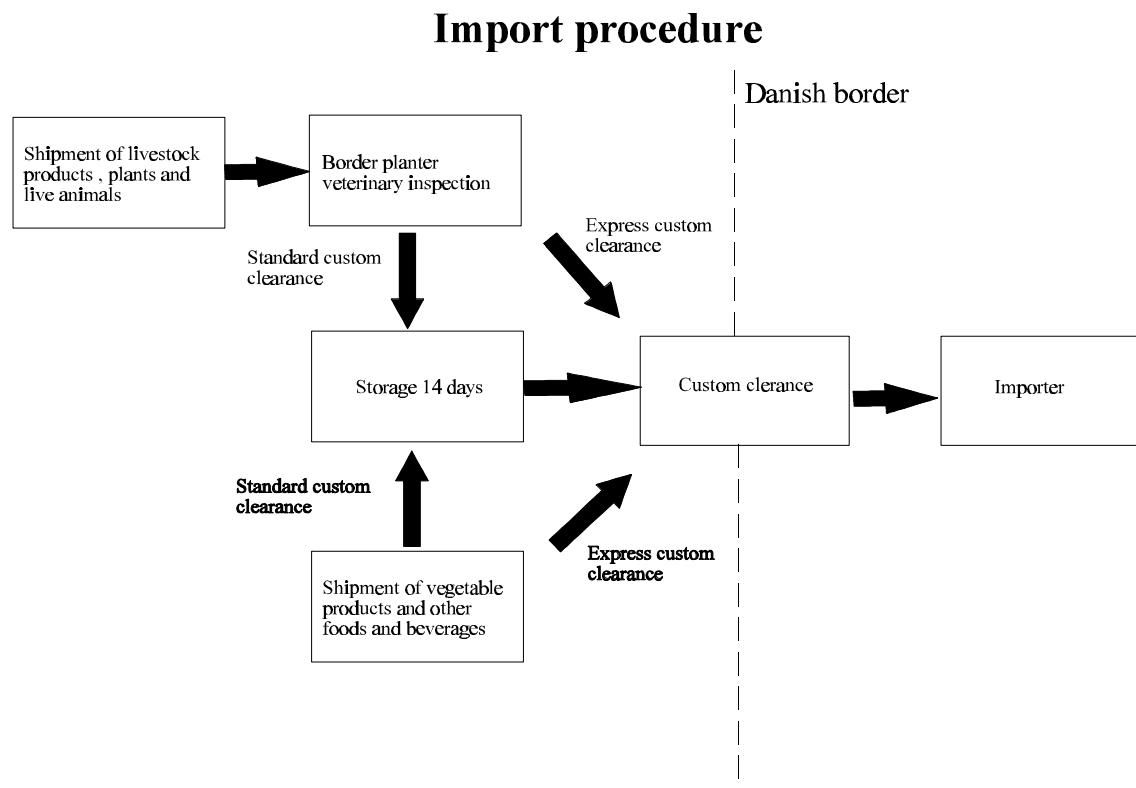
The Border Veterinary Service  
The Border Plant Inspection Service  
The Danish Customs and Tax Authorities

The flow chart below illustrates the import procedure.

Imports of livestock products to Denmark can only take place when the products have been submitted to inspection at a border station in a country of the European Union. In Denmark the inspecting authorities are the Border Veterinary Service. Imported livestock products must be accompanied by the original import documents and certificates required.

Before the shipment of livestock products arrives at the Border Veterinary Service, the importer must notify the authority about expected time of arrival, type of products, volume, and the producer's authorisation number. Notice must be given in Danish at least 24 hours before expected arrival in Denmark.

Following the veterinary inspection the shipment receives a Certificate of Veterinary Control.



This certificate must follow the shipment during the custom clearance process.

### **The customs clearance process.**

The most common procedures of customs clearance are briefly outlined below. The importer submits the products to customs clearance. The document required is the EU document: Single Adhesive Document ("SAD"). The Danish Customs and Tax Authorities accept both Danish and

English languages in the document. Normally, the customs clearance process takes less than a day.

When a shipment arrives for customs clearance, the shipment is given a reference number. This number identifies the shipment and is used for Danish foreign trade statistics.

When customs clearance begins, the shipment is considered submitted to clearance for free sales and for free usage. Customs clearance for free sales means that when customs duties are paid the shipment can be sold in any member country in the EU. Customs clearance for free usage means that when the national taxes (e.g. Danish taxes) on the specific product (e.g. sugar) has been paid, the product can be sold in the particular EU member country.

### **Standard Customs Clearance**

The process is used when the products are stored before being launched on to the market or when some documentation and certificates are missing. The importer notifies the Customs Authorities about the shipment, and the products are transported to a storage approved of by the Customs Authorities. The products can be stored up to 14 calendar days from arrival to Denmark before they are submitted to customs clearance.

### **Simplified Express Customs Clearance**

Products imported to Denmark can be submitted to simplified express customs clearance before 48 hours from arrival to the country. The custom clearance process can commence as soon as the exact time of arrival is known. The simplified process demands that the importer has the authorisation to use this procedure. The simplified process requires less information filled out in the SAD-document at the time of arrival. After one month, the missing information must be presented to the Customs Authorities.

### **Express Customs Clearance**

Products imported to Denmark can be submitted to express customs clearance before 48 hours from arrival to the country. The custom clearance process can commence as soon as the exact time of arrival is known. Express customs clearance demands that all the required certificates and documents be presented to the Customs Authorities.

For products entering Denmark from countries outside the European Union and destined for the Danish market, the importer must pay both customs and Danish VAT (25 percent).

### **Appeal System on customs clearance**

Complaints about customs clearance must be submitted to the Regional Customs Centres. There are eight regional centres in Denmark. The Regional Customs Centres are the courts of first resort. To appeal, complaints must be sent to the National Tax Tribunal.

The National Tax Tribunal deals with complaints about customs value, tariffs and time spent on customs clearance. Other complaints must be sent to the Central Customs and Tax

Administration.

### **Appeal System on rejected shipments**

The Border Veterinary Service can reject shipments at arrival to Denmark. Rejections are given in writing. Complaints about rejections can be sent to the Danish Veterinary and Food Administration. The normal procedure takes about 2 weeks. Meanwhile, the rejected animals remain in quarantine or the rejected shipment at a storage facility.

If the complaints have not been approved, the shipment must be sent to destruction in Denmark or returned to the exporter.

## **LIST OF DANISH AUTHORITIES**

### *SECTIONS II, IV, V and VII:*

#### **The Danish Veterinary and Food Administration**

Mørkhøj Bygade 19  
DK-2860 Søborg  
Tel: +45 33 95 60 00  
E-mail: fdir@fdir.dk

#### Publications:

Statens Information  
Nørre Farimagsgade 65  
DK-1009 København K  
Tel: +45 33 37 92 28  
E-mail: si@si.dk

### *SECTION V:*

#### **The Danish Plant Directorate**

Skovbrynet 20  
DK-2800 Lyngby  
Tel: +45 45 96 66 00  
E-mail: plantedir@plantedir.dk

#### **The Danish Environmental Protection Agency**

Strandgade 29  
DK-1401 København K  
Tel: +45 32 66 01 00  
E-mail: mst@mst.dk

### *SECTION VII:*

#### **The Danish Agency for Trade and Industry**

Langelinje Allé 17  
DK-2100 København Ø  
Tel: +45 35 46 60 00  
Fax: +45 35 46 60 01

#### **The Danish Medicines Agency**

Frederikssundsvej 378  
2700 Brønshøj  
Tel: +45 44 88 91 11  
Fax: +45 44 88 91 11  
E-mail: dkma@dkma.dk

**District inspection offices:**

Nordjylland:	Tel: +45 98 78 10 00
Viborg:	Tel: +45 87 28 14 00
Herning:	Tel: +45 99 29 18 00
Århus:	Tel: +45 89 44 33 23
Vejle:	Tel: +45 79 43 22 00
Esbjerg:	Tel: +45 79 16 12 00
Sønderjylland:	Tel: +45 73 53 16 00
Fyn:	Tel: +45 66 61 28 01
Ringsted:	Tel: +45 57 68 20 00
NordØstsjælland:	Tel: +45 44 52 30 00
København:	Tel: +45 33 85 24 00
Bornholm:	Tel: +45 56 90 26 00