

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

Required Report - public distribution

Date: 10/05/2009

GAIN Report Number: SP9011

Spain

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

Approved By:

Margaret E. Thursland
Agricultural Counselor
U.S. Embassy Madrid

Prepared By:

Arantxa Medina

Report Highlights:

This report is an update of [SP8009](#) and outlines the applicable legislation regarding the export of U.S. food products to Spain, particularly those rules that differ from EU legislation or regulation. This report should be read in conjunction with the EU-27 Food and Agricultural Import Regulations and Standards Report, available at <http://useu.usmission.gov/agri/fairs.html>

TABLE OF CONTENTS

SECTION I. FOOD LAWS

SECTION II. LABELING REQUIREMENTS

SECTION III. PACKAGING AND CONTAINER REGULATIONS

SECTION IV. FOOD ADDITIVES REGULATIONS

SECTION V. PESTICIDES AND OTHER CONTAMINANTS

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

SECTION VII. OTHER SPECIFIC STANDARDS

SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAWS

SECTION IX. IMPORT PROCEDURES

APPENDIX I – GOVERNMENT REGULATORY AGENCY CONTACTS

APPENDIX II – OTHER IMPORT SPECIALIST CONTACTS

DISCLAIMER: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Madrid, Spain for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information regarding these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

FINAL CUSTOMS CLEARANCE APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS \ INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Section I. Food Laws

As a member of the European Union, the Government of Spain applies EU regulations and legislation, where available, regarding the importation of food, feed, feed ingredients and beverages. Food laws of individual member states have mostly been fully harmonized into EU law. However, it is important to note that when EU-wide legislation is incomplete or absent, Spanish laws apply and imported product must meet existing Spanish requirements.

In Spain, the Ministry of Health and Social Welfare controls all food imports for human consumption; the Ministry of Environment and Rural and Marine Affairs (MARM) controls all imports of animal feed/ingredients and live animals. Food Safety is the responsibility of the Spanish Food Safety and Nutrition Agency (AESAN) within the Ministry of Health. Food intended for human consumption must meet the general food safety requirements of EU law.

Food and beverage products originating in the United States do not require any special Spanish permits and are not subject to special rules or regulations regarding retail sale in Spain. However, all products must comply with the generally applied rules and regulations required for any food and beverage product sold within the EU market.

Please note: The following products sourced in the United States and imported into the EU must originate from an EU-approved U.S. establishment -- red meat, meat products, farmed and wild game meat, ratites, milk and milk products, seafood, bovine embryos and semen, porcine and equine semen, gelatin and animal casings.

Section II. Labeling Requirements

Spain applies EU-harmonized legislation to:

- General Labeling Requirements
- Nutritional Labeling
- Product-Specific Labeling
- GMO and Novel Foods Labeling

The Government of Spain permits multi-language labeling and stickers; however, one of the languages must be Spanish.

For detailed information on the EU-harmonized labeling legislation, please consult the EU-27 FAIRS Report <http://useu.usmission.gov/agri/fairs.html> as well as the USEU website <http://www.useu.be/agri/label.html>.

Section III. Packaging and Container Regulations

Spain applies EU-harmonized legislation to packaging and containers. For detailed information on the EU's harmonized legislation on packaging and container regulations, please consult the EU-27 FAIRS Report <http://useu.usmission.gov/agri/fairs.html> as well as the USEU website www.useu.be/agri/packaging.html.

Section IV. Food Additives Regulations

Spain applies EU-harmonized legislation regarding food additives. For detailed information on the EU-harmonized legislation on food additive regulations, please consult the EU-27 FAIRS Report <http://useu.usmission.gov/agri/fairs.html> as well as the USEU website www.useu.be/agri/additive.html.

Section V. Pesticides and Other Contaminants

Spain strictly adheres to EU-harmonized legislation on pesticides and contaminants; however, where the EU does not have a maximum residue level (MRL) for a given pesticide or specific contaminant, Spain's national limits are applied.

The complete list of MRLs, and commodity combinations allowed in the EU can be obtained from the Commission's webpage at http://ec.europa.eu/food/plant/protection/pesticides/index_en.htm

When a pesticide is not listed under the EU harmonized MRL list, it will likely be subject to Spanish legislation as listed in the following Ministry of Environment and Rural and Marine Affairs link: <http://www.mapa.es/es/agricultura/pags/fitos/registro/menu.asp>

For detailed information on EU-harmonized legislation on pesticide and contaminant regulations, please consult the EU-27 FAIRS Report <http://useu.usmission.gov/agri/fairs.html> as well as the USEU website www.useu.be/agri/pesticides.html

Section VI. Other Regulations and Requirements

The Spanish Government applies EU-harmonized legislation for other related regulations and requirements including product inspection, registration and certification.

For detailed information on certification, please consult the following websites:

- Certificates for Plant Products - <http://www.useu.be/agri/plantcertif.html>
- Certificates for Animal Products - <http://www.useu.be/agri/certification.html>
- Certificates for Processed Foods - <http://www.useu.be/agri/foodcertif.html>

Section VII. Other Specific Standards

For detailed information on the EU-harmonized legislation on other specific standards, please consult the EU-27 FAIRS Report <http://useu.usmission.gov/agri/fairs.html>. Detailed information may also be obtained at the following links:

- | | |
|---|---|
| A. GMOs | http://www.useu.be/agri/GMOs.html |
| B. Novel Foods | http://www.useu.be/agri/novelfood.html |
| C. Fortified Foods | http://www.useu.be/agri/foodsupplements.html |
| D. Dietetic or Special Use Foods | http://www.useu.be/agri/partnutr.html |
| E. Wine, Beer and Other Alcoholic Beverages | http://www.useu.be/agri/wine.html |

F. Organic Foods	http://www.useu.be/agri/organic.html
G. Vertical Legislation (Breakfast Directives)	http://www.useu.be/agri/vertic.html
H. Beef Labeling	http://www.useu.be/agri/label.html
I. Egg Labeling	http://www.useu.be/agri/label.html
J. Frozen Foods	http://www.useu.be/agri/frozen.html
K. Irradiated Foods	http://www.useu.be/agri/irradiation.html
L. Fruits and Vegetables	http://www.useu.be/agri/Fruit-Veg.html
M. Seafood	http://www.useu.be/agri/seafood2.html
N. Pet Food	http://www.useu.be/agri/petfood.html

Section VIII. Copyright and/or Trademark Laws

Spain is signatory to the Paris Convention for the Protection of Industrial Property (WIPO), parties to the Madrid Agreement on International Registration of Trademarks and Prevention of the Use of False Origins. Both the Trademark and the Intellectual Property Laws address protection of brand names and trademarks.

The regulations and standards covered under this section have been harmonized with the European Union requirements. For detailed information on EU-harmonized legislation on pesticide and contaminant regulations, please consult the EU-27 FAIRS Report, available at <http://useu.usmission.gov/agri/fairs.html>. Also please refer to [Council Regulation 207/2009](#), which created a single, unitary trademark registration system for the entire European Community.

Protected Geographical Indications

[Council Regulation 510/2006](#) lays down the rules on the protection of designation of origin and geographical indications for agricultural products intended for human consumption (except wine and spirit drinks which are covered by separate legislation). [Commission Regulation 1898/2006](#) established detailed rules for the implementation of Regulation 510/2006. Under these regulations, third country operators can submit registration applications directly to the Commission and can object directly to new registrations. Guidelines for the registration of GIs by third country producers are published on the Commission's website at: http://ec.europa.eu/agriculture/foodqual/protec/thirdcountries/proced_en.pdf

Lists of protected names by country, product type, registered name and name applied for are available through the Commission's [online "DOOR" \(Database of Origin and Registration\) database](#).

For detailed information on the EU-harmonized legislation on copyright and/or trademark laws, please consult the EU-27 FAIRS Report <http://useu.usmission.gov/agri/fairs.html> as well as the USEU website <http://useu.usmission.gov/agri/GI.html>.

Section IX. Import Procedures

First Steps to Enter the Spanish Market

U.S. exporters interested in introducing a product into the Spanish market should obtain local representation and/or a local importer/distributor to gain knowledge of the market, up-to-date information and guidance on trade laws and business practices, sales contacts, and market development expertise. As local importers have primary responsibility to the Spanish Government for imported food products entering Spanish territory, they are in the best position to provide guidance to U.S. exporters through the market-entry process.

Import Documentation

The following documents are required for ocean or air cargo shipments of food products into Spain:

- Bill of Lading and/or Airway Bill
- Commercial Invoice
- Phytosanitary Certificate and/or Health Certificate when applicable
See “SECTION VI. Other Regulations and Requirements”
- Import Certificate

Most food products require an Import Certificate issued by the competent Spanish authorities. This certificate must be obtained by the importer as it is intended for tariff classification purposes.

Temporary Entry

Temporary entry may be permitted for goods in transit (up to 24 months), manufacturing for re-export, and/or for temporary storage. Generally, the exporter must pay normally applied import duties and VAT, which are then reimbursed upon re-export of the merchandise to a destination outside of the EU.

Samples and Advertising Material

Spain grants duty free entry to giveaway samples if properly labeled. Samples are, however, subject to the same import documentation requirements that apply to normal commercial imports. They also require a nominal value for customs declaration purposes on the commercial invoice which must carry the statement “Samples without Commercial Value.”

For detailed information on the EU-harmonized legislation on import procedures, please consult the EU-27 FAIRS Report at <http://useu.usmission.gov/agri/fairs.html>.

Market Access Reports for Spain

FAS/Madrid has developed Spain Market Access reports for fishery products, tree nuts and pulses which can be located at the links below::

- Fishery product, SP5037, [Market Access for Fishery Products](#)
- Tree nuts products, SP6002, [Market Access for Tree Nuts](#)
- Pulses products, SP6017, [Market Access for Pulses](#)

Appendix I. Government Regulatory Agency Contacts

Ministry of Health and Social Welfare

Imported Foodstuffs, Contaminations and Compound Residues, Health Certification, Port Inspection and EU Alerts

Ministerio de Sanidad y Política Social
Subdirección General de Sanidad Exterior

Paseo del Prado, 18 y 20

28014 Madrid

Tel.: +34-91-596-1000

Fax: +34-91-596-4480

Website: <http://www.msps.es>

E-mail : saniext@msc.es

Ministry of Health and Social Welfare

Spanish Food Safety and Nutrition Agency

Ministerio de Sanidad y Política Social

Agencia Española de Seguridad Alimentaria y Nutrición (AESAN)

C/ Alcalá, 56

28071 Madrid

Tel.: +34-91-338-0392

Fax: +34-91-338-0378

Website: <http://www.aesan.msc.es>

E-mail: informacionaesan@msps.es

Ministry of Environment and Rural and Marine Affairs

Plant Health Unit - Inspection and Certification

Ministerio de Medio Ambiente y Medio Rural y Marino

Subdirección General de Acuerdos Sanitarios y Control en Frontera

C/ Alfonso XII, 62

28071 Madrid

Tel.: +34-91-347-8241

Fax: +34-91-347-8248

Website:

<http://www.mapa.es/es/ministerio/pags/organigrama/funciones/DGRecursosAgricultolasGanaderos.htm>

Email: sgsveget@mapa.es

Ministry of Environment and Rural and Marine Affairs

Animal Health Unit - Inspection and Certification

Ministerio de Medio Ambiente y Medio Rural y Marino
Subdirección General de Acuerdos Sanitarios y Control en Frontera
C/ Alfonso XII, 62
28071 Madrid

Tel.: +34-91-347-8241

Fax: +34-91-347-8248

Website:

<http://www.mapa.es/es/ministerio/pags/organigrama/funciones/DGRecursosAgriculturasGanaderas.htm>

Email: sgsveget@mapa.es

Ministry of Environment and Rural and Marine Affairs

Planting Seeds and Nursery Products (import requirements, seed registration and certification, and commercial seed catalogs)

Ministerio de Medio Ambiente y Medio Rural y Marino

Oficina Española de Variedades Vegetales

C/ Alfonso XII, 62

28071 Madrid

Tel.: +34-91-347-6659

Fax: +34-91-347-6703

Website: <http://www.mapa.es/es/agricultura/pags/semillas/introduccion.htm>

Ministry of Environment and Rural and Marine Affairs

Pesticides, Registration and MRL Establishment

Ministerio de Medio Ambiente y Medio Rural y Marino

Subdirección General de Medios de Producción

C/ Alfonso XII, 62

28071 Madrid

Tel.: +34-91-347-4058

Fax: +34-91-347-4087

Website:

<http://www.mapa.es/es/ministerio/pags/organigrama/funciones/DGRecursosAgriculturasGanaderas.htm>

EU Trademark Register

Office for Harmonization in the Internal Market

Avenida de Europa, 4

03008 Alicante

Tel.: +34-96-513-9100

Fax: +34-96-513-1344

Website: <http://oami.europa.eu/ows/rw/pages/index.en.do>

E-mail: information@oami.europa.eu

Ministry of Economy and Finance

Customs and Duties

Ministerio de Economía y Hacienda

Departamento de Aduanas e Impuestos Especiales

Dirección General de Aduanas
C/ Guzmán El Bueno, 132
28003 Madrid
Tel.: +34-91-582-6805
Website: www.aeat.es

European Union – Delegation of the European Union to the United States

2300 M Street
NW, Washington, DC 20037
Tel.: (202) 862-9500
Fax: (202) 429-1766

United States Mission to the European Union

Office of Agricultural Affairs
27 Boulevard du Regent
1000 Brussels
Belgium
Tel.: +32-2-508 2760
Fax: +32-2-511 0918
Website: <http://useu.usmission.gov/agri>
E-mail: AgUSEUBrussels@fas.usda.gov

Appendix II. Other Import Specialist Contacts

The USDA's Foreign Agricultural Service Office for Spain and Portugal, located in Madrid, can also assist U.S. exporters in obtaining specific national legislation on all food product directives. You may contact us at the following address:

Foreign Agricultural Service
Office of Agricultural Affairs
American Embassy Madrid
C/ Serrano, 75 – Box 20
28006 Madrid
Spain

Tel.: +34-91-587-2555
Fax: +34-91-587-2556
Website: <http://www.embusa.es/fas/index.html>
Email: AgMadrid@usda.gov