

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Spain

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

This report is an update of SP1022 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://www.fas.usda.gov/posthome/useu/fairs.html>.

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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 (EU), Spain follows all EU directives, regulations, and obligations where available. This report outlines the applicable legislation regarding the export of U.S. food products to Spain, particularly those rules that differ from EU legislation or regulation. For detailed information on EU Food and Agricultural Import Regulations and Standards (FAIRS), see reports produced by the U.S. Mission to the EU in Brussels, Belgium, available at <http://www.fas.usda.gov/posthome/useu/usda.html> as well as at <http://gain.fas.usda.gov/Pages/Default.aspx>.

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.

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. Spain's food regulations apply to both domestically produced and imported food products.

In Spain, the Food Safety and Nutrition Law (Law 17/2011) published in July 2011, outlines the basic Spanish food and feed regulations. This law is based in EU regulations and directives and includes the traditional food safety aspects of detection and removal of physical, chemical and biological hazards as well as other less conventional issues such obesity prevention and food advertising rules.

The Spanish Food Safety and Nutrition Law established basic definitions, goals and principles for food safety. It also defines procedural rules, coordination mechanisms between the different public administrations with responsibilities in official food control. It defines general food safety and health protection rules, regulates inspection, detention and seizure rules of suspect food and classifies breaches.

Spain has a decentralized system for testing and controlling the feed and food chain. While the central government has total oversight over the controls carried out in customs, the autonomous communities establish their own monitoring and sampling plans throughout the food and feed chain coordinated by national authorities. Sampling plans are based on risk assessment and sampling is primarily done at the wholesale and the processing level.

In Spain, the Ministry of Health, Social Welfare and Gender Equality (MSPSI) controls agricultural imports intended for human consumption; while the Ministry of Environment and Rural and Marine Affairs (MARM) controls imports of animal feed/ingredients and live animals. Food Safety is the responsibility of the Spanish Food and Safety and Nutrition Agency (AESAN), ascribed to the MSPSI that coordinates the food chain control. AESAN was established as an independent agency and it is also responsible for risk management. Within the MARM, the Sub directorate General for Animal Feed and Resources Preservation coordinates the National plan in feedstuffs.

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://www.fas.usda.gov/posthome/useu/fairs.html> well as the USEU website <http://www.fas.usda.gov/posthome/useu/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://www.fas.usda.gov/posthome/useu/fairs.html> as well as the USEU website <http://www.fas.usda.gov/posthome/useu/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://www.fas.usda.gov/posthome/useu/fairs.html> as well as the USEU website <http://www.fas.usda.gov/posthome/useu/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

An European database on MRLs is available at:

http://ec.europa.eu/food/plant/protection/pesticides/database_pesticide_en.htm

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. 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 (Subdirección General de Medios de Producción) link:

<http://www.marm.es/es/agricultura/temas/medios-de-produccion/productos-fitosanitarios/fitos.asp>

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

While the official standards are set by the public administration, the large majority of food retailers require certification of good agricultural practices. The private certification schemes include not only stricter limits for MRL but also with other additional requirement. The most widely used schemes in Spain include AENOR, Globalgap, BRC, IFS and Q+S.

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.fas.usda.gov/posthome/useu/plantcertif.html>
- Certificates for Animal Products - <http://www.fas.usda.gov/posthome/useu/certification.html>
- Certificates for Processed Foods - <http://www.fas.usda.gov/posthome/useu/foodcertif.html>

Please note: [Council Directive 2000/29/EC](#), harmonizes the importation requirements of plants and plant products into the EU. Phytosanitary certificates, issued by an APHIS inspector, are required to accompany all plant and plant products entering the EU. Your nearest APHIS Export Certification Specialist can be found at:

http://www.aphis.usda.gov/import_export/plants/plant_exports/ecs/index.shtml

For detailed information on specific certificates to export to Spain please consult the latest version of Spain's FAIRS Certificate report at: <http://gain.fas.usda.gov/Pages/Default.aspx>

Section VII. Other Specific Standards:

For detailed information on the EU-harmonized legislation on other specific standards, please consult the EU-27 FAIRS Report. Detailed information may also be obtained at the following links:

- A. [GMOs](#)
- B. [Novel Foods](#)
- C. [Fortified Foods](#)
- D. [Dietetic or Special Use Foods](#)
- E. [Wine, Beer and Other Alcoholic Beverages](#)
- F. [Organic Foods](#)
- G. [Vertical Legislation \(Breakfast Directives\)](#)
- H. [Beef Labeling](#)
- I. [Egg Labeling](#)
- J. [Frozen Foods](#)
- K. [Irradiated Foods](#)
- L. [Fruits and Vegetables](#)
- M. [Seafood](#)
- N. [Pet Food](#)

Section VIII. Copyright and/or Trademark Laws:

The Spanish Office for Patents and Trademarks, ascribed to the Ministry of Industry, Tourism and Trade, is the public body responsible for the registration and granting the different types of Industrial Property ranking from industrial property titles, including brands and commercial names (or distinctive signs), inventions, and industrial designs.

In addition, Spain is a member of the World Intellectual Property international Organization (WIPO), a signatory to the Paris Convention for the Protection of Industrial Property, and a party 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. Also please refer to [Council Regulation 207/2009](#), which created a single, unitary trademark registration system for the entire European Community.

[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/quality/schemes/index_en.htm

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 as well as the USEU website <http://www.fas.usda.gov/posthome/useu/GI.html> .

Section IX. Import Procedures:

First Steps to Enter the Spanish Market

As a member of the European Union (EU), Spain follows all EU directives, regulations, and obligations where available. All EU Member States apply the same import duties on goods imported from outside the EU based on tariff classification of goods and the customs value. Once import goods are cleared in one Member State, they can be moved freely throughout the EU territory.

However, 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. For additional information on the Spanish Market, please see [Spain's Exporters Guide](#).

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 procedure to import commercial samples without commercial value to Spain please consult the Spain’s latest FAIRS Certificate report at:

<http://gain.fas.usda.gov/Pages/Default.aspx>.

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.mspsi.es>

E-mail : saniext@mspsi.es

Ministry of Health and Social Welfare and Gender Equality

Spanish Food Safety and Nutrition Agency

Ministerio de Sanidad, Política Social e Igualdad

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.mspsi.es>

E-mail: informacionaesan@mspsi.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.marm.es/app/CPRP/CPRP1.aspx>

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://cexgan.mapa.es/Modulos/Default.aspx>
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.marm.es/es/agricultura/temas/medios-de-produccion/semillas-y-plantas-de-vivero/>
Email: oevv@marm.es

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.marm.es/es/agricultura/temas/medios-de-produccion/productos-fitosanitarios/fitos.asp>

Spanish Patent and Trademark Office

Oficina Española de Patentes y Marcas
Paseo de la Castellana, 75
28046 Madrid
Tel.: +34-902 157 530
Website: <http://www.oepm.es/es/index.html>
E-mail: informacion@oepm.es

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

WTO Inquiry Post

- a. For technical regulations:

Ministry of Industry, Tourism and Trade

Ministerio de Industria, Turismo y Comercio
Secretaría de Estado de Comercio Exterior
Subdirección General Certificación y Asistencia Técnica de Comercio Exterior
Paseo de la Castellana, 162, 6a planta
28046 Madrid
Tel: +34 91 349 37 59
Fax: (+34 91) 349 37 77
E-mail: sgsoivre.sccc@mcx.es
Website: www.mcx.es/sgcomex/Soivre/Obstaculos.htm

- a. For standards:

Spanish Association for Standardization and Certification

Asociación Española de Normalización y Certificación (AENOR)
Calle Génova nº 6
28004 Madrid
Tel: (+34 91) 432 5965
Fax: (+34 91) 310 45 96
E-mail: info@aenor.es
Website: <http://www.aenor.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://www.fas.usda.gov/posthome/useu/about.html>

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://madrid.usembassy.gov/about-us/fas.html>

Email: AgMadrid@fas.usda.gov