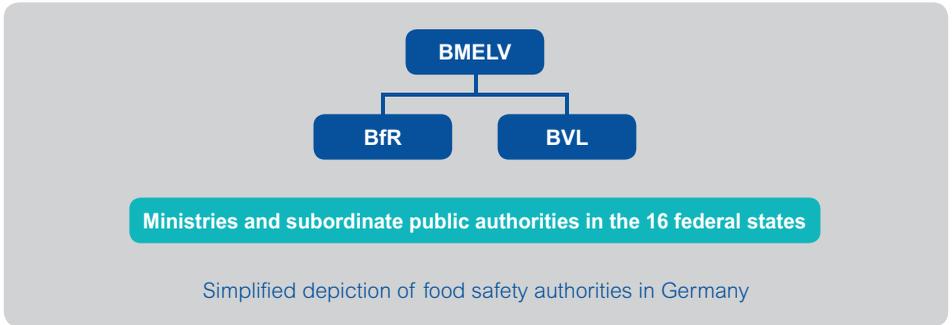


3.11 Germany



In Germany the central legal foundation for food legislation is the Food and Feed Code (Lebensmittel- und Futtermittelgesetzbuch). Infringement of food regulations can lead to measures under criminal law and consumer damage claims under civil law, whereby the final decision rests with the courts. Government measures with regard to food safety are often based on scientific risk assessment. However, the final decision on the legality of governmental measures rests with the courts.

In Germany risk assessment and risk management are institutionally separated at federal level. At regional level, however, (i.e. in the 16 federal states) risk assessment and risk management is not institutionally separated. In Germany, consumer protection laws are enacted at federal level, however, implementation and control is the responsibility of the 16 federal states (i.e. at regional level).

Risk assessments are usually published on the Internet unless there are statutory provisions that prohibit this.

BMELV
Federal Ministry of Food, Agriculture and Consumer Protection

► Consumer policy and food safety

Seat: Bonn and Berlin
<http://www.bmelv.de>

The BMELV is responsible for consumer policy and food safety. In the field of food safety the BMELV prepares draft legislation and issues ordinances. The Federal Institute for Risk Assessment (BfR) is a specialist authority within the portfolio of the BMELV. It contributes to the enforcement of legislation by undertaking statutory risk assessments and advises political circles. On management issues, the Federal Office of Consumer Protection and Food Safety (BVL) undertakes preparatory work for the BMELV.

The portfolio of the BMELV also encompasses other federal research institutions such as the Max Rubner-Institute in the field of nutrition.

BMU
**Federal Ministry for the Environment,
 Nature Conservation and Nuclear Safety**

► Environmental policy

Seat: Bonn and Berlin
<http://www.bmu.de>

The BMU is responsible for food safety risks caused by environmental contaminants, introduced into air, water or soil via human activity. The Federal Environmental Agency (UBA), the Federal Office for Nature Conservation (BfN) and the Federal Office for Radiation Protection (BfS) support the work of the BMU as the competent specialist authorities in its portfolio. Effective environmental protection contributes to the production of healthy, largely uncontaminated food. The BMELV is responsible for the other areas of food safety. The BfR and BVL, the competent specialist authorities in this area, support the BMELV and BMU in the field of food safety.

BfR
Federal Institute for Risk Assessment

- Risk assessment
- Risk communication
- EFSA Focal Point
- Research

Seat: Berlin
<http://www.bfr.bund.de>



The BfR's remit encompasses scientifically based risk assessments as part of administrative procedures, for instance marketing authorisations for plant protection products, and policy advice. The BfR risk assessments are used by the BMELV, BMU and regional/local public authorities as the basis for management measures. Without being influenced by scientific, political or social interests, the BfR has the task

of assessing risks, identifying new health risks and drawing up risk minimisation recommendations. In this context, the BfR draws on the support of 15 independent expert committees with around 200 committee members overall. In its capacity as a scientific body, the BfR enjoys independence in respect of the results of its opinions, and prepares expert reports on risk assessment.

The BfR's remit includes novel foods and food ingredients, feed, residues of plant protection products and veterinary medicinal products, GMOs, food supplements, zoonoses, food contact materials and mineral waters. Other main areas of its work are research and transparent communication with the public at large, scientific circles and other stakeholders.

14 National Reference Laboratories are attached to the BfR pursuant to Regulation (EC) No. 882/2004.

In addition to food safety, the BfR is also responsible for risk assessments in the area of safety of consumer products, cosmetics, biocides and chemicals (REACH). The BfR also collects notifications of intoxication caused by chemicals.

BVL
**Federal Office of Consumer Protection
 and Food Safety**

- Risk management
- RASFF Contact Point

Seat: Braunschweig and Berlin
<http://www.bvl.bund.de>



The main focus of the BVL is on risk management. In the field of food safety the BVL supports the cooperation between the BMELV, BMU and the federal states. Together with the federal states, the BVL coordinates programmes for inspection and

control of food to ensure comparable results and procedures in all 16 federal states of Germany.

The BVL is the regulatory authority for novel foods and food ingredients, plant protection products and veterinary medicinal products. In its decision-making process the BVL normally draws on BfR risk assessments. Based on risk assessments by other authorities, the BVL decides on applications for the experimental scientific cultivation of genetically modified plants. Furthermore, the BVL is involved in the EU marketing authorisation of genetically modified organisms (GMOs) in food and feed.

Four National Reference Laboratories are attached to the BVL pursuant to Regulation (EC) No. 882/2004.

In addition to food safety, the activity of the BVL extends, amongst other things, to cosmetics and commodities which come into contact with food for human consumption.

**UBA
Federal Environmental Agency**

► Risk assessment

Seat: Dessau
<http://www.umweltbundesamt.de>

The UBA is a specialist authority within the portfolio of the BMU. The Federal Ministry of Health (BMG) is responsible for the safety of drinking water; the UBA provides support for BMG management decisions. Other statutory tasks include informing the public at large about environmental protection.

**RKI
Robert Koch Institute**

► Research

Seat: Berlin
<http://www.rki.de>

The RKI is a federal institute within the portfolio of the BMG. The RKI is responsible for the identification, prevention and control of diseases, especially infectious diseases. The tasks at the RKI include the legal obligation to compile scientific findings as a basis for political decisions concerning health issues. The RKI provides information and advice to the competent federal ministries – especially the BMG – and to the general public.

Regional and local levels

Germany consists of 16 federal states, with large individual differences with regard to the size of each state (between 1 and 20 million inhabitants per state). The 16 federal states of Germany are, in principle, responsible for implementation of the law. Implementation of food and feed safety is therefore the responsibility of the federal states. In this task the federal states are independent, i.e. not bound by instructions of the federal government.

The appropriate ministry in each federal state coordinates and supervises control and inspection activities in this area. To ensure comparable procedures in all 16 federal states, the federal states coordinate their activities mainly in working groups in which the federal level is also involved. Distributed throughout all federal states there are 430 food inspection authorities and approximately 35 food surveillance laboratories.

Institutions involved in the EFSA network pursuant to Article 36 Reg. (EC) No. 178/2002:

1. Federal Institute for Risk Assessment (BfR)
2. Federal Office of Consumer Protection and Food Safety (BVL)
3. Federal Agency for Nature Conservation (BfN)
4. Robert Koch Institute (RKI)
5. Julius Kühn Institute (JKI)
6. Friedrich-Loeffler-Institute (FLI)
7. Max-Rubner-Institute (MRI)
8. German Nutrition Society
9. Research Institute of Child Nutrition
10. Federal Environment Agency (UBA)