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# FOOD & AGRICULTURAL LAW

For many years, BEITEN BURKHARDT has advised companies, associations and investors active in the food and nutrition sector and in agriculture on all questions of public commercial law. Our expertise includes energy law, planning and construction law and food law issues that are specific to the agriculture sector.

- We clarify the legal basis for the activities of our clients, in particular with respect to product safety and food and feed law (LFGB), including labelling, food safety and hygiene law elements.
- We advise on all aspects of authorisations and permits, and help our clients ensure compliance with the legal requirements for production and the placing of products on the market. This includes any special authorisation procedures, such as for additives, novel foods or health claims.
- In the case of an official statement of objections, we assist our clients with crisis management and with product liability issues, in particular when dealing with official directives, recall actions or RAPEX notifications.

## Associations and cooperatives

We assist trade associations and cooperatives with national and EU law issues. Our services include:

- Drafting statutes or by-laws and any amendments,
- representing clients in legal proceedings,
- drafting agreements, and
- negotiating with authorities and third parties.

In addition, we advise companies and associations on all legal issues along the food value chain, from feed production to agricultural output and food retail.

As far as investments in the agricultural sector are concerned, such as in renewable resources and energies (biogas, biomass, wind and solar energy), we advise on the fulfilment of all public law requirements, draft the necessary agreements, assist with and advise on land acquisition and provide support at all stages, including settlement.

## Agriculture

We have both specialist knowledge and wide-ranging experience with agricultural production and marketing, not least because we have advised milk producers and marketers for many years. We also advise on specific agricultural law issues, in particular with respect to

- planning permission, emissions issues and planning and zoning law
- premiums, agricultural aid and subsidies, EU agricultural law
- nature and landscape conservation
- drafting contracts and advising on contractual issues, land leases, law of cooperatives
- renewable energies and
- antitrust and competition law

## Brussels

We advise regularly on the complicated regulatory aspects of EU food safety and food hygiene laws, as well as labelling and traceability requirements. A special focus of our work in this regard is on EU listing requirements and on the special rules applicable to products of animal or fish origin. Importers, exporters and associations, as well as non-EU governments are frequent clients.

For many years we have been advising numerous companies active in the food and agricultural industry on a wide range of legal issues, including:

- Compliance advice, especially on regulatory issues
- Anti-dumping
- Safeguards
- Contracts and contractual liability

## LEGAL AREA FOOD & AGRICULTURAL LAW

- Litigation
- Antitrust law
- Customs controls
- Lobbying
- State aid
- WTO
- Agricultural reform
- Compliance (including OLAF investigations)

### Russia

Russian agriculture offers great potential for investors. We advise both companies that are already active in this area and companies that plan to enter the Russian agricultural market.

This includes advice on all issues relating to the entry into the market and the set-up and subsequent operation of businesses: corporate and commercial law, antitrust law, employment and immigration law, real estate law, tax law, environmental law and banking and finance law.

#### AT A GLANCE

- Planning and preparation of investment projects
- Assessment (due diligence) of agricultural land and properties, including the identification of existing contaminations, encumbrances and other risks
- Drawing-up and negotiation of acquisition and management agreements such as sales, lease and mortgage agreements
- Creation of plots of agricultural land and their registration in the land register
- Due diligence checks for the sale or purchase of shares
- Obtaining of permits, especially from antitrust authorities
- Formation of joint ventures
- IPO advice
- Financing of acquisitions and investments
- Banking law

### China

We have in-depth understanding of the agriculture and food & beverage industries and advise numerous companies active in this sector.

These industries are frequently subject to particular scrutiny, especially with regard to quality within the food chain. Regulations governing production and processing standards, environmental measures, quality control and the liability of manufacturers, distributors and licensors are constantly changing and need to be closely monitored.

Our clients include medium-sized enterprises, as well as large international players and their European and Chinese subsidiaries.

Experience has given our team expert knowledge of all issues facing these industries. We advise on corporate law, food safety, real estate, environmental matters, administrative law and product licensing.

#### AT A GLANCE

- Establishing and restructuring of food & beverages enterprises, including joint ventures and wholly foreign-owned enterprises
- Cultivation and harvesting agreements
- Supply and distribution agreements
- International licensing agreements for food production
- Product and quality licensing matters
- Customs, trade and international certification matters
- Labelling requirements
- Food safety