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Federal Department of Home Affairs FDHA
Federal Food Safety and Veterinary Office FSVO
Food and Nutrition

FAQ on Cassis de Dijon

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Since 2010, products that are lawfully marketed in the EU and the EEA can in principle also be placed on the market in Switzerland.

Being particularly sensitive products, however, foods are subject to special regulations: foods that are produced according to the technical regulations of the EU or an EU/EEA Member State, are lawfully marketed there and do not conform to the Swiss Foods Legislation are subject to approval. If the food concerned does not pose a risk to the health and safety of consumers, and the product information requirements are met, the approval (general ruling) is granted. This then applies also to homogeneous foodstuffs.

General information on foodstuffs

1. Do all European foodstuffs now have uncontrolled access to the Swiss market since 1 July 2010?

No. In line with the Cassis de Dijon principle, approved and imported foodstuffs must comply with the safety standards of the EU or the EU/EEA Member State concerned. The FSVO requires evidence of this compliance. If there are any safety concerns, the application is rejected. A negative decision is taken in an individual ruling and communicated to the applicant.

2. What foodstuffs fall under the Cassis de Dijon principle?

Foodstuffs from the EU/EEA that do not meet Swiss regulations basically fall under the Cassis de Dijon principle. Regulations from an individual EU/EEA Member State fall under the Cassis de Dijon principle in the absence of a (fully) harmonised EC (now EU) regulation. Approval must be obtained from the FSVO for these foodstuffs. This is granted in the form of a general ruling and then applies to homogeneous foodstuffs. If an imported food meets Swiss regulations, it can be imported as before without the Cassis de Dijon approval.

3. When does the FSVO grant approval for foodstuffs that do not conform to the technical requirements of Switzerland?

The approval is granted in the form of a general ruling when there is an assurance that the food concerned does not pose any kind of risk to health and is lawfully on the market in the EU/EEA.

4. Are Swiss safety and quality levels jeopardised by EU imports?

The safety level for foods is as high in the EU as it is in Switzerland; in certain areas, EU requirements are even higher. Switzerland’s food law has been harmonised with European law for some time in order to remove trade barriers and establish the same standards. But some typical Swiss quality requirements with regard to the composition of foods have less importance as a result of these regulations.

5. Which Swiss regulations will be retained?

In principle, protection of health, protection against deception and legal certainty must be guaranteed with all products. Products exempted from the Cassis de Dijon principle are those that are subject to regulatory approval or an import ban (Art. 16*a* Para. 2 Technical Barriers to Trade Act; TBA; SR 946.51). The Federal Council and Parliament have also defined a number of requirements which Switzerland retains. These include the declaration of the country of production, the declaration of eggs from unauthorised cage housing for hens and the declaration of unintentional contamination with allergenic substances.
In these cases, Swiss regulations must continue to be observed and therefore do not fall under the Cassis de Dijon principle. The requirements and exclusions are defined precisely in the legislation (Art. 16*a* para. 2 and Art. 16*e* para 1 let. b TBA, Art. 2 of the Ordinance concerning the marketing of products manufactured in accordance with foreign technical regulations; CdDO; SR 946.513.8).

6. Switzerland has some quality regulations of its own. Are they still valid?

There are several ordinances in Switzerland on the composition of foods, e.g. on the fat content required in cream or ice cream.
In the approval process, the FSVO primarily reviews the safety of a product. Restrictions are only foreseen in cases of essential public interest where health, environment or consumer protection might be at risk.

7. What will become of Switzerland's environmental and animal welfare standards?

The possibility for Swiss manufacturers to produce according to the requirements of an EU/EEA Member State is limited to product requirements (requirements that must be met by an end product when it is placed on the market). By contrast, so-called process standards, which relate to the manufacture of a product (e.g. regulations on water protection, air pollution control or animal welfare), continue to apply for Swiss producers.

8. How do products that are placed on the market under the Cassis de Dijon principle have to be labelled?

As a rule, products must be labelled in at least one official language. Thus no language adjustments are necessary for imports from Austria, France, Germany and Italy (apart from some exceptions). The country of production must be indicated on prepacked food. This requirement, which is stricter than that of the EU, remains in place (Art. 16*e* para. 1 let. b TBA.
The product designated for the Swiss market must correspond to the original product. Foodstuffs that are placed on the market in accordance with Art. 16*a* para. 1 TBA must correspond to the technical regulations of the EU or EEA country in which they are lawfully marketed (Art. 16*a* TBA). This legislation does not permit a mix of various foodstuff regulations. Rather, approval is to be given in Switzerland only for foodstuffs already approved in the EU/EEA that correspond to the specific national laws. This also means, for instance, that the product must be marketed using the same labelling in both the EU/EEA Member State and Switzerland. By way of exception, the obligatory disclosure of the country of production or translation into an official language may apply for Swiss packaging.

9. Who checks whether unlawful products enter the Swiss market?

The cantons (cantonal chemists) ensure food controls within Switzerland (www.kantonschemiker.ch). Together with the customs authority, the FSVO is responsible for food checks at the border.

Approval of foodstuffs

10. What has to be submitted for approval under Article 16*c* TBA?

The application form, which is available for download at www.cassis.admin.ch, has to be completed in an official Swiss language or in English. All additional documents required can be submitted in an official language or in English as enclosures together with the application form. The applicant must furnish proof that the product meets the technical requirements of the European Union (EU) or, in the absence of (full) harmonisation in the EU, the technical regulations of an EU/EEA Member State. In addition, the applicant must furnish evidence that the product is lawfully marketed in the EU/EEA Member State concerned, according to whose regulations it is manufactured. The packaging sample with label must be submitted in its original form or in colour printed or electronic form.

11. For how long is an authorisation valid?

Authorisations are issued in the form of general rulings for an unlimited period. But it must be borne in mind that, if the technical regulations are changed, the food must always conform to the new technical regulations (Art. 10 Para. 1 CdDO). If there is a change in the technical regulations that is relevant to the manufacture of the foods, then the food has to conform to the new technical regulations at the latest when the period of transition provided for in the foreign legislation expires. An adjustment of the food to the changed technical regulations does not require a new approval. However, if the technical regulations on which the general ruling is based are changed in such a way that public interest as set forth in Article 4 Paragraph 4a-e TBA is jeopardised, then the FSVO revokes the general ruling (Art. 10 Para. 2 CdDO).

12. How is the “confidentiality” of the submitted data, e.g. of the formulation, guaranteed?

While the application must contain details on the composition and the essential specifications of the food, this is understood to involve the list of ingredients, not the formulation. If data are submitted with the application for approval that constitute business or manufacturing secrets, these are protected by official secrecy in accordance with Article 22 of the Federal Personnel Act (SR 172.220.1) and Article 320 of the criminal code (SR 311.0).

13. Can Swiss producers also manufacture according to European requirements?

To prevent discrimination against companies in Switzerland, Swiss producers who only produce for the Swiss market may manufacture their domestic products according to the regulations of the EU or an EU/EEA Member State provided that:

- the food conforms to the description in the general ruling and
- to the technical regulations on which the general ruling is based; and
- the Swiss regulations on worker protection and animal welfare are observed during manufacture (Art. 9 b Para. 1 to 3 CdDO).

The labelling must include the indication of the country of production as follows (Art. 6*a* CdDO):

- “Manufactured in Switzerland in accordance with the technical regulations of the EU” if the technical regulations have been harmonised in the EU, or
- “Manufactured in Switzerland in accordance with the technical regulations of *[Name of relevant EU or EEA Member State]”* (e.g. “Manufactured in Switzerland in accordance with the technical regulations of Belgium”), if the technical regulations have not been (fully) harmonised in the EU.

14. According to Article 16*d* Paragraph 2 TBA, the general ruling automatically applies to homogeneous foodstuffs. What is understood by the term «homogeneous»?

«Homogeneity» is described in Article 9 CdDO, where a distinction is drawn between homogeneous foods from the EU/EEA on the one hand (Art. 9 let. a) and homogeneous foods from Switzerland on the other (Art. 9 let. b).

The general ruling will refer in each case to a generic description of a food category. It is basically irrelevant by whom the product in question is manufactured or under what trade name it is marketed.

For foods from the EU/EEA to be homogeneous, three criteria must be met (Art. 9 let. a):

- Firstly, a food to be declared homogeneous must conform to the description used in the general ruling to identify the food (Paragraph 1), regardless of the specific designation on the food in question. As long as a food conforms to this description, the requirement of homogeneity is met, even if the food shows a specific designation that does not conform to the Swiss specific designation applicable to the food in question, or if the food does not show the composition specified in Swiss legislation.
- Secondly, homogeneity refers to the technical regulations on which the general ruling is based (Paragraph 2), i.e. the technical regulations according to which the product has been manufactured (e.g. the technical regulations of the EU or a certain EU/EEA Member State).
- Thirdly, the same food in this EU or EU/EEA Member State must be lawfully on the market.

If a general ruling has been granted for a certain food that has been manufactured according to the technical regulations of an EU/EEA Member State, then this general ruling is valid for all foods to which this description applies and which have been manufactured according to the regulations of this Member State and are lawfully on the market there. The general ruling cannot be referred to, however, by manufacturers or importers of foods that have been manufactured according to the technical regulations of a different EU/EEA Member State.

Producers in Switzerland may also invoke a general ruling (Art. 9 let. b). If a general ruling exists for a food manufactured according to the requirements of the EU or an EU/EEA Member State, the domestic Swiss producer is also permitted to produce corresponding foods according to these regulations and market them in Switzerland. See question 13.

15. How can information be obtained on the foods approved by the FSVO according to Article 16*c* TBA? Is there a list of all general rulings and, if so, where can it be found? Are the rejections (decisions) also published?

All the general rulings issued are published in the Federal Gazette. General rulings that have been legally finalised are announced in the Federal Gazette and included in the lists as set forth in Art, 31 para. 2 let. b TBA. The FSVO informs the applicant, the cantonal enforcement bodies and the SECO about the approval and its legal force. A list of all general rulings issued can be found at www.cassis.admin.ch under ”General rulings issued”.

If an application is refused for any reason in an individual ruling, the applicant, the cantonal enforcement bodies and the SECO are informed of the decision, which can be found at www.cassis.admin.ch under “Rejected applications”.

Foodstuff categories

16. Can food supplements and foodstuffs for sportswomen and sportsmen be placed on the market under the Cassis de Dijon principle?

Exceptions for food supplements and foodstuffs for sportswomen and sportsmen were revoked upon entry into force of the revised CdDO on 1 May 2017. Since that time, in principle it has been possible to submit a Cassis de Dijon application for food supplements and for foodstuffs for sportswomen and sportsmen. Rejection of such applications in turn, is made only on the basis of issues relating to protection of health and protection against deception.

17. Can approval be obtained under the Cassis de Dijon principle for food supplements, foodstuffs for sportswomen and sportsmen and fortified foodstuffs containing vitamins and minerals above the permitted maximum amounts?

In some EU/EEA Member States there are products with very high amounts of vitamins and minerals on the market that exceed the new maximum levels in Switzerland. Because the new maximum level model is in the interest of health protection, and accounts for total intake of nutrients from a food supplement or foodstuff for sportswomen and sportsmen and a fortified foodstuff, no approvals can be granted under the Cassis de Dijon principle for products that exceed the new maximum levels for vitamins and minerals. Any such applications must be rejected. More information about the maximum level model for vitamins and minerals can be found on the FSVO website.

18. Has the standard duty of notification for foodstuffs for persons with special dietary requirements been relaxed with the introduction of the Cassis de Dijon principle?

No. Infant formulas and FSMP (foodstuffs for special medical purposes) are still subject to a requirement to notify the FSVO in accordance with Articles 11 and 27 of the Ordinance on Foodstuffs for Persons with Special Dietary Requirements (SDRO; SR 817.022.104). Since 1 May 2017, certain follow-on formulas are also subject to the reporting requirement (Art. 17 SDRO).

Cosmetic products, e-cigarettes

19. Is the Cassis de Dijon principle applicable to cosmetic products?

The Cassis de Dijon principle is applicable to cosmetic products. If the imported cosmetic products do not conform to Swiss food law, the distributor may still market the products on the Swiss market – on condition that they comply with the provisions of the Technical Barriers with Trade Act (TBA). According to Article 16*e* Paragraph 2 TBA, it is permissible for the warning and safety notices, including the instructions on cosmetic products relevant to personal safety, to be compiled only in the official language or languages of the place where the products are placed on the market.

It is also important to understand that the Swiss cantonal enforcement authorities, in the absence of an agreement with the EU, have no right of access to the European Notification Database (Cosmetic Products Notification Portal, CPNP). In order that the legality can be checked, the data required pursuant to the new EU Regulation have to be submitted (e.g. proof of the preparation of the PIF, notification number).

Products must be classified in accordance with Swiss law. In Switzerland, hand disinfectants (such as hydro alcoholic hand gels) are regarded as biocidal products and not as cosmetic products. As biocidal products are subject to approval, the Cassis de Dijon principle does not apply (Article 16*a* Paragraph 2 Letter a TBA). They fall within the competence of the Federal Office of Public Health (FOPH) (Link to the Joint Chemical Notification Body only in French/German/Italian:

www.anmeldestelle.admin.ch/chem/fr: Page d'accueil > Thèmes > Obligations des fabricants des produits chimiques > Autorisation produits biocides).

20. How does the Cassis de Dijon principle apply to e-cigarettes?

Currently, e-cigarettes containing nicotine can be sold in Switzerland only on the basis of the Cassis de Dijon principle, meaning that they must meet the technical requirements of an EU or EEA Member State and be lawfully marketed in this state. Because the European Tobacco Products Directive 2014/40/EU constitutes complete harmonisation of the technical regulations on e-cigarettes, which has since also been rolled out in the EU Member States, only those e-cigarettes containing nicotine that comply with this directive can be placed on the market in Switzerland. The same applies to e-cigarettes from EEA Member States.

21. What is the maximum nicotine content and maximum liquid volume permitted in Switzerland?

According to Directive 2014/40/EU a maximum nicotine content of 20 mg/ml and a maximum liquid volume of 2 ml for e-liquids applies to e-cigarettes and 10 ml to refill containers. These technical requirements for e-cigarettes will also be included in the new Tobacco Products Act.

22. Can e-cigarettes containing nicotine under the laws of Iceland be sold in Switzerland?

The sale of e-cigarettes that contain larger liquid volumes for e-liquids under the laws of Iceland (> 2 ml for e-cigarettes and > 10 ml for refill containers) is prohibited in Switzerland. The Tobacco Products Directive 2014/40/EU must be complied with.

23. Can e-cigarettes be sold to minors in Switzerland?

Currently, there are no federal legal provisions regarding the protection of minors regarding the sale of e-cigarettes. Sale to minors is prohibited in some cantons (FOPH: E-Zigaretten Politik in den Kantonen (in German)). Moreover, representatives of the e-cigarette industry have also agreed to comply with special rules of conduct until the Tobacco Products Act enters into force (Code of conduct, Swiss Tobacco (in German and French), Code of conduct, Swiss Vape Trade Association (in German)). The new Tobacco Products Act protects minors from e-cigarettes in the same manner as it does from conventional cigarettes, and the sale to minors is prohibited.

24. Are there advertising restrictions pertaining to e-cigarettes?

At present, there are no federal legal restrictions on the advertising of e-cigarettes. However, some cantons have enacted advertising restrictions for e-cigarettes (FOPH: e-cigarettes policy in the cantons (in German)). Representatives of the e-cigarette industry have also agreed to comply with special rules of conduct regarding advertising to minors until the Tobacco Products Act enters into force (Code of conduct, Swiss Tobacco (in German and French), Code of conduct , Swiss Vape Trade Association (in German)). Under the new Tobacco Products Act, the same restrictions will apply to advertising of e-cigarettes as to conventional cigarettes: As a rule, advertising on posters, in cinemas, at sports grounds, in and on public buildings as well as in and on public transport will be prohibited. Parliament is also currently discussing additional restrictions for tobacco advertising (BAG: Revision of the Tobacco Products Act (in German)), in order to implement the popular initiative passed by citizens and cantons in February 2022, “Yes to protecting children and young adults from tobacco advertising”.