

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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: 3/8/2013

GAIN Report Number: BE3003

Belgium-Luxembourg

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

Approved By:

Mary Ellen Smith

Prepared By:

Marcel Hendrikus Pinckaers

Report Highlights:

All sections were updated. This report should be read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) – Country Report written by the U.S. Mission to the EU in Brussels, Belgium, GAIN E70048. This report focuses on the import regulations and standards that are not harmonized in the EU or where Belgium varies. The EU Regulations that were published in 2012, measures that went into force in 2012 and proposals are detailed in this report.

DISCLAIMER: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in The Hague, the Netherlands (covering Belgium) for U.S. exporters of domestically produced food and agricultural products. This report should be read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) – Country Report written by the U.S. Mission to the EU in Brussels, Belgium, GAIN E70048.

While every possible care was taken in the preparations of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about 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 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 1. Food laws

EU legislation is made up of Directives and Regulations which must be translated into the 23 official languages in use in the EU-27. Directives define the result that must be achieved but leave to each Member State the choice of form and methods to transpose the directive into national laws (usually within 2-3 years after adoption). Regulations are binding in their entirety and automatically enter into force on a set date in all Member States. Amendments to EU legislation are usually published in new and separate Directives and Regulations. A Decision is binding entirely on those to whom it is addressed. No national implementing legislation is required. A Recommendation has no binding effect as it is not a law.

Harmonization with the EU

Belgium, as a member of the EU, conforms to all EU regulations and directives. Regulation (EC) 178/2002 (General Food Law) is the harmonized regulation which sets out the general principles and requirements of EU harmonized food law. Exporters should be aware that there may also be some variation among Member States in applying EU harmonized legislation; there may be temporary waivers or exemptions and in certain cases there may be room for interpretation of EU harmonized legislation or other aspects which are not regulated in detail at EU level and may be handled differently in different member states.

Belgium

The Belgian Food and Drugs Law is called “de Wet betreffende de bescherming van de gezondheid van de gebruikers op het stuk van de voedingsmiddelen en andere produkten”. This law from 1977 provides the Belgian regulatory framework for all food products. It applies to domestically produced and imported food and other products including tobacco and cosmetic products. The main objective of this law is (1) health protection, (2) product safety, (3) ensuring that consumers have adequate and correct information and (4) promotion of fair trade. All amendments and supplementary food laws are published in “Het Belgisch Staatsblad/Le Moniteur Belge”, which can be consulted on www.staatsblad.be or www.moniteur.be.

The Directorate-General for control of the Belgian Federal Agency for the Safety of the Food Chain (FAVV) has the responsibility for food controls. Veterinary, phytosanitary and food inspection as well as food process standards are within the domain of the FAVV. The Federal Public Service Health, Food Chain Safety and Environment is in charge of policy and legislation on food product standards. The FAVV currently falls under the competence of the Minister of Agriculture while the Federal Public Service falls under the responsibility of the Minister of Public Health. More information can also be found at <http://www.just.fgov.be/>.

Federal Agency for the Safety of the Food Chain
(FAVV)

Mrs. Ann Malliet

Federal Public Service Health, Food Chain Safety and
Environment

DG Animals, Plants and Food

AC-Kruidtuin
Food Safety Center
Kruidtuinlaan 55 – 5th floor
B-1000 Brussels
Belgium
Phone: +32 (0)2 211 8622
Fax: +32 (0)2 211 8640
Email: info@favv.be
Website: www.favv.be

Rijksadministratief Centrum
Victor Hortaplein 40 bus 10
B-1060 Brussels
Belgium
Phone: +32 (0)2 524.7111
Email: info@health.fgov.be
Website: www.health.fgov.be

Section II. Labeling requirements

A. General requirements

The labeling requirements in Belgium have been laid down in the Royal Decree: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen* of September, 13 1999. Standard U.S. labels fail to comply with Belgian labeling requirements. For more detailed information, the reader may refer to the Dutch legislation, which is given in italics next to each item.

Directive 2000/13/EC will be repealed by European Parliament and Council Regulation 1169/2011. This EU Regulation, adopted in November 2011, establishes new horizontal food labeling requirements which will apply from December 13, 2014, except for the new mandatory nutrition declaration requirement which will apply from December 13, 2016, and Part B of Annex VI (specific requirements concerning the designation of minced meat) which will apply from January 1, 2014. Detailed information on the EU's new food labeling requirements is available in GAIN Report E70002 "New EU Food Labeling Rules Published".

Compulsory information:

1. Name/Description: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 3*
2. List of ingredients: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4*
3. Allergens: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4*
4. Categories of ingredients: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4*
5. Quantitative ingredients declaration – see below
6. Net quantity: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 8*
7. Date of minimum durability: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 6 and art. 7*

If the date is influenced by the method of storage, the prescribed way of storage has to be mentioned on the label. The statements to be used are the following:

	In Belgium :
For a shelf-life up to 3 month after the date of production	Tenminste houdbaar tot / A consommer de préférence avant le (best before)
	Day, Month, (Year)

For a shelf-life between 3 and 18 months	Tenminste houdbaar tot einde / A consommer de préférence avant fin (best before end) Month, year
For a shelf-life longer than 18 months	Tenminste houdbaar tot einde / A consommer de préférence avant fin (best before end) Year
For Highly perishable foodstuffs	Te gebruiken tot / A consommer jusqu'au (use by) Day, Month, (Year) In addition to the date, the instructions for storage have to be mentioned as well

8. Instructions for storage: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 5*
9. Name and address: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 6*
10. Place of origin: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 10*
11. Instruction for use: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 5 and item 7*
12. Percentage of alcohol: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 9*
13. Lot marking: *koninklijk besluit betreffende de vermelding van de partij waartoe een voedingsmiddel behoort, art. 4*
14. Treatments: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 3, item 3*

Any foodstuff which has been treated with ionising radiation must bear one of the following indications:

In Dutch:	- "doorstraald";
	- "door straling behandeld";
	- "met ioniserende straling behandeld"
In French:	- "traité par rayonnements ionisants";
	- "traité par ionization";

In German:
- “bestrahlt”;
- “mit ionisierenden Strahlen
behandelt”;

Additives: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4*

Flavorings: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4.4 + art. 5.3, Koninklijk besluit betreffende aroma’s voor gebruik in voedingsmiddelen*

Quinine and caffeine: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4*
Directive 2002/67/EC will be repealed on December 13, 2014, when the EU’s new labeling Regulation 1169/2011 becomes applicable.

Phytosterols & phytosterols: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen*
Directive 608/2004 will be repealed on December 13, 2014, when the EU’s new labeling Regulation 1169/2011 becomes applicable.

Quantitative Ingredients Declaration (QUID): *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 5*

General guidelines have been drawn up to help Member States and industry organizations implement the principle of QUID. A copy of these guidelines can be downloaded from the European Commission’s website at http://ec.europa.eu/food/fs/fl/f102_en.pdf.

The Directive on QUID will be repealed on December 13, 2014, when the EU’s new labeling Regulation 1169/2011 becomes applicable.

Warning on labels: As of July 20, 2010, [Regulation 1333/2008](#) (see section IV) requires foodstuffs containing the food colors sunset yellow (E110), quinoline yellow (E104), carmoisine (E122), allura red (E129) and ponceau 4R (E124) to be labeled “may have an adverse effect on activity and attention in children”.

Directive 2008/5/EC will be repealed on December 13, 2014, when the EU’s new labeling Regulation 1169/2011 becomes applicable.

Language requirements: *Wet betreffende de handelspraktijken en de voorlichting en bescherming van de consument, art. 13*

Belgium covers 4 language areas. The Dutch language area is located in the Northern part of Belgium whereas the French language area is located in the South. Brussels, the capital of Belgium, is bi-lingual. Finally there is a small German language area which is located in the east and borders with Germany. Language has been a very sensitive issue for many decades. This language sensitivity is reflected in the labeling requirements. The label has to be in the language or languages of the language area where the product is being marketed.

Considering the size of the market, most food companies only use bi-lingual Dutch/French or tri-lingual Dutch/French/German labels. FAS/The Hague recommends that U.S. exporters adopt the latter option, as it will allow for products to be marketed not only in Belgium but also in France, Germany, The Netherlands, Austria, Switzerland and Luxembourg, or roughly a third of all EU consumers.

Stick-on labels: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art 10, paragraph 1*

It is allowed in Belgium to use stick-on labels on pre-packed consumer products in addition to the standard U.S. label. In this case, the stick-on label shall meet all Belgian labeling requirements. They can be applied prior to

export or applied in Belgium before sale. However, for meat and dairy products, stick-on labels can better be used after consulting with the Belgian FAVV.

Samples: *Wet betreffende de handelspraktijken en de voorlichting en bescherming van de consument, art. 13*
The labeling requirements apply to all foods destined for consumers. It does not contain any specific labeling requirements or exceptions for samples.

Samples for human consumption are ineligible from a U.S. company that is not EU approved. Samples of products, which are not approved to export to the EU, for research purposes or to be handed out at trade shows can in some cases, be shipped to Belgium. This process can be expensive and burdensome. An application form to ask for an exemption can be requested at the Federal Agency for the Safety of the Food Chain (FAVV) by sending an email to import.export@favv.be.

Labeling of genetically modified foods: see Section VII

Institutional packed products: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2 and art. 10.2*

For food products that are for the food processing and foodservice industry (except catering) product packaging does not have to comply with the labeling requirements. Purchased quantity (i.e. pallet, box, etc) must include the following information: a. the name, b. information on the producer, packer or vendor and c. the shelf life.

Exceptions: Only the Federal Minister of agriculture can grant an exception to the existing labeling regulations. The granting of an exception would be very rare.

B. Medical/Health/Nutrition Claims

Point of contact in Belgium:

Federale Overheidsdienst (FOD) Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu

Directoraat-generaal Organisatie Gezondheidszorgvoorzieningen

Division food, animal's food and other consumption products

Mr. Jean Pottier

Export food labeling and claims

Eurostation II

Victor Hortaplein, 40 bus 10

B-1060 Brussels, Belgium

Tel: +32 (0)2524 7362

E-mail: jean.pottiers@health.fgov.be

<http://www.health.fgov.be/vesalius/devnew/NL/>

Health claims

In December 2011, the European Commission proposed a list of 222 functional health claims for substances other than botanicals. More than two years after the due date set by Regulation 1924/2006, the list of EU-approved functional health claims and their conditions of use was finally adopted on May 25, 2012. Regulation 432/2012 establishing the EU positive list became applicable on December 14, 2012. Anyone is able to use the permitted health claims provided the conditions set out in Regulation 432/2012 are met. The EU's online "Register of Nutrition and Health Claims" has been updated not only with the 222 authorized health claims but also with the more than 1,600 rejected claims and the reasons for their non-authorization. Health claims referring to botanical substances have been put on hold because the Commission and the Member States are discussing the potential conflict of the Health Claims Regulation with the Traditional Herbal Medicinal Products Directive. All claims that are not authorized and not on hold or under consideration are prohibited as of December 14, 2012. Food products carrying claims must comply with the provisions of nutritional labeling directive 90/496/EC.

Nutritional claims

The Annex to Regulation 1924/2006 lists the EU authorized nutrition claims and their conditions of use. Commission Regulation 1047/2012 published in November 2012 adds a new “No Added Sodium/Salt” claim to the EU positive list and amends the conditions of use of the “Reduced [Name of the Nutrient]” claim.

Requirements specific to nutritional labeling: *Koninklijk besluit betreffende voedingsmiddelen bestemd voor bijzondere voeding*

The EU’s new labeling regulation 1169/2011 which will apply from December 13, 2014, introduces the mandatory declaration of the energy value and the amounts of fat, saturates, carbohydrates, sugars, protein and salt expressed per 100 grams or per 100 milliliters in the same field of vision on food labels. The salt content must be expressed as “salt” not “sodium” but where appropriate, a statement indicating that the salt content is exclusively due to the presence of naturally occurring sodium may appear in close proximity to the nutrition declaration. The nutrition declaration may additionally be given on a per portion basis and expressed as a percentage of daily reference intakes set out in Part B of Annex XIII.

C. Product-specific labeling

See Section VII

D. Country of origin labeling

The EU’s new labeling regulation 1169/2011 which will apply from December 13, 2014, extends the mandatory country of origin labeling to meat listed in Annex XI (swine, sheep and goat, poultry) and when the country of origin of a food is not the same as its primary ingredient. The European Commission has until December 13, 2013, to carry out a feasibility study on the possible extension of mandatory country of origin labeling to meat used as an ingredient. It has until December 13, 2014, to assess the impact of country of origin labeling of other types of meat, milk, milk used as an ingredient in dairy products, unprocessed foods, single-ingredient products, and ingredients that represent more than 50 percent of a food.

Section III. Packaging and Container Requirements

A. Size and content

Koninklijk besluit betreffende het voorverpakken naar gewicht of naar volume van bepaalde produkten in voorverpakkingen; Koninklijk besluit vaststelling van bepaalde reeksen van nominale hoeveelheden en tot regeling van de aanduiding van hoeveelheden voor bepaalde voorverpakte producten; Koninklijk besluit vaststelling van regels betreffende nominale hoeveelheden voor voorverpakte producten;

Directive 2007/45/EC abolishes regulations on mandatory pack sizes at both EU and national levels. The Directive frees sizes for all prepackaged products except wine and spirits, coffee and white sugar. Member States in which mandatory nominal quantities are prescribed for milk, butter, dried pasta and coffee may maintain their restrictive rules until October 2012. The rules for white sugar may be maintained until October 2013. Mandatory nominal quantities for wines and spirits are set out in the Annex to Directive 2007/45/EC.

B. Packaging waste management

In Belgium, EC Directive 94/62/EC was transposed into national law as a Cooperation Agreement between the three Belgian regions Brussels, Flanders and Wallonia. The law came into force on 5 March 1997. The revised Packaging Directive 2004/12/EC has been transposed in the renewed Cooperation Agreement of 4 November 2008 with effect from 1 January 2009. More information can be found on the following website, www.fostplus.be.

C. Material in contact with food stuffs

Verklaring van overeenstemming – etikettering van materialen en voorwerpen bestemd om met levensmiddelen in contact te komen;

Koninklijk besluit betreffende mineralen en voorwerpen bestemd om met voedingsmiddelen in aanraking te komen;

Exporters are advised to verify if a Member State follows EU provisions as Member States are allowed to authorize provisionally the use of certain substances not listed in one of the specific directives. They may also restrict or temporarily prohibit the use of certain materials authorized by the specific directives for reasons of public health. A summary of national legislation can be downloaded from the European Commission website at http://ec.europa.eu/food/food/chemicalsafety/foodcontact/sum_nat_legis_en.pdf.

Point of contact in Belgium:

Federale Overheidsdienst (FOD) Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu

Mr. Carl Berthot

Phone: +32 (0)2524 7369

carl.berthot@health.fgov.be

Wetenschappelijk Instituut

Mrs. Fabien Bolle

Phone: +32 (0)2642 5207

fabien.bolle@iph.fgov.be

FAVV

Mrs. Caroline De Praeter

Phone: +32 (0)2208 4790

caroline.depraeter@favv.be

In September 2012, Belgium passed a ban on the use of Bisphenol-A (BPA) in the packaging of food products for children less than three years old and also in plastic articles like spoons and plates for the same age group. The ban went into force on January 1st of this year. For more information, please download GAIN Report BE3002, <http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Belgium%20bans%20use%20of%20Bisphenol%20A%20The%20Hague%20Belgium-Luxembourg%201-15-2013.pdf>.

Section IV. Food Additive Regulations

Flavoring

koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4.4 + art. 5.3

Koninklijk besluit betreffende aroma's voor gebruik in voedingsmiddelen

The new union list on flavoring substances, which was finally published in the Official Journal on October 2, 2012, will be introduced in Annex I of Regulation 1334/2008 on flavorings and certain food ingredients with flavoring properties. It contains more than 2,500 substances that are authorized for use in the EU. The two new pieces of legislation clarify and harmonize the use of flavoring substances within the single market list and will be introduced in Annex I of framework Regulation 1334/2008 on flavorings.

Commission Implementing Regulation (EU) No 872/2012 provides for a new EU wide list of flavoring substances which can be used in food and will apply from April 22, 2013, giving time for the EU food industry to adapt to the new rules. All flavoring substances not in the list will be prohibited after a phasing out period of 18 months. The current Regulation 2232/96 is repealed by this new legislation and will no longer be in force as of April 21, 2013.

Commission Regulation (EU) No 873/2012 concerns transitional measures for other flavorings such as flavorings made from non-food sources and apply since October 22, 2012.

The authorized uses of flavoring substances are listed according to the category of food to which they may be added and are also available in an on-line database allowing consumers, food businesses and food control authorities to easily identify which flavoring substances are authorized in food.

Enzymes

Koninklijk besluit van 14 juli 1997 betreffende zuiverheidseisen voor additieven die in voedingsmiddelen mogen worden gebruikt.

Processing aids

Koninklijk besluit van 14 juli 1997 betreffende zuiverheidseisen voor additieven die in voedingsmiddelen mogen worden gebruikt.

Federale Overheidsdienst (FOD) Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu

DG Dier, Plant en Voeding

Dienst Voedingsmiddelen, Dierenvoeders en Andere Consumptieproducten

Eurostation, blok II

Victor Hortaplein 40 bus 10

1060 Brussel, Belgium

Phone: +32 (0)2 524 73 51/52

Fax: +32 (0)2 524 73 99

Email: apf.food@health.fgov.be

Section V. Pesticides and Contaminants

The legislation on pesticides and contaminants is partially harmonized in the EU. Enforcement of both EU and remaining Member State rules is done at the Member State level.

A. Pesticides

Belgium together with The Netherlands, Czech Republic, Germany, Ireland, Luxembourg, Hungary, Austria, Poland, Romania, Slovenia, Slovakia and the United Kingdom fall in Zone B – Centre.

B. Contaminants

Official controls of maximum levels in foodstuffs

The following regulations concern the sampling methods and methods of analysis for the official controls of the levels of the different contaminants. Annex I describes the methods of sampling; Annex II concerns the sample preparation and the performance criteria for the methods of analysis:

- Nitrates: Commission Regulation 1882/2006
- Mycotoxins: Commission Regulation 401/2006
- Dioxins: Commission Regulation 252/2012
- Heavy metals, Tin, 3-MCPD and benzo(a)pyrene: Commission Regulation 333/2007 as amended by Commission Regulation 836/2011

Import conditions for U.S. almonds

In September 2007, the EU implemented special import conditions which called for mandatory testing of U.S. almonds imported into the EU. USDA and The California almond industry have developed a “Voluntary Aflatoxin Sampling Plan” (VASP) comparable to the EU sampling procedures so that almonds can be uniformly tested before they are shipped to the EU. Per Commission Regulation 1152/2009, these procedures are considered to provide sufficient assurances which means that almonds shipped under VASP are subject to random controls. The Regulation covers almonds in shell or shelled, roasted almonds and mixtures of nuts or dried fruits containing almonds, and foodstuffs containing a significant amount of almonds (at least 20 percent). While almonds shipped without a VASP certificate used to be subject to 100 percent border controls in the original

Commission Regulation 1152/2009, the regulation was amended in March 2012 and no longer authorizes imports without a VASP (Commission Regulation 274/2012).

Section VI. Other Regulations and Requirements

A. Product inspection and registration

In Belgium the FAVV is responsible for the inspections. Criteria for laboratories conducting food controls have been harmonized but it is the Member States' responsibility to designate laboratories that are allowed to perform analyses. A list of laboratories designated by Belgium to perform analysis can be found at the following internet link, <http://www.favv.be/laboratories/>.

Federal Agency for the Safety of the Food Chain (FAVV)

DG Laboratories

Director General Mr. Geert De Poorter

Phone: +32 (0)2 211.8726/27

Fax: +32 (0)2 211.8739

CA-Botanique - Food Safety Center, 4th Floor

Boulevard du Jardin botanique 55

1000 Brussels, Belgium

B. Certification and documentation requirements

Detailed information on the special certification and documentation requirements can be found in the FAIRS Export Certificate Report GAIN BE1006

Section VII. Other Specific Standards

A. Genetically modified foods

Labeling regulations for genetically modified (GM) food products are established by Regulation 1829/2003 (articles 12-13).

Proposal: In September 2012, the European Commission published a proposal to amend the existing rules on honey established by Council Directive 2001/110/EC. The proposal clarifies that pollen is a natural constituent and not an ingredient of honey. This proposal was presented following a Court of Justice preliminary ruling on GM pollen in honey. The Commission's proposal does not affect the Court's conclusion that GM pollen in food are subject to the EU's GMO legislation.

B. Novel foods

Proposal: In 2011, a revision of the EU Novel Foods Regulation proposed by the European Commission failed to win the required consensus from the European Parliament and Council. The Commission will restart the process and present a new novel foods proposal in the first half of 2013.

C. Nanotechnology

On October 3, 2012, the Commission adopted the Communication on the Second Regulatory Review on Nanomaterials explaining how the Commission plans to improve EU law to ensure the safe use of nanomaterials. It is accompanied by a Staff Working Paper on nanomaterial types and uses, including safety aspects giving a detailed overview of available information on nanomaterials on the market, including their benefits and risks. Therefore, the Commission favors the application of a case-by-case approach regarding the risk assessment of nanomaterials, using indications of potential risks in terms of exposure or hazard.

D. Fortified foods

The use of vitamins and minerals not included in the annexes to Regulation 1925/2006 is not allowed. However, Member States may under certain conditions provide for a temporary derogation (until January 19, 2014) for vitamins and minerals not included in the annexes. Such derogations should be obtained from the competent authorities in the individual Member States.

Point of contact Belgium:

SPF Santé Publique, Sécurité de la Chaîne Alimentaire et Environnement Service Denrées Alimentaires, Aliments pour Animaux et Autres Produits de Consommation

Place Victor Horta, 40 Boîte 10

Bloc II - 7^o étage

B - 1060 Bruxelles

Phone: +32 (0)2 524 7351/52

Fax: +32 (0)2 524 7399

E-mail: apf.food@health.fgov.be

E. Dietetic or special use foods

Specific directives on foods and beverages for sports people or on foods intended for diabetics are still subject to Member State legislation. The marketing of dietetic foods for which no specific rules have been established must be notified to the Member State where the food is sold. The competent authority for Belgium is:

The competent authority for Belgium is:

SPF Santé publique, Sécurité de la Chaîne alimentaire et Environnement Service Denrées alimentaires, Aliments pour Animaux et Autres Produits de Consommation

Place Victor Horta, 40 Boîte 10

Bloc II - 7^o étage

B-1060 Bruxelles

Tel : +32.(0)2.5247351-52

Fax : +32.(0)2.5247399

E-mail: apf.food@health.fgov.be

G. Wine, beer and other alcohol beverages

Wine labeling

Commission Regulation 607/2009, as amended by Commission Implementing Regulation 1185/2012, lays down detailed rules on protected designations of origin and geographical indications, traditional terms and labeling.

Allergen labeling

Under the EU's general labeling directive 2000/13/EC, the indication of allergens listed in Annex III is mandatory on all food and beverage labels. A temporary derogation from this rule for wines fined with egg and milk derivatives expired on June 30, 2012. Commission Implementing Regulation 579/2012 sets out the modalities for the labeling of allergens on wine. Starting July 1, 2012, a wine label must state that it "contains" one or more of the following allergens: "sulphites", "sulfites", "sulphur dioxide", "sulfur dioxide", "egg", "egg protein", "egg product", "egg lysozyme", "egg albumin", "milk", "milk product", "milk casein" or "milk protein". The translation of these terms in all the official EU languages is available in Part A of the Annex to Regulation 579/2012. Information on the authorized languages to label allergens in the different EU Member States is available on the European Commission's website at http://ec.europa.eu/agriculture/markets/wine/labelling_allergens.pdf. The terms designating the allergenic ingredient may be supplemented by the pictograms laid down in Part B of the Annex to Regulation 579/2012.

Allergen labeling is mandatory for alcoholic beverages with sulfite concentrations of more than 10 mg/liter. Wine products in which the milk/egg proteins cannot be detected are exempt from the mandatory labeling rules.

Organic wine

EU organic legislation now also covers wine. Commission Implementing Regulation 203/2012, applicable since August 1, 2012, allows the use of the term “organic wine” where before the label could only mention “wine made from organic grapes.” Regulation 203/2012 sets out the conditions to label wine as organic. Sorbic acid and desulfurication are not allowed and the level of sulfites must be at least 30-50 mg per liter lower than their conventional equivalent. For more information see Section VII-H “Organic Foods.”

H. Organic foods

EU-U.S. organic equivalence cooperation arrangement

The organic arrangement between the U.S. and the EU in combination with growing demand for organic products in the EU creates opportunities for U.S. exporters. The potential market for U.S. organics on the EU market is estimated at almost USD 50 million and opportunities are to be found in vegetables, fresh fruit, dried fruit and nuts, specialty grains and processed products. For more information please download GAIN Report NL3003, http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Export%20opportunities%20for%20U.S.%20organics%20in%20the%20EU%20market_The%20Hague_Netherlands%20EU-27_2-11-2013.pdf

Organic wine

EU organic legislation now also covers wine. Commission Implementing Regulation 203/2012, applicable since August 1, 2012, allows the use of the term “organic wine” where before the label could only mention “wine made from organic grapes”. Regulation 203/2012 sets out the conditions to label wine as organic. Sorbic acid and desulfurication are not allowed and the level of sulfites must be at least 30-50 mg per liter lower than their conventional equivalent. As Regulation 203/2012 was only published in March 2012, a month after the U.S. and the EU signed the Equivalency Arrangement, organic wine was not included in the deal. Commission Implementing Regulation 508/2012, published in June 2012, includes U.S. organic wines in Annex III to Regulation 1235/2008. Until a joint US-EU working group concludes its examination of the equivalence of organic wine making rules, U.S. organic wine certified to comply with the EU’s organic wine making rules can be imported into the EU.

Proposal: The adoption of a legislative proposal to review the organic framework regulation is included in the European Commission’s 2013 Work Program. In September 2012, the Commission published a “Roadmap” outlining several policy options as part of an “Impact Assessment” initiative. The Roadmap can be downloaded from the Commission’s website at http://ec.europa.eu/governance/impact/planned_ia/docs/2012_agri_014_organic_farming_en.pdf.

I. Vertical legislation

Directive 2012/12/EU, published in April 2012, sets out new labeling rules for fruit juices and fruit nectars. This directive amends framework Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption. Member States have until October 28, 2013, to transpose the provisions of the new directive into national law. Products which are placed on the market or labeled before October 28, 2013, may continue to be marketed until April 28, 2015. Detailed information on key changes introduced by the new directive can be found in GAIN report “New EU Fruit Juice Labeling Rules.”

Proposal: In September 2012, the European Commission published a proposal to amend the existing rules on honey established by Council Directive 2001/110/EC. The proposal clarifies that pollen is a natural constituent and not an ingredient of honey. This proposal was presented following a Court of Justice preliminary ruling on GM pollen in honey. The Commission’s proposal does not affect the Court’s conclusion that GM pollen in food are subject to the EU’s GMO legislation.

J. Beef & meat labeling

Beef

Proposal: In September 2011, the European Commission published a proposal to delete the voluntary beef labeling schemes established by Regulation 1760/2000. The proposal did not include any amendments to the mandatory labeling requirements. The proposal is currently going through the first reading phase of the ordinary legislative procedure (co-decision) and is expected to be adopted in the second half of 2013.

Meat

General labeling directive 2000/13/EC sets out the definition of “meat” for labeling purposes. This definition does not cover mechanically separated meat (MSM) as it is still subject to Member State legislation. The European Commission is considering working on a guidance document to better identify which products should be considered as MSM and if appropriate, propose legislative amendments.

L. Frozen foodstuffs

Until the stage at which frozen food of animal origin intended for human consumption is labeled in accordance with the current Food Labeling Directive 2000/13 (for more information see Section II) or used for further processing, Commission Regulation 16/2012 requires food business operators to provide the date of production AND the date of freezing to the buyers and upon request, to the competent authorities. Where a food is made from a batch of raw materials with different dates of production and freezing, the older dates of production and/or freezing must be made available.

The EU’s new Food Labeling Regulation 1169/2011 (for more information see Section II) requires that, starting December 13 2014, labels on frozen meat, frozen meat preparations and frozen unprocessed fishery products indicate the date of freezing or the date of first freezing in cases where the product has been frozen more than once.

N. Seafood

Detailed information on exporting U.S. seafood to the EU is available in the 2012 update of the “How to export seafood to the European Union” guide which can be downloaded at <http://www.seafood.nmfs.noaa.gov/Howtoexportseafood2012%20.pdf>.

Proposal: In July 2011, the European Commission presented a proposal for a new regulation on the common organization of the markets in fishery and aquaculture products. The draft regulation includes mandatory labeling requirements. Discussions between the European Parliament and the Council on the adoption of the proposal are still on-going in the context of the ordinary legislative procedure (co-decision). More information on the status of the Fisheries Reform proposal can be found on the Commission’s website at http://ec.europa.eu/fisheries/reform/index_en.htm.

Section VIII. Copyright and/or Trade Laws

Copyright

Belgium and the U.S. are both members of the Universal Copyright Convention of Geneva so, the copyright of works by U.S. authors, copyrighted in the U.S., is also protected in Belgium.

Trademarks

[Council Regulation 207/2009](#) lays down rules for the registration of Community trademarks. It creates a single, unitary registration system covering the whole Community.

In practice, a Community trademark must meet two conditions: it must be a sign which can be represented in graphic form, and it must make it possible to distinguish goods and services from those of another company. It is valid for a period of 10 years. Applications for registering Community trademarks under these regulations may be filed with the Alicante, Spain, based Office of Harmonization for the Internal Market, subject to the fees set

out in Commission Regulation 2869/95, or at a national industrial property office in a Member State of the European Union.

On completion of the registration procedure, the trademark is registered in the Register of Community trademarks.

The Community Trademark did not replace the existing trademark laws of the member states but co-exists alongside national trademarks. [Directive 2008/95/EC](#) approximates the laws of the Member States relating to trade marks.

Trademark registration in the Netherlands is based on Benelux legislation. Registration can be obtained for all 3 Benelux countries (Belgium, Netherlands and Luxembourg) through one process. Applications for trademark registration in the Benelux can be sent to:

Benelux Merkenbureau (Benelux Trademark Office)
Bordewijklaan 15
2591 XR The Hague, the Netherlands
Phone: +31-(0)70-349 1111.

In the Benelux countries, an international trademark can also be registered, as regulated by the Treaty of Madrid. This trademark offers protection to all nine EU countries that signed the convention.

Protected geographical indications

A proposal on “Agricultural Product Quality Schemes” was adopted in November 2012, and consequently published as European Parliament and Council Regulation 1151/2012. The new rules enter into force on January 3, 2013, and cover agricultural products and foodstuffs but not wines and spirits which are covered by specific legislation. The new regulation consolidates four different quality schemes (Protected Designations of Origin, Protected Geographical Indications, Traditional Specialties Guaranteed, and Optional Quality Terms) into a single legal framework. The provisions on labeling and the use of EU logos for PDO’s, PGI’s and TSG’s will apply from January 4, 2016.

Section IX. Import procedures

Regulation 450/2008 establishing the “Modernized Customs Code” was adopted in 2008 but is not yet applicable. It is due to become applicable once its implementing provisions are in force, at the latest June 24, 2013. However, as the European Commission decided to amend the Modernized Customs Code before it becomes applicable, a proposal to recast the Modernized Customs Code was published in February 2012.

The EU uses the Combined Nomenclature (CN) for the customs classification of goods. The CN eight digit code numbers are based on the Harmonized System (HS) nomenclature: the first six digits refer to the HS headings; the two following digits represent the CN subheadings. The EU’s on-line “Taric” customs database can be consulted to look up commodity codes and relevant import duties. Taric is a multilingual database covering all measures relating to tariff and trade legislation. The EU’s 2013 Tariff Schedule was published on October 31, 2012 in Official Journal L 304. A list of customs authorities can be found at http://ec.europa.eu/taxation_customs/common/links/customs/index_en.htm.

It is also possible to obtain Binding Tariff Information (BTI) from a member state’s customs authority to get the proper product classification. Through this system, traders know in advance the tariff classification of the goods they intend to import. BTI is legally binding in all the member states. Information on how to obtain a BTI can be downloaded from the European Commission’s Taxation & Custom’s website at http://ec.europa.eu/taxation_customs/customs/customs_duties/tariff_aspects/classification_goods/index_en.htm.

More information on Belgium's customs authorities can be found at <http://fiscus.fgov.be/interfdan/>

Customs authorities designated for the purpose of receiving applications and issuing Binding Tariff Information:
Centrale administratie der douane en accijnzen Dienst Nomenclatuur (Tarief), Landbouw en Waarde Cel BTI
North Galaxy — Gebouw A — 8ste verdieping Koning Albert II-laan 33 1030 Brussel, Belgium

A list of customs authorities designated for the purpose of issuing binding tariff information was published in Official Journal C 144 of May 14, 2011. The customs value of a good is the CIF price at the European border derived from the product price found on the invoice and the transportation costs reflected in the airway bill or the bill of lading.

Customs provides information of imports from which the VWA selects the lots for further inspection. Regulation 2004/882/EC sets out the standards for control of compliance with the General Food Law.

The Import Process:

- Pre announcement: by Common (veterinary) Entry Document (CVED or CED), issued by agent;
- Documentary Check: examination of the original required documents that accompany the consignment based on model certificate according to EU legislation, carried out by Customs based on an agreement between Ministry of Agriculture and Ministry of Finance;
- Identity Check: to ascertain that the products correspond to the information given in the accompanying certificates or documents;
- Physical check: Check on the product itself to verify compliance with food or feed law;

More information about the Belgian import regulations and standards can be obtained by contacting FAS/The Hague:

U.S. Embassy
Marcel Pinckaers
Office of Agricultural Affairs
Lange Voorhout 102
2514 EJ The Hague, The Netherlands
Tel: +31-(0)70-3102299
Fax: +31-(0)70-3657681
Email: marcel.pinckaers@fas.usda.gov

Appendix I. GOVERNMENT REGULATORY AGENCY CONTACTS

1) All Belgian legislation is published in the Belgian official journal "Het Belgisch Staatsblad"/"Le Moniteur Belge". This journal is edited by the Federal Public Service Justice and can be consulted on-line at www.staatsblad.be or www.moniteur.be.

Federal Public Service Justice
Information officer:
Nathalie Leclercq
Waterloolaan 115,
B-1000 Brussels
Tel: +32-(0)2-5427164
Fax: +32-(0)2-5427039

E-mail: info@just.fgov.be
www.just.fgov.be

2) European legislation can be found at:
http://europe.eu.int/eur-lex/en/search/search_lif.html

3) Belgian food legislation is updated by the Federal Public Service Public Health
Federal Public Service Public Health
DG Animals, Plants and Food
Victor Hortaplein, 40 bus 10
B-1060 Brussels
Tel: +32-(0)2-5248502
Email: apf.dg@health.fgov.be
<http://www.health.fgov.be/>

4) Enforcement of food legislation and inspections, both veterinary and food, are the competence of the Federal Agency for the Safety of the Food Chain (FAVV)
Federal Agency for the Safety of the Food Chain (FAVV)
AC-Kruidtuin
Food Safety Center
Kruidtuinlaan 55 – 5th floor
B-1000 Brussels
Belgium
Phone: +32 (0)2 211 8622
Fax: +32 (0)2 211 8640
Email: info@favv.be
www.favv.be

5) Belgian Customs
Administratie der douane en accijnzen
North Galaxy
Koning Albert II laan 33
B - 1030 Brussels
Phone: +32 (0) 257 62111

Appendix II. OTHER IMPORT SPECIALIST CONTACTS

1) Comeos: The Belgian federation of importers and distributors FEDIS
Sint-Bernardusstraat 60,
B-1010 Brussels
Tel: +32-(0)2-5373060
Fax: +32-(0)2-5394026
Email: info@comeos.be
www.comeos.be

2) Comeos: The Belgian federation of food distribution BELGAFOOD
Sint-Bernardusstraat 60,
B-1010 Brussels
Tel: +32-(0)2-5373060
Fax: +32-(0)2-5394026

Email: belga@fedis.be
www.comeos.be