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Food and Agricultural Import Regulations and Standards

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Belgian labelling and ingredient requirement report

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A) FOOD LAW

Regulations, both national and European, concerning food legislation are given in “ La Charte ” (compilation of the Belgian Food legislation) and include all topics relating to composition and naming of foodstuffs, additives, contaminants, pesticides, labeling, export and import regulations, methods of inspection of foodstuffs, etc..

The Belgian food law is made up of "horizontal" legislation (aspects which are common to all foodstuffs) on broad food and food - related categories and "vertical" legislation on specific foodstuff categories, such as meat products, seafood wines, and spirits ..). Belgian legislation derives mainly from Royal Decrees (AR) or Governmental Decrees (AM). Some European Regulations have been transposed into Belgian legislation. When this is the case, the corresponding EU Directive is mentioned in bracketing.

Appendix 1 provides addresses where all the pieces of legislation referred to on the following pages can be obtained.

Applicable laws and regulations

Law of 24 January 1977
Law of 25 February 1991
AR (Royal Decree) of 9 February 1981
Instruction CD 594.70 of 1 January 1990
Instruction CD 594.70 of 12 March 1991
93/339/EEC
Law of 14 July 1991

The basic text of **24 January 1977**, concerning consumer health protection with regard to foodstuffs and other products, defines what is meant by “ foodstuffs ”, “ additives ”, “ flavors ”, “ materials and objects destined to be in contact with foodstuffs ”, “ commerce or entry on the market ” and “ manufacture ”. The text delineates all inspections which may be made to ensure that the law is applied, and the penalties in case of violation.

If certain foodstuffs represent serious danger to public health, the Minister responsible for Public Health can take measures to prevent these goods and products remaining on the market.

According to the law of **25 February 1991**, the producer is legally responsible for any damage caused by a defect in his product. Also every firm which imports a product into the Union, with the intention of selling it, is considered as a producer of this product.

The AR of **9 February 1981** concerns the supervision of imported foodstuffs. The examination of foodstuffs is carried out by the Service d'Inspection des Denrées Alimentaires (Service for Inspection of Foodstuffs) of the Ministry of Public Health. Samples may be taken and sent for analysis to the "Institut d'Hygiène et Epidémiologie" (Institute of Hygiene and Epidemiology) or to one or several laboratories authorized to carry out the analyses in question. The importation of harmful foodstuffs can be refused and, in this case, the foodstuffs are either turned back or destroyed, denatured or transformed under the supervision of Customs officers. Any expenses incurred are paid by the importer. The Minister of Public Health and the Minister of Finance are responsible for the enforcement of this law.

According to Instruction **CD 594.70 of 1 January 1990** by the Customs Authority, the Customs and Excise Service must ensure that a sanitary examination be carried out by a government official from the Service for Inspection of Foodstuffs of the Ministry of Public Health, if the appearance of a foodstuff suggests that it is spoiled or suspected of being harmful. The list of inspection services and food inspectors, is given in Annex 1 (see Appendix II).

The safety of Third Country food products is governed by **EEC regulation no. 339/93 of the Council of 8 February 1993**. As a result of inspections carried out by the Customs authorities, if the presence of a product believed to be a danger to health or safety is detected, or if a document or marking required by community regulations is absent, the release of the product or the batch concerned will be suspended. In the case of perishable goods, the authorities will ensure that the conditions of storage and means of transport are appropriate for the conservation of the food. All the regulations concerning inspections are given in Chapter E.

B) LABELING REQUIREMENTS

Applicable laws and regulations

Labeling of pre-packaged foods

AR 29 October 1999

(79/112/EEC amended by 97/4/EEC)

Indication of batch number of foodstuffs

AR 9 February 1990

AR 1 July 1997

Nutritional labeling of foodstuffs

AR 8 January 1992

I) Labeling requirements

The clauses of **AR 29 October 1999** are applicable to prepacked foods when they are put on the market for delivery to the consumer or to the user, including restaurants, hospitals, canteens and other similar establishments. Prepacked foods on the market must bear the following information :

1. Name under which it is to be sold, and also an indication of the physical state of the foodstuff such as powder ,smoked, frozen..). If it has been treated by ionizing radiation, it must bear the mention “ treated by radiation ”.
2. The list of ingredients in decreasing order of weight at the time of manufacture. This list has to be preceded by the word “ ingredients ”.

Annex I of this AR gives the categories of ingredients for which the indication of category may replace the specific name. For example, dextrose in place of anhydride or monohydrate dextrose, mixture of spices in place of the name of each spice.....
(see appendix) .

Annex 2 a & b gives the list of ingredients which must be indicated under their category and which must be followed by their specific name such as coloring agents, anti-oxidants, jelling agents.... or EEC (EU) number. Additives are considered as ingredients, except for certain special dispensations. Additives must be declared by their group classification and by their own name, or by the number attributed to them by the EEC (EU).

Annex 3 gives the list of foodstuffs which need special mention on the label such as : “ With sweetener ”, “ Packaged under protective atmosphere ”.

Annex 4 gives the list of foodstuffs which are not concerned by this AR.

3. The shelf-life is indicated by the words “ Best before ... ” or “ Best before end... ”
The date is given in the order day / month / year, except for foodstuffs

- for which the shelf-life is less than three months, the indication of the day and month being sufficient
- for which the shelf-life is greater than three months but less than eighteen months, the month and year being sufficient
- for which the shelf-life is greater than eighteen months, the year being sufficient.

In the case of perishable foodstuffs, the date must be preceded by “ to be used before... ”

4. Special storage conditions such as refrigeration and utilization

5. The name, or the corporate name, and address of the manufacturer or the packager in one of the member states of the European Union.

6. Instructions for use

7. Particulars of the place of origin or provenance, in case absence of such information might mislead the consumer

8. The net quantity expressed by volume for liquids (liter, centiliter or milliliter) and by mass for other products (kilogram or gram)

9. The alcohol content for drinks containing more than 1.2% alcohol, the figure for the alcohol titer being followed by “ % vol. ”.

10. The statement “ packaged under protective atmosphere ” for foodstuffs for which the shelf-life has been extended by the use of gases authorized for packaging.

11. Foodstuffs can be put on the market only if the labeling allows identification of the production batch. The batch number is determined by the producer, manufacturer or packager.

All of the above information must be given in the language or languages of the region in which the product is to be sold. The Minister of Economic Affairs, the Secretary of State for Agriculture and the Secretary of State for Public Health are responsible for the enforcement of this Royal Decree.

II) Nutritional labeling

Applicable laws and regulations

AR 08 January 1992

The AR of 8 January 1992 gives all the information related for nutritional foodstuffs..

- Nutritional labeling means information relating to calorific values and to the following nutrients - proteins, carbohydrates, fats, alimentary fibers, sodium, vitamins and minerals.
- “ Nutritional allegation ”: means information, descriptions or advertisements which claim or suggest that a foodstuff has special nutritional properties. For example, baby food, dietetic food, low in fats....

Nutritional labeling is not mandatory, **but** if a label claims a nutritional benefit in the presentation or in an advertisement, the information related to the calorific value, proteins, fats, etc. must be on the labeling.

According to the type of special food, the information to be given is contained in group 1 or group 2.

- group 1 : calorific value, protein, carbohydrate and lipid content.
- group 2 : calorific value, protein, carbohydrate, sugar, lipid, saturated fatty acid, alimentary fiber and sodium content.

If a vitamin or mineral is named, its content must be given. If the vitamins or minerals are not specified, the content of all vitamins or minerals must be given. If the content of poly-unsaturated fatty acids and / or mono-unsaturated fatty acids and / or cholesterol is stated, the content of saturated fatty acids must also be given. The units to be used are the following :

- calorific value, KJ and Kcal

- proteins, carbohydrates, lipids, alimentary fibers and sodium, g
cholesterol, mg

- vitamins and minerals, according to the units given in annex 4 (see Appendix II) and as a percentage of the recommended daily allowance given in the same annex. These are expressed per 100 g or 100 ml of product.

The Minister of Social Affairs and the Secretary of State for Public Health are responsible for the enforcement of this decree.

C) FOOD ADDITIVES REGULATIONS

Belgian regulations for additives consist essentially of two parts.

- one part concerns additives authorized for certain foodstuffs, such as meat, vegetables, fishes..... These foods are divided into categories. The list is a "closed positive" list i.e., in any given food, only the additives given in the list are authorized, under the conditions and in the quantities stated.

The additives not listed for a particular foodstuff are therefore not authorized. The foods not included in the list may not contain additives.

- another part concerns the sale of additives as such. It specifies the numeration of additives, purity criteria, etc.

Three lists concerning additives permitted in Belgium have been drawn up.

- a numerical list of additives. Numbers are used to describe additives, for example E216 for propyl hydroxy benzoate which is used as an anti-oxidant, E131 for the coloring agent blue.....

- an alphabetical list

- the toxicological situation of additives based on the "Permitted Daily Dose" PDD.

These lists are available from the Ministry of Public Health.

Two organizations are responsible for the determination of the "PDD": the JEFCA (Joint Expert Committee on Food Additives) and the WHO (World Health Organization).

Applicable laws and regulations

Additives authorized for foodstuffs

AR of 27 of July 1978

AR of 1 March 1998

AR of 8 February 1999

(sweeteners and coloring agents not included).

All the annexes have not yet been transposed into Belgian legislation

Commerce and labeling of additives

AR of 2 October 1980

Commerce of sweeteners

AR of 18 January 1994

Flavors

AR of 24 January 1990 (88/388/CEE)
 AR of 3 March 1992

Extraction solvents

AR of 25 November 1991 (88/344/CEE)

The **AR of 27 July 1978 amended by AR of 8 february 1999** stipulates that only the additives noted in the annexes are authorized in foodstuffs. " Additive " means every substance normally not consumed as a nutrient in itself, possessing or not a nutritive value, and of which the intentional addition to foodstuffs for a technological purpose, at the stage of manufacture, transformation, preparation, treatment, packaging, transportation or storage, means that it becomes a component of the foodstuff. The maximum levels given may not be exceeded. The use of each additive is restricted to the given foodstuffs. The categories of additives are as follows :

coloring agents	preservatives	anti-oxidants	emulsifiers
thickeners	jelling agents	stabilizers	flavor enhancers
acidifiers	acidity correctors	anti-agglomerates	modified starch
sweeteners	raising powders	anti-foam agents	coating agents
strengtheners	moisturizers	complexing agents	enzymes
fillers	propellant gases	packaging gases	

The list of authorized food additives and their conditions for use are published in the Belgian Royal Decrees (AR).

AR of 1 March 1998 and AR of 8 February 1999 on food additives other than colors and sweeteners

Chapter I : list of additives with their E number

Chapter II : list of foodstuffs in which only a limited number of additives from chapter I may be used. They include cocoa and chocolate products, fruit juices, nectars, jams and jellies milk, oils ...The maximum permitted level is specified.

Chapter III : list of permitted preservatives and antioxidants. The maximum level is specified.

Chapter IV : list of other permitted additives with the E number and the maximum level.

Chapter V : list of permitted carriers and carrier solvents with their E numbers.

Chapter VI : list of additives permitted in foods for infants and young children.

AR of 18 December 1997 - AR of 17 February 1997 on sweetener for use in foodstuffs.

AR of 9 October 1996 on colors for use in foodstuffs.

Substances added to foodstuffs as nutriment, such as minerals, trace elements and vitamins, do not fall under the scope of this legislation (see F , other specific standards).

AR of 14 July 1997 - AR of 15 February 1999

The additives must conform to the approved purity criteria. Every admission to the list of additives is approved by the Conseil Supérieur d'Hygiène (the Higher Council of Hygiene) (**law of 24 January 1977**). Their decision is based on the harmfulness of the additive and its degree of tolerance by the human body. The Minister of Public Health is responsible for the enforcement of this decree.

The AR of **18 January 1994** applies to sweeteners intended for direct delivery to the consumer. The following are authorized : Saccharine (and its sodium and potassium salts), cyclamate (and its sodium and calcium salts), aspartame, potassium acetosulfame and sorbitol.

The AR of **25 November 1991** concerns extraction solvents used in the manufacture of foodstuffs and gives a list of extraction solvents and the conditions in which they may be used.

D) PESTICIDES AND OTHER CONTAMINANTS

Applicable laws and regulations

Pesticides

AR 21 of April 1994 (76/895/EEC)
(90/642/EEC)
(86/362/EEC)
(83/363/EEC)

Nitrates

AR 05 of February 1989

Heavy metals

AR 02 of December 1991

AR 21 of April 1991 defines the maximum levels (in mg/Kg) for residues of pesticides authorized on and in foodstuffs. It is forbidden to put on the market foodstuffs

- on or in which are present the residues of pesticides other than those given in the annex.

- on or in which are present the residues of pesticides in conditions contrary to those described in the same annex.

In this annex, the part of the foodstuff concerned by the maximum levels is specified. This list is a "positive, closed" list.

AR 15 February 1989 defines the maximum level of nitrates in certain vegetables and the **AR of 02 December 1991** gives the maximum levels of certain heavy metals in foodstuffs.

The Minister of Agriculture and the Ministers of Public Health and of the Environment are responsible for the enforcement of the decrees concerning pesticides and other contaminants. Pesticides may only be imported, sold or allowed to transit with the prior authorization or approval of the Minister of Public Health or of the organization assigned by him/her for this purpose. (**law of 11 July 1969**).

The admission of a contaminant must be considered by the Conseil Supérieur d'Hygiène. Their opinion is based on the ineluctable presence of the contaminant in the foodstuff, and on its harmfulness and its degree of tolerance by the human body, at the authorized dose. (**law of 24 January 1977**).

E) OTHER REGULATIONS AND REQUIREMENTS

1. Inspection regulations

Applicable laws and regulations

Designation of government officials responsible for the supervision of foodstuffs
AR 01 of December 1977

Official inspection of foodstuffs
AR 09 of January 1992 (89/398/EEC)

The **AR of 1 December 1977** names the government officials and agents responsible for the supervision of the foodstuffs mentioned in the law of 24 January 1977. Government officials of the Inspection des Denrées Alimentaires (Inspection of foodstuffs) (see Appendix I) and food inspection officers are responsible for supervising the application of all the clauses of the 1977 law. Inspectors from the Inspection Générale Economique and government officials from the Section Répressive du Service de Métrologie (weights and measures) of the Administration du Commerce of the Ministry of Economic Affairs are responsible for supervising the enforcement of the decrees relating to the labeling of foodstuffs. They are also responsible for supervising the composition of foodstuffs.

The external tasks of the foodstuffs inspection service are :

- the systematic inspection of the composition, labeling and advertising of products, of the presence of additives and of pesticides, and of the hygiene in the food sector (manufacturers, merchants, etc.).
- immediate intervention in the case of food poisoning, by stopping the sale in stores of all suspect foodstuffs.
- intervention at the request of, or on complaint from, private individuals.

The **AR of 9 January 1992** sets the principles concerning the inspection of foodstuffs marketed in Belgium. The inspection applies to all the phases of manufacture, and to importation, and includes :

- inspection
- sampling and analyses
- inspection of the hygiene of the premises and personnel involved in the trade.

The following are subject to these inspections : semi-finished and finished products, materials and objects intended to be in contact with foodstuffs, labeling and advertising of foodstuffs.

2. Sampling

Applicable laws and regulations

AR of 05 December 1990 (89/397/EEC)
AR of 17 May 1991 (85/591/EEC)

The two ARs set down the methods of taking of samples for analysis by the Institut d'Hygiène et Epidémiologie or by an approved laboratory. (Annex 5)

3. Packaging and quantities

Applicable laws and regulations

AR 04 of September 1972
AR 28 of December 1979
AM 12 of September 1980
AR 16 of February 1982

The **AR of 4 September 1972** gives all the information concerning the declaration of quantities.

The **AR of 28 December 1979**, relating to the prepackaging by mass or volume of certain pre-packed products, states the requirements the prepackaging must meet, and the obligations of the importer.

The importer must measure or check the actual contents of the prepackages and keep the documents in which the results of these checks are recorded. Government officials appointed by the Minister of Economic Affairs carry out the sampling checks in the presence of the importer. The methods of statistical assessment of the prepackaging batches are given in the Annex.

The **AM of 12 September 1980** sets the methods of identification of the filler or the importer of the prepackaging, and the methods of inspection of its manufacture. The inspection of the manufacture of prepackaging, by instruments declared to be valid by a certificate of calibration, is described.

The annexes of the **AR of 16 February 1982** give the range of values of the nominal quantities of contents of prepackages, and the range of permitted capacities for containers. The Vice-Prime Minister and the Minister of Economic Affairs are responsible for the enforcement of the decrees.

4. Radioactive contamination

Applicable laws and regulations

AR of 28 February 1963
AM of 16 July 1980

The **AR of 28 February 1963**, concerning the protection of workers and of the general population against the dangers of ionizing radiation, prohibits the addition of radioactive substances to foodstuffs, and the treatment of foodstuffs by ionizing radiation. This ban holds for importation, storage and transportation of foodstuffs. In the case of treatment of foodstuffs for research purposes, for treatment of insects and parasites, or for removal of certain microorganisms, authorization may be obtained from the Minister of Public Health.

The **AM of 16 July 1980** gives, in the annex, the list of foodstuffs which may be treated by ionizing radiation.

5. Products in contact with foodstuffs

Applicable laws and regulations

AR 11 of May 1992 modified by AR of 24 November 1997 - AR of 20 September 1998
AR 30 of June 1981

The **AR of 11 May 1992** states that materials and objects intended to come into contact with foodstuffs must satisfy the following demands :

- be free of stains or blemishes
- be able to be easily separated from the foodstuff
- must be appropriate for use with foodstuffs
- must satisfy the norms of composition and migration given in the annex.

The **AR of 30 June 1981** determines the rules of application for the marking of these materials. The Minister of Public Health is responsible for the enforcement of this decree.

6. Provenance and origin

Applicable laws and regulations

Loi of 29 July 1994
AM of 23 September 1994

The **law of 20 August 1990**, which encourages openness in the trading of goods, states that it is forbidden to import goods, from a country which is not a member of the European Union, carrying a mark or other inscription such that it may be believed that they are of EU origin.

The **AM of 23 September 1994** names the officials in charge of finding, and taking note of, any violations of the above law.

7. Inspection of foodstuffs

Applicable laws and regulations

AR of 20 August 1990 (89/397/CEE)

The **AR of 20 August 1990** states the general principles concerning the execution of official inspections of foodstuffs to be marketed in Belgium.

The official inspection is carried out

- regularly
- in the case of suspicion of infraction of a law
- The inspection includes all stages of importation, treatment, storage, transport, distribution and trade.

F) OTHER SPECIFIC STANDARDS

1. Dietetic or other special use foods

Applicable laws and regulations

AR of 18 February 1991 modified by AR of 11 October 1997 (96/84 CE)
AR of 27 September 1993
AR of 03 March 1992 modified by AR of 20 May 1998

The **AR of 18 February 1991** defines what is meant by “ special use foods ” and states, in the annex, the different types of products concerned, their field of application, their manufacture and composition, labeling and advertising, and specifies if an application for registration is necessary.

In this case, the following procedure must be applied :

- the application for registration must be submitted, in duplicate, to the appropriate authorities
- the applications must include the following information : quantitative and qualitative composition, the reasons for registration, packaging, labeling and instructions for use.

The Minister forwards the application to the Conseil Supérieur d'Hygiène Publique. The council gives its decision within four months of receiving the application.

It also states that dietetic or special use foods, including those for infants or young children, can be imported only if

- the manufacturer carries out frequent analyses
- the importer keeps the analysis reports at the disposal of the authorities modified by AR of 20 may 1998.

The **AR of 3 March 1992** concerns the entry on the market of nutriments, and of foodstuffs to which nutriments have been added. `Nutriments' mean vitamins, minerals and trace elements, amino acids and certain fatty acids. The entry on the market of these foodstuffs is subject to prior notification to the Inspection service further to the introduction of a dossier. This dossier must give information on the character of the product, list of ingredients, nutritional analysis, labeling, data necessary to evaluate the nutritional value and the commitment to control the composition of the product. The Minister of Social Affairs and the Secretary of State for Public Health are responsible for the enforcement of this decree.

The most important modification concerns the labeling of nutriments which contain vitamin A (suspected of having a teratogenic effect when taken in high doses). A warning for pregnant women must appear on the label.

2. Meat products

Applicable laws and regulations

AR of 31 December 1992
AR of 28 November 1991
AM of 28 December 1992
AM of 19 April 1995
AR of 31 December 1991
AM of 27 June 1994
AM of 09 February 1996

The **AR of 31 December 1992** gives the general arrangements for, and the organization of, inspections of animals and certain products of animal origin imported from a country outside the EU.

Importation is subject to prior authorization by the Service of Inspection of Foodstuffs. The veterinary surgeon responsible for the inspection must carry out a physical inspection of the animals and of the products declared at the border post inspection. A list of animals and products, the importation of which are subject to veterinary inspection, is given in Annex III of the decree.

The **AM of 27 June 1994** lays down the veterinary and sanitary regulations concerning the importation of certain products, such as animal proteins, apiculture products, lard, processed fats, etc.

The **AM of 9 February 1996** gives details of the sanitary inspection on the importation of animals from a non- EU country.

3. Dairy products

Applicable laws and regulations

AR of 27 February 1963

AR of 17 March 1994

AR of 03 March 1994

The **AR of 27 February 1963** states that the sale of dairy products is subject to a license delivered by the Office National du Lait. The following are not subject to a license : the sale of dairy products in a sealed metal container, and the sale of processed cheese wrapped in paper, which are delivered to the consumer, without removal or modification of the origin packaging. The granting and keeping of the license depend on different conditions concerning, in particular, the premises of merchants and wholesalers.

The **AR of 17 March 1994** gives the criteria accepted for the determination of the quality and composition of milk. These are bacteriological quality, titer in somatic cells, absence of inhibitors, freezing point, visible cleanness (Annex I) and sampling procedure.

4. Eggs and egg products

Applicable laws and regulations

AR of 31 December 1992

The **AR of 31 December 1992** gives hygienic and sanitary instructions concerning production, putting on the market and use of egg products.

- conditions of approval of, and running of, establishments
- hygiene of premises
- analytical specifications
- packaging
- storage
- transportation
- marking

5. Potatoes and other vegetables

Applicable laws and regulations

AR of 11 December 1992
AR of 20 September 1993

The **AR of 20 September 1993** concerns the trade in early and older potatoes and establishes the conditions in which the potatoes must be prepared, packed and sold. The Office National des Débouchés Agricoles et Horticoles controls the importation of potatoes by sample taking. The potatoes must satisfy the norms of quality given in annexes I and II (Appendix II). The arrangements concerning uniformity, packaging, marking, type of product and origin are also given.

The **AR of 11 December 1992** gives information concerning the trade and importation of fruit and vegetables from a country outside the EU.

The Office National des Débouchés Agricoles et Horticoles is responsible for the inspection of conformity (compliance of the products with the standards), according to the clauses of EEC reglementation no. 2251/92.

6. Seafood

Applicable laws and regulations

AR of 30 April 1976
AR of 09 March 1965
AR of 22 May 1996

According to the **AR of 30 April 1976**, fish coming from a non-EU country must be accompanied by a certificate of health which must be issued by the appropriate authority in the exporting country. It also gives recommendations for the transportation and storage of fish.

The **AR of 22 May 1996** concerning the trade and importation of invertebrates likely to be consumed raw prohibits the sale of such products if

- they have not been marked after sanitary inspection
- they contain microorganisms
- they contain toxic matter, etc.

The annex of the **AR of 22 May 1996** gives the list of the obligatory naming of fishing products and their transformed products.

7. Wines and spirits

Applicable laws and regulations

91/1601/EEC
89/1576/EEC
94/1267/EEC

91/1601/EEC establishes the general rules concerning the definition, classification and the presentation of flavored wines, of wine-based flavored drinks and of cocktails flavored with wine products. For drinks from a non-EU country, the use of an official language of that country is permitted, on condition that the information is also given in an official language of the EU. Imported drinks which are designated with the help of geographical information can benefit from inspection and protection when these are certified by documents inspected by the administration and by the keeping of appropriate registers.

89/1576/EEC establishes the general rules concerning the definition, designation and presentation of spirits.

94/1267/EEC gives the application of agreements between the EU and non-EU countries mainly the US) concerning the mutual acknowledgment of certain spirits. The list of these products is given in the annex.

8. Tobacco and similar products

Applicable laws and regulations

AR of 13 August 1990

The manufacture and putting on the market of tobacco-based products is regulated by the **AR of 13 August 1990**. This AR gives the comments which must appear on the individual packets and the list of substances authorized in tobacco-based products. The Minister of Social Affairs and the Secretary of State for Public Health are responsible for the enforcement of this decree.

9. Novel food (Genetically Modified Organisms) and others

Applicable laws and regulations

Directive 90/219-220/EEC
Directive 97/258/EEC
Directive 98/1139/98

The European regulations for biological safety applying to biotechnologies come from the directives 90/219-220/EEC. These directives apply to research, development and the putting on the market of genetically modified organisms or products which contain them.

The introduction onto the European market of GMOs used in human food not only involves Directive 90/220/EEC, but also the European novel food regulation 97/258/EEC . This regulation provides specific authorization and notification procedures as well as labeling provisions for novel food. It covers food which contains GMOs and food derived from GMOs.

The novel food regulation has applied in Belgium since May 1998.

A novel food application must be sent to Belgium and a copy of the application will be sent to the European Commission

By means of regulation 1139/98 the labelling requirements of the novel food regulations have also been enforced on two GMOs products - genetically modified soya and corn- which were already on the European market when the novel food regulation was published.

The **S**ervice of **B**iosafety and **B**iotechnology (SBB) is a part of the Institut d`Hygiène et d`Epidémiologie of Brussels.

The SBB operates the secretariat of the Biosafety Council and evaluates the dossiers for the introduction of GMOs on the market. The Biosafety Council makes the final decision.

G) COPYRIGHT LAWS

Information concerning registration of trademarks can be obtained from the Service des Brevets (Patent Office) which depends on the Ministry of Economic Affairs.

H) IMPORT PROCEDURE

Applicable laws and regulations

AR of 09 February 1981
Instruction CD.594/70 1.01.1990
93/339/EEC

The reference documents relating to the supervision on importation and the conformity (compliance with the norms) inspections are given in chapter A.

Loi of 11 September 1962
AR of 30 December 1993
AM of 23 October 1962
AM of 15 September 1995
AM of 03 March 1992
AR of 20 August 1990
AR of 31 December 1992

The importation, exportation and transit of goods and of related technology are regulated by the law of **11 September 1962** and the **AR of 30 December 1993**. Prior authorization is required for the importation of goods. Requests for prior authorization are submitted to the Office Central des Contingents et Licences or to the European Commission. The requests must include information on the precise description of the goods, their origin, and the quantities and value of the goods for which the request is being made. The requests for authorization are signed by a qualified person who certifies the accuracy of the given details. The authorizations are registered in a certain name and it is prohibited to transfer them. The holders of prior authorizations must send them back as soon as they are no longer valid. Any infractions or attempts at infraction are punished according to the general law on Customs and Excises. Officials from the Inspection Générale Economique are appointed to look for and note any infractions of the law of 11 September.

The goods subject to a license are given in the annexes of the **AR of 3 March 1992** and of **15 September 1995**.

The **AR of 26 July 1962** and the **AR of 30 December 1993** give the responsibility of collecting import levies, compensatory taxes, premiums and guarantees incurred on importation or exportation of certain products, to the Office Central des Contingents et Licences.

The **AR of 31 December 1992** regulates the quality control of potatoes and other horticultural products on importation. The inspection is carried out by the Office National des Débouchés Agricoles et Horticoles, according to methods defined by directive 92/2251/EEC . An inspection certificate is issued, if need be, on importation or exportation. On importation, the Office decides if the declared batch must be submitted to an inspection. The Customs Service allows importation only if the products are covered by an inspection certificate. Annex I gives an example of the inspection certificate and Annex II an example of the authorization for a deferred inspection, when the inspection can be only partially carried out by the Office.

The **AM of 23 October 1962** designates the officials of the Inspection Générale Economique responsible for finding any infractions of the law of 11 September 1962.

APPENDIX I

REGULATORY AGENCIES

Ministère de la Santé Publique et de l'Environnement
Ministry of Public Health and Environment
Cité Administrative de l'Etat- quartier Vésale
B-1010 Brussels
Tel : 00 32 02 210.45.11
Fax : 00 32 02 210.48.80

Ministère de l'Agriculture
Ministry of Agriculture
Manhattan Office Tower
9^{ème} étage- Avenue du Boulevard 21
B-1210 Brussels
Tel : 00 32 02 211.72.11
Fax : 00 32 02 211.72.16

Ministère des Affaires Economiques
Ministry of Economic Affairs
Secrétariat général
Square de Meeus 23
B-1040 Brussels
Tel : 00 32 02 506.51.11
Fax : 00 32 02 514.24.72

Ministère des Affaires étrangères
Ministry of Foreign Affairs
Rue des quatres bras 2
B-1000 Brussels
Tel : 00 32 02 516.81.11
Fax : 00 32 02 514.30.67

Ministère de la Santé Publique
Ministry of Public Health
Inspection des Denrées Alimentaires
Cité Administrative de l'Etat- quartier Vésale
4^{ème} étage-Bld Pachéco 19- boîte 5
B-1010 Brussels
Tel : 00 32 02 210.48.43
Fax : 00 32 02 210.48.16

Ministère des Finances
Ministry of Finance
Secrétariat général
Rue de la loi 14
B-Brussels
Tel : 00 32 02 233.82.11
Fax : 00 32 02 233.81.07

Ministère des Affaires Sociales
Ministry of Social Affairs
Rue de la Vierge Noire 3c
B-1000 Brussels
Tel : 00 32 02 509.81.11
Fax : 00 32 02 509.85.30

Ministère des Finances-Service et des Douanes et Accises
Ministry of Finance- Central Admin. For Customs and Excise Duties
Bld du Jardin Botanique 50
B-1000 Brussels
Tel : 00 32 02 210.30.11
Fax : 00 32 02 210.33.11

Ministère des Affaires Economiques- Service des brevets
Ministry of Economic Affairs- Patent division
Bld Emile Jacqmain 154 -5^{ème} étage
B-1210 Brussels
Tel : 00 32 02 206.41.11
Fax : 00 32 02 206.57.50

Editions " La Chartre " s.a
Editor of Food Legislation
Rue Guimard 19
B-1040 Brussels
Tel : 00 32 02 512.29.49
Fax : 00 32 02 512.26.93

Moniteur Belge
Rue de Louvain 40-42
-
B- 1000 Bruxelles

[http ://moniteur.be](http://moniteur.be)

APPENDIX II

CD 594.70 of 1 January 1990

Annex 1 : Lists of Inspection Services and Inspectors of foodstuffs.

Annex 2 : Categories of ingredients for which the indication of the category may replace the specific name.

Annex 3 : Categories of ingredients for which it is obligatory to give the name of the category, followed by the specific name or the EC (EU) number.

AR 8 January 1992

Annex 4 : Vitamins and minerals which may be declared, the units to be used and the recommended daily allowances (RDA).

AR 5 January 1990

Annex 5 : List of the approved laboratories.

Lists of Inspection Services and Inspectors of foodstuffs

BRUXELLES

Cité administrative de l'État
Quartier Vésale, 1010 Bruxelles, tél. (02) 210 49 33, fax (02) 210 48 16
DEPRAETERE Y.
Leuvenstraat 7, 3060 Bertem, tél./fax (016) 48 03 59
HOUINS-ROULET J.
Avenue de l'Etoile 11, 1340 Ottignies, tél./fax (010) 41 19 88
DEBRICHY E.
Avenue Reine Astrid 1, 1490 Court Saint-Etienne, tél./fax (010) 61 69 46

ANVERS

Bourlastraat 3, 2000 Anvers, tél. (03) 231 39 15, fax (03) 226 68 20
VERCAEREN P.
Eikenlaan 30, 2980 Halle (Kempen), tél./fax (03) 383 12 82
VAN DEN BOSSCHE J.
Troyentenhoflaan 83, 2600 Berchem, tél./fax (03) 239 34 13

BRABANT

Cité administrative de l'Etat
Quartier Vésale, 1010 Bruxelles, tél. (02) 210 49 56, fax (02) 210 48 16
DEPRAETERE Y.
Leuvenstraat 7, 3060 Bertem, tél./fax (016) 48 03 59
VIAENE M.
Kerselarenweg 16, 3020 Herent, tél./fax (016) 23 00 17
FABRY P.
Rue de Tiernat 2A, 1340 Ottignies, tél./fax (010) 41 55 34

FLANDRE OCCIDENTALE

St. Jansstraat 15, Niv. 1 8000 Bruges, tél. (050) 33 30 15 – 16, fax (050) 33 74 60
VAN PRAET G.
Ganzendries 12, 8790 Waregem, tél./fax (056) 60 27 83
HUYS G.
Mgr. Waffelaertlaan 33, 8370 Blankenberge, tél./fax (050) 41 22 78

FLANDRE ORIENTALE

Centre Administratif "Ter Plaeten" St. Lievenslaan 23, 9000 Gand
tél. (09) 235 22 51, fax (09) 225 62 31

DE BAERE W.

Villalaan 13, 9320 Erembodegem, tél./fax (053) 77 19 70

Mme DE KEYSER D.

Dorp-Oost 123, 9080 Lochristi, tél./fax (09) 356 84 73

HAINAUT

– Place Albert 4, Centre Albert (15e étage), 6000 Charleroi,
tél. (071) 31 98 09, fax (071) 30 15 90

PIRMEZ H.

Rue Poète Folie 54, 6220 Fleurus, tél./fax (071) 81 29 05

– Grand rue 67/69 – 4e Etage, 7000 Mons, tél. (065) 35 10 15, fax (065) 33 62 80

BATAILLE M.

Rue Defuisseaux 139, 7333 Tertre, tél./fax (065) 64 13 31

LIEGE

Blvd. Frère Orban 25, 2ième Etage, 4000 Liège,
tél. (041) 52 88 55, fax (041) 52 70 58

PETRE M.

Chaussée de Namur 41, 5310 Eghezée, tél./fax (081) 81 17 78

Mme DE TIEGE-CORNET B.

Rue de l'Eglise 39, 4450 Juprelle, tél./fax (041) 86 51 54

LIMBOURG

Rijksadministratief Centrum, Gouverneur Verwilgensingel 75, 3500 Hasselt,
tél. (011) 22 77 55, fax (011) 22 19 10

MERTENS W.

Bokrijkseweg 3, 3520 Zonhoven, tél./fax (011) 81 88 61

LUXEMBOURG

Rue Dr. Lomry, 6800 Libramont, tél. (061) 22 22 43, fax (061) 22 53 51
FEROUMONT J.M.

Rue Jean de Bohème 8, 6900 Marche-en-Famenne, tél./fax (084) 31 25 40

NAMUR

Avenue Gouverneur Bovesse 39, 5100 Jambes, tél. (081) 30 19 21, fax (081) 30 57 94
MATHIEU C.

Rue des Mésanges 8, 5600 Villers-le-Gambon, tél./fax (071) 66 64 13

Annex 2 : Categories of ingredients for which the indication of the category may replace the specific name 1/1

<u>DEFINITION</u>	<u>CATEGORY</u>
- Mixture of flours coming from different kind of cereals.	“ flours ” following by the different cereal.
- All kind of cheese, only when cheese is “ an ingredient ” of another foodstuff and when the presentation of the foodstuff doesn't refer to a precise kind of cheese.	“ cheese ”
- All kind of breadcrumbs	“ breadcrumbs ”
- All kind of saccharose	“ sugar ”
- All proteins in milk (casein, caseinate, ...) and mixture of then.	“ protein of milk ”
- Any spice representing less than 2 % of the total weight of the foodstuff.	“ spices ” or “ mixture of spices ”
- All species of fish, only when fish is “ an ingredient ” of another foodstuff and when the presentation of the foodstuff doesn't refer to a precise species of fish	
- Mixture of vegetables representing less than 10 % of the total weight of the foodstuff.	“ vegetables ”

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The list is not exhaustive. For the complete list see [MA 13.09.95](#)

Annex 3 : Categories of ingredients for which it is obligatory to give the name of the category, followed by the specific name or the EC (EU) number 1/1

Coloring agent
Preservative
Anti-oxidant
Emulsifier
Thickener
Jelling agent
Stabilizer
Flavor enhancer
Acidifier
Acidity corrector
Anti-agglomerate
Sweetener
Raising powder
Antifoam agent
Coating agent
Sels de fonte
Treatment agent of flours
Moisturizer
Strengthener
Fillers
Propellant gas

Annex 4 : Vitamins and minerals which may be declared, the units to be used and the recommended daily allowances (RDA) 1/1

VITAMINS	RDA
Vitamin A (retinol) (µg)	800
Vitamin B1 (thiamine) (mg)	1,4
Vitamin B2 (riboflavin) (mg)	1,6
Vitamin B3 (niacin) (mg)	18
Vitamin B5 (pantothenic acid) (mg)	6
Vitamin B6 (pyridoxine) (mg)	2
Vitamin B12 (cyano-cobalamine) (µg)	1
Vitamin C (ascorbic acid) (mg)	60
Vitamin D (calcipherol) (p.g)	5
Vitamin E (alpha-tocopherol) (mg)	10
Vitamin H (biotin) (mg)	0,15
Vitamin M (folic acid) (µg)	200
MINERALS	
Calcium (mg)	800
Phosphor (mg)	800
Iron (mg)	14
Magnesium (mg)	300
Zinc (mg)	15
Jode (µg)	150

List of the approved Laboratories

Governmental Decree of 1 March 1994

"Laboratorium voor Bromatologie van de Faculteit van de Farmaceutische Wetenschappen van de Universiteit Gent"

Governmental Decree of 19 June 1995

Laboratoire 'LOVAP' à Geel

Governmental Decree of 14 April 1994

"Stadslaboratorium van Gent"

Governmental Decree of 14 April 1994

"Laboratorium Levensmiddelenmicrobiologie en -conservering van de Faculteit Landbouwkundige en Toegepaste Biologische Wetenschappen van de Universiteit Gent"

Governmental Decree of 10 August 1994

"Laboratorium voor Fytofarmacie van de Faculteit Landbouwkundige en Toegepaste Biologische Wetenschappen van de Universiteit Gent"

Governmental Decree of 24 August 1994

Laboratoire LARECO à Marche-en-Famenne

Governmental Decree of 24 August 1994

Laboratoire 'AGRILAB nv' à Anvers

Governmental Decree of 19 June 1995

Laboratoire SCK-CEN. Studiecentrum voor Kernenergie - Centre d'Etude nucléaire, à Mol

Governmental Decree of 19 June 1995

Laboratoire 'Dr. L. Willemsinstituut' à Diepenbeek

Governmental Decree of 2 October 1995

laboratoire CERACHIM à Mons

Governmental Decree of 2 October 1995

Laboratoire CHEMIPHAR à Brugge

Governmental Decree of 19 October 1994

Laboratoire 'CEAT' à Dendermonde

Governmental Decree of 19 October 1994

Laboratoire Quality Assistance à Donstiennes

Governmental Decree of 6 January 1995

Laboratoire "ECCA" à Gand

Governmental Decree of 24 February 1995

Laboratoire LABORACO à Bruxelles

Governmental Decree of 22 March 1996

"Laboratorium Alitech, v.z.w. Faculteit Landbouwkundige en Toegepaste Biologische Wetenschappen van de Universiteit Gent"

Governmental Decree of 22 March 1996

Laboratoire "Kwaliteitsafdeling van het Rijkszuivelstation" à Melle

Governmental Decree of 19 July 1996

"Provinciaal Centrum voor Milieuonderzoek" à Gand

Governmental Decree of 19 July 1996

"Laboratorium Scheikundig Centrum Lokeren v.z.w." à Lokeren

Governmental Decree of 19 July 1996

Laboratoire "AGROLAB, LABORATOIRE AGRO-ALIMENTAIRE" à Battice