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Food and Agricultural Import Regulations and Standards

Annual

2006

Approved by:

Roger Wentzel
U.S. Embassy, The Hague

Prepared by:

Bob Flach

Report Highlights: This report gives an overview of food laws in force in Belgium and Luxembourg. For EU harmonized regulations the report refers to the website of the U.S. Mission to the EU, <http://www.useu.be/agri> and GAIN Report E36098. The following sections are updated: allergen labeling, health and nutrition claims, flavorings, pesticides, permitted level and control of contaminants (dioxin and mycotoxins), labeling and certification of wine, and protected Geographical Indications.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
The Hague [NL1]
[BE]

DISCLAIMER: This report has been prepared by the USDA/Foreign Agricultural Service for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation 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 Belgian customer (importer), who is normally best equipped to research such matters with local authorities, before any goods are shipped. Final import 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 I. Food Laws

Harmonization within the EU <http://www.useu.be/agri/harmonization.html>

Belgium, as a member of the EU, conforms to all EU regulations and directives. We therefore recommend that this report is read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) report produced by the US Mission to the EU in Brussels, Belgium – [GAIN Report E36098](#)

Regulation 2002/178/EC, called "The 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 aspects which are not regulated in detail at EU level 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 is applicable to domestically produced and imported food and other products including tobacco and cosmetic products. The main objectives of this law are (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) (www.favv.be) has responsibility for food controls. Both veterinary inspection and food inspection are within the domain of FAVV. The FAVV belongs to the Ministry of Social Affairs and Public Health. The Federal Public Health Service (FPS Health / www.health.fgov.be) of the same Ministry is in charge of policy and legislation on food issues.

Federal Agency for the Safety of the Food Chain

Contact: Mrs. C. de Praeter
WTC III, 2de verdieping
Simon Bolivarlaan 30
B-1000 Brussels
Belgium
Tel: +32-(0)2-2083411
Fax: +32-(0)2-2083337
E-mail: Info@favv.be
www.favv.be

Federal Public Service of Public Health

DG Animals, Plants and Food
Rijksadministratief Centrum
Victor Hortaplein 40 bus 10
B-1060 Brussels
Belgium
Tel: +32-(0)2-5247111
E-mail: info@health.fgov.be
www.health.fgov.be

Section II. Labeling Requirements

A General Requirements

1. Scope of Labeling Law

<http://www.useu.be/agri/label.html>

General rules on the labeling, presentation and advertising of foodstuffs marketed in the EU are laid down in the Directive 2000/13/EC. This directive consolidates general labeling directive 79/112/EEC and all its amendments in a single text. An overview of the EU labeling requirements is given on: <http://europa.eu.int/scadplus/leg/en/lvb/l21090.htm>

In Belgium, the labeling requirements have been laid down in the Royal Decree: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen* of September, 13 1999. This Royal Decree can be found at www.staatsblad.be or www.moniteur.be.

1.1. Generic Conditions

<http://www.useu.be/agri/label.html>

The Belgian labeling requirements apply to food products at the time when they are for sale for consumers. In practice, this includes food retail and parts of the food service industry (institutional catering). The labeling requirements for food products sold to the food processing industry and remaining parts of the food service industry (no direct contact with the consumer) are highlighted in Section II, 6.

1.2. The Description

<http://www.useu.be/agri/label.html>

The description of the food product is the name under which it is sold. It has to ensure that the buyer understands the nature of the product and its composition. Royal Decree: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen*, art. 3

1.3. Listings

Ingredients

<http://www.useu.be/agri/label.html>

The list of ingredients is given, in descending order of weight. Important derogations include compound ingredients, added water/concentrated foods, cheese (see art. 6 of 2000/13/EC). The following ingredients require a specific statement on the label: GMO's, packaging gases (Directive 1994/54/EC) / sweeteners / quinine & caffeine (Directive 2002/67/EC). Royal Decree: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen*, art. 4

Additives

Additives must be listed by their customary names or by their E-number (EC registration number) (Royal Decree of 09/13/1999 Annex II), which has to be preceded by the name of the additive category (See Section IV, Additives, below). Royal Decree: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen*, art. 4

Net Quantity

<http://www.useu.be/agri/label.html> - Weight

The net quantity of prepackaged foodstuffs is expressed in metric units (liter, centiliter, milliliter, kilogram or gram). Royal Decree: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen*, art. 8

Other Listings

<http://www.useu.be/agri/label.html>

- Allergen labeling:

New food allergen labeling rules were introduced by Directive 2003/89/EC and entered into force on November 25, 2005. Under this directive, the following 12 groups of potential allergenic ingredients must be indicated on food labels: cereals containing gluten,

crustaceans, eggs, fish, peanuts, soybeans, milk and dairy products (including lactose), nuts and nut products, sesame seeds, sulphite, celery, and mustard. Allergen labeling also applies to alcoholic beverages. [GAIN Report E36066](#) lists the different languages that the EU member states will accept for the purpose of allergen labeling of wine. Guidelines for the implementation of the new allergen labeling rules are available on the Commission's website at:

http://europa.eu.int/comm/food/food/labellingnutrition/foodlabelling/guidelines_6_10.pdf.

For more information on the implementation of the allergen labeling rules see [GAIN Report E35196](#).

- *Irradiated Products:* <http://www.useu.be/agri/irradiation.html>

Harmonization of EU rules on food irradiation is still at an initial stage and U.S. exporters of irradiated foodstuffs should check individual EU Member State legislation for compliance. In Belgium this is governed by Royal Decree of 03/12/2002. If the product or product ingredient has been irradiated, this must be stated by mentioning the Dutch word(s) "doorstraald", "door straling behandeld" or "met ioniserende straling behandeld" or the French words "traité par rayonnements ionisants" or "traité par ionisation".

Royal Decree: *Koninklijk besluit betreffende de behandeling van voedsel en voedselingredienten met ioniserende straling en tot wijziging van het koninklijk besluit van 20 juli 2001 houdende algemeen reglement op de bescherming van de bevolking, van de werknemers en het leefmilieu tegen het gevaar van de ioniserende stralingen.*

- *Quantitative Ingredients Declaration (QUID):* <http://www.useu.be/agri/label.html> - [QUID](#)

Quantitative ingredients declaration is laid down in Royal Decree: *Koninklijk besluit betreffende de etikketering van voorverpakte voedingsmiddelen, art. 5*

- *Instruction for storage and/or use:* <http://www.useu.be/agri/label.html>

Any special storage conditions or conditions of use must be supplied if there is a risk for incorrect storage or use. Royal Decree: *Koninklijk besluit betreffende de etikketering van voorverpakte voedingsmiddelen, art. 2, item 5 and 7*

- *Name and Address:* <http://www.useu.be/agri/label.html>

The business name and address of the manufacturer, packager or vendor established within the Community must be presented. Royal Decree: *Koninklijk besluit betreffende de etikketering van voorverpakte voedingsmiddelen, art. 2, item 6*

- *Percentage of Alcohol:* <http://www.useu.be/agri/label.html>

For beverages containing more than 1.2% alcohol by volume, the alcohol percentage has to be mentioned, "alcohol"/"alc." or "% vol." It is advisable to mention the percentage of alcohol in other food products as well. Royal Decree: *Koninklijk besluit betreffende de etikketering van voorverpakte voedingsmiddelen, art. 9*

- *Lot Marking:* <http://www.useu.be/agri/label.html>

Council Directive 89/396/EEC, converted in Belgian law by Royal Decree of 02/09/1990, requires that foodstuffs carry a mark identifying the lot to which a foodstuff belongs. Royal Decree: *Koninklijk besluit betreffende de vermelding van de partij waartoe een voedingsmiddel behoort, art 4*

- *Frozen:* <http://www.useu.be/agri/frozen.html>

If the product is frozen and should be stored in a freezer, the word "diepvries"/"surgelé"/"tiefgefroren" or "Tiefkühlkost" should be mentioned near the product name/designation (this doesn't apply to ice cream products). Additionally, it must mention for what period, at what temperature or in what installation the end user can store the frozen product. Finally, it must be mentioned that thawed products may not be frozen

again: "na ontdooiing niet opnieuw invriezen"/"ne pas recongeler après décongélation.
Royal Decree: *Koninklijk besluit betreffende diepvriesprodukten*.

- *Sweeteners*: <http://www.useu.be/agri/label.html>
The use of artificial sweeteners must be mentioned near the product name/designation by the words "met zoetstoffen"/"avec édulcurants". If a combination of sugars and sweeteners has been added, the words "met suikers en zoetstoffen"/"avec sucre et édulcurants" must be mentioned near the product description. Royal Decree: *Koninklijk besluit betreffende de etikketering van voorverpakte voedingsmiddelen, art. 5*

- *Packaged in a Protective Atmosphere*: <http://www.useu.be/agri/label.html>
For foodstuffs whose durability has been extended by means of packaging gases (in conformity with EC council directive 89/107), the words "verpakt onder beschermende atmosfeer" / "conditionné sous atmosphère protectrice" must be included on the label. Royal Decree: *Koninklijk besluit betreffende de etikketering van voorverpakte voedingsmiddelen, bijlage 3*

Biotech Food and Feed: <http://www.useu.be/agri/GMOs.html>
Since April 18, 2004, genetically modified food and feed must be labeled according 2003/1829/EC and 2003/1830/EC.

The breakdown in the EU's approval process for products made from modern biotechnology has blocked most U.S. exports of corn and hinders trade in other products. Food processors and exporters are either reformulating or seeking non-biotech sources. Problems exist for both approved products and products currently undergoing the approval process. For more information on Biotechnology, or download the Belgium – Luxembourg Biotechnology Report, [GAIN Report BE6008](#).

- *Beef labeling*: <http://www.useu.be/agri/label.html>

- *Egg labeling*: <http://www.useu.be/agri/label.html>

- *Glycyrrhizinic acid and its ammonium salt*: <http://www.useu.be/agri/label.html>

- *Phytosterols & Phytostanols*: <http://www.useu.be/agri/label.html>

- *Quinine and Caffeine*: <http://www.useu.be/agri/label.html>

- *Weight/Volume Indication*: <http://www.useu.be/agri/label.html>

- *Infant and follow-on formula, cereal-based baby and infants foods, meal replacers for use in energy-restricted diets, medical foods*: <http://www.useu.be/agri/partnutr.html>

- *Cocoa and chocolate products, sugars, honey, fruit juices and similar products, preserved milk, coffee extracts and chicory extracts, fruit jam, jellies, marmalades and chestnut puree*: <http://www.useu.be/agri/vertic.html>

1.4. Placing of descriptions and listings <http://useu.be/agri/label.html>

Description and listings have to be placed in such a way they are clearly visible and easily read. Royal Decree: *Koninklijk besluit betreffende de etikketering van voorverpakte voedingsmiddelen, art. 10*

2. Specify Languages

<http://useu.be/agri/label.html>

In Belgium, language issues have been very sensitive for many decades. This sensitivity is reflected in the language requirements for labeling of food and products. French language on labels is required in the Walloon area, Dutch language is required in the Flemish area and some German language requirements exist for the small German-speaking community. In the bi-lingual Brussels area, both Dutch and French are required on labels. Considering how small the market is, most food companies only use bi-lingual Dutch/French or tri-lingual Dutch/French/German labels. OAA strongly recommends that U.S. exporters adopt the latter option, as it will allow for products to be marketed in Belgium, Luxembourg, The Netherlands, France, Germany and Austria. Royal Decree: *Wet betreffende de bescherming van de gezondheid van de gebruikers op het stuk van de voedingsmiddelen en andere produkten, art. 8 and Wet betreffende de handelspraktijken en de voorlichting en bescherming van de consument, art. 13.*

3. Standard U.S. Label

<http://useu.be/agri/label.html>

The standard U.S. label fails to comply with EU and Belgian labeling requirements.

4. Stick-on labels

EU legislation does not contain any reference to the use of stick-on labels. Stick-on labels, in addition to the standard U.S. label, can be used. 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. Health marks on veterinary products, including the EU factory approval number, can only be applied in the place of manufacturing. Royal Decree: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art 10, paragraph 1*

5. Enforcement of labeling regulations

<http://useu.be/agri/label.html>

Food products have to be labeled correctly before being sold to the end consumer. Royal Decree: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 14 and 15*

6.1 Sample-size products

<http://useu.be/agri/label.html>

For sample-size products the same labeling requirements apply.

6.2 Institutional packed products

<http://useu.be/agri/label.html>

For food products that are for the food service industry (except catering) product packaging does not necessarily have to comply fully with standard 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 live.

Royal Decree: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2 and art. 10, paragraph 2*

7. Claims

<http://useu.be/agri/label.html>

On May 16, 2006, the European Parliament passed new EU rules on nutrition and health claims, see [GAIN Report E36086](#). For the approval of health claims and claims on the nutritional value of the product, U.S. exporters and/or Belgian importers can send the text (health claim on the label or in advertising messages) to:

FOD Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu
Directoraat-generaal Organisatie Gezondheidszorgvoorzieningen
Victor Hortaplein, 40 bus 10

B-1060 Brussel

Tel: +32 (0)2 524 85 02

E-mail : christiaan.decoester@health.fgov.be

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

8. (1) Shelf-life or (2) Country-of-origin requirements

(1) Date of Minimum Shelf-life/Last day of consumption

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:

| | |
|---|--|
| Minimum Durability: | |
| Tenminste houdbaar tot: A consommer de préférence avant le | Day, Month, (Year) For a shelf-life up to 3 month after the date of production |
| Tenminste houdbaar tot einde: A consommer de préférence avant fin: | Month, year For a shelf-life between 3 and 18 months |
| Tenminste houdbaar tot einde: A consommer de préférence avant fin: | Year For a shelf-life longer than 18 months |
| Use by Date: | |
| Te gebruiken tot: A consommer jusqu'au | Day, Month, (Year) In addition to the date, the instructions for storage have to be mentioned as well |

Royal Decree: *Koninklijk besluit betreffende de etikketering van voorverpakte voedingsmiddelen, art. 6 and art. 7*

(2) Place of Origin

The place of origin must be mentioned, for example as "Geproduceerd in de USA" / "Produit aux Etats-Unis". Royal Decree: *Koninklijk besluit betreffende de etikketering van voorverpakte voedingsmiddelen, art. 2, item 10*

9. Exception to Labeling

Only the Minister of Agriculture can grant an exception to the labeling regulations (i.e. containers of food to be processed, labeled or repacked). The granting of an exception would be very rare.

B Requirements Specific To Nutritional Labeling

Nutritional Labeling Requirements <http://www.useu.be/agri/label.html#Nutrition>

Nutrition labeling rules are laid down in [Council Directive 1990/496/EC](#). Nutrition labeling is not mandatory in the EU unless a nutrition claim is made on the label or in advertising messages. Royal Decree: *Koninklijk besluit betreffende voedingsmiddelen bestemd voor bijzondere voeding*

Nutrient Content Claims <http://www.useu.be/agri/partnutr.html>

A "nutritional claim" means any representation or advertising that claims a foodstuff has particular nutritional properties, and is only allowed if it relates to the energy value and/or nutrients referred to above. There are no provisions concerning nutritional claims on an EU level. Belgian provisions are formulated in Royal Decree of 02/18/1991, as amended, concerning the following claims:

- Low energy value (energy content must not exceed 50kJ (12kcal) per 100g (100ml))
- High protein content (at least 10% for beverages and at least 60% for solid foods)
- Gluten free (produced from gluten free grains or cereals from which gluten were extracted)
- Reduced sodium/salt (depending on the product)
- Dietetic hypocaloric foods (substitution meals)

Royal Decree: Koninklijk besluit betreffende voedingsmiddelen bestemd voor bijzondere voeding

A new regulation on the use of nutrition claims has been proposed by the Commission and adoption is expected in September/October 2006. For more information on the proposed EU rules on nutrition claims see GAIN Report E36086.

Health Claims

Medical claims, attributing to a foodstuff the property of preventing, treating or curing human diseases, are explicitly prohibited in the EU general labeling directive.

Royal Decree: *Koninklijk besluit betreffende de reclame voor voedingsmiddelen, art. 4*

The EC is preparing new legislation for the use of health claims in the EU. For the approval of health claims and claims on the nutritional value of the product, U.S. exporters and/or Belgian importers can send the text (health claim on the label or in advertising messages) to FOD Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu

Directoraat-generaal Organisatie Gezondheidszorgvoorzieningen

Victor Hortaplein, 40 bus 10

B-1060 Brussel

Phone: +32 (0)2 524 85 02

E-mail : christiaan.decooster@health.fgov.be

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

C. Product Specific Labeling

See Section VII

Section III. Packaging and Container Regulations

Container Content

<http://www.useu.be/agri/packaging.html>

Council Directive 76/211/EEC provides rules for container sizes, acceptable tolerances on container content and requirements for the size of the figures indicating container content.

The Royal Decree of 12/28/1979 implements Council Directive 76/211/EEC into Belgian law.

Royal Decree: *Koninklijk besluit betreffende het voorverpakken naar gewicht of naar volume van bepaalde produkten in voorverpakkingen.*

The Royal Decree of 02/16/1982, implementing Council Directive 80/232/EEC, prescribes allowable container sizes for butter, fresh cheeses, salt, sugar, breakfast cereals, pasta, rice, dried fruits and vegetables, coffee, frozen fruits and vegetables, fish fillets, fish fingers, ice-cream, preserved fruits and vegetables and products sold in metal containers. Royal Decree: *Koninklijk besluit betreffende de voor bepaalde voorverpakte produkten toegestane reeksen van nominale hoeveelheden en nominale capaciteiten.*

Materials in contact with foodstuffs

<http://www.useu.be/agri/packaging.html>

European Parliament and Council Regulation 1935/2004 specifies the main requirements for materials that come into contact with foodstuffs, including active and intelligent packaging. This new regulation entered into force on November 16, 2004 (except for the provisions on traceability which will apply from October 27, 2006) and repeals and replaces Directives 80/590/EEC and 89/109/EEC. The above EU legislation has been converted in Belgian law, see below:

- Royal Decree: *Koninklijk besluit betreffende mineralen en voorwerpen bestemd om met voedingsmiddelen in aanraking te komen;*

- Royal Decree: *Koninklijk besluit betreffende materialen en voorwerpen van kunststof bestemd om met voedingsmiddelen in aanraking te komen;*

It also sets out labeling & traceability requirements and the procedure for the authorization of substances through the European Food Safety Authority. Additional requirements will be proposed in specific measures and will include positive lists of authorized substances and/or materials. Annex I to regulation 1935/2004 lists the group of materials for which specific measures may be adopted. To date, [specific directives](#) have been developed for plastics, regenerated cellulose film, ceramics. In the case of ceramics, migration limits have been established for two of their constituents, namely lead and cadmium. Materials must bear an indication "for food contact" or the symbol reproduced in Annex II to Regulation 1935/2004. 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.

Packaging waste management

<http://www.useu.be/agri/packaging.html>

Member States are required to take measures to limit packaging waste and must introduce systems for reuse, recovery and recycling of packaging materials (Council Directive 94/62/EC). Commission Decision 2001/524/EC relates to the publication of references for certain EN standards in the Official Journal which do not fully meet the essential requirements of Directive 94/62/EC. To facilitate collection, reuse and recovery including recycling, an identification system for packaging has been drawn up (Commission Decision 97/129/EC). Its use is voluntary.

Section IV. Food Additive Regulations

Additives

<http://www.useu.be/agri/additive.html>

European Council Directive 89/107/EEC provides for the establishment of EU harmonized positive lists of authorized food additives. All additives not included on these positive lists are prohibited except for new food additives that receive a temporary authorization by Member States. This directive was converted in Belgian law by Royal Decree of 03/12/1991. Royal Decree: *Koninklijk besluit betreffende de toevoegsels die in voedingsmiddelen mogen gebruikt worden.*

These lists of authorized food additives and approved conditions for their use, are published in three directives:

Sweeteners

<http://www.useu.be/agri/additive.html>

European Parliament and Council Directive 94/35/EC governs the use of **sweeteners** in foodstuffs. This directive was converted in Belgian law by Royal Decree of 02/17/1997. Royal Decree: *Koninklijk besluit betreffende zoetstoffen die in voedingsmiddelen mogen worden gebruikt.*

Colors

<http://www.useu.be/agri/additive.html>

European Parliament and Council Directive 94/36/EC governs the use of **colors** in foodstuffs. This directive was converted into Belgian law by Royal Decree of 10/09/1996. Royal Decree: *Koninklijk besluit betreffende kleurstoffen die in voedingsmiddelen mogen worden gebruikt.*

Miscellaneous additives<http://www.useu.be/agri/additive.html>

European Parliament and Council Directive 95/2/EC, last amended by Directive 2003/114/EC, the so-called **miscellaneous additives** directive on food additives other than colors and sweeteners. This directive was converted into Belgian law by Royal Decree of 03/01/1998. Royal Decree: *Koninklijk besluit betreffende in voedingsmiddelen toegelaten toevoegsels met uitzondering van kleurstoffen en zoetstoffen.*

Feed Additive Regulations<http://www.useu.be/agri/feed.html>

European Parliament and Council Regulation 2003/1831/EC, imposed on October 18, 2004, regulates the use of additives in animal nutrition. It sets out rules for the authorization, marketing and labeling of feed additives. This regulation also completes the ban on antibiotic growth promoters in feed by prohibiting the use of four antibiotic substances as of January 1, 2006.

Labeling requirements for additives<http://www.useu.be/agri/additive.html#Labeling>

See Annex II and Annex III of the general labeling directive. Regulation 1829/2003 repeals Commission Regulation 50/2000 which provided specific labeling requirements for food and food ingredients containing additives and/or flavorings that have been genetically modified or have been produced from GMO's.

The addition of a new food additive to the EU positive list is a lengthy process. However, any Member State can allow the domestic use of a new food additive on their territory for a two-year period. To request two-year authorization for marketing of a new additive, contact:

Mrs. Christine Vinckx
Federal Public Service of Public Health
DG Animal, Plant and Food
State Administrative Center
Arcaden Building 3rd -6th floor
B-1010 Brussels
Tel: +32-(0)2-104837
e-mail: apf.food@health.fgov.be

Royal Decree: *Koninklijk besluit tot vaststelling van de procedure voor inschrijving op de lijsten van toevoegsels en van contaminanten alsmede voor wijzigingen van diezelfde lijsten.*

Processing Aids

A list of extraction solvents allowed in the production of foodstuffs and food ingredients, along with their conditions of use has been established in Council Directive 88/344/EC.

Flavorings

In an initial step to harmonize the use of flavorings in the EU, the European Commission compiled a register of all flavoring substances authorized in the different EU member states. Substances which are subject to restrictive or prohibitive measures in certain member states have been marked. This register has been updated by Commission Decision [2005/389/EC](#) and [2006/252/EC](#).

Section V. Pesticide and Other Contaminants

A. Pesticides

<http://www.useu.be/agri/pesticides.html>

Current EU and Member State legislation on pesticide Maximum Residue Levels (MRLs) will be replaced by [2005/396/EC](#). The content of this legislation is completed but the appendixes with the MRLs are not expected to be ready before the summer of 2006. The new legislation, along with other developments in pesticide legislation in the EU, could have trade implications if the future EU harmonized MRL list does not include MRLs evaluated and authorized in the U.S. and therefore possibly found on exported U.S. agricultural commodities.

Current maximum residue legislation

MRLs apply to domestic produced products and imported products. The harmonization of MRLs was initiated in 1976 due to trade problems between the European Union member states. The following directives give the Maximum Residue Levels (MRL) for the various products;

[Council Directive 1986/362/EC](#), as amended, establishes MRLs for pesticides in cereals and cereal products.

[Council Directive 1986/363/EC](#), as amended, establishes MRLs for pesticides in products of animal origin.

[Council Directive 1990/642/EC](#), as amended, establishes MRLs for pesticides in products of plant origin, including fruits and vegetables.

The complete list of EU MRLs in force is also available from the European Commission's website: [EU MRLs sorted by pesticide](#) updated 04/11/2004.

Unharmonized products are covered by Member State legislation. Links to Member State specific information is provided on:

http://europa.eu.int/comm/food/plant/protection/evaluation/contact_points.xls

If there is no EU legislation in place but there is a national MRL for a specific pesticide/commodity combination in the importing Member State and the product being imported into that country conforms with it, then the product can be marketed in that country. For Belgium, the MRL's for the various horticulture and arable crop products are updated continuously and can be found on <http://www.fytoweb.fgov.be>.

The framework for the Belgian pesticide legislation was established by Royal Decree of 03/13/2000. *Koninklijk besluit tot vaststelling van de maximumgehalten aan residuen van bestrijdingsmiddelen toegelaten in en op voedingsmiddelen.*

For more information on the new EU maximum residue legislation please check (<http://www.useu.be/agri/pesticides.html>)

B. Contaminants

<http://useu.usmission.gov/agri/contaminants.html>

Directive 1993/315/EC sets out the standards for substances unintentionally present in food products. Regulation 2001/466/EC sets the maximum levels of contaminants, including mycotoxins, in a wide range of products, such as nuts, fruits, grains, herbs and milk.

Commission Regulation 466/2001, has been amended by 199/2006, regarding the maximum levels of dioxins in meat, fish, milk, eggs, and oils and fats. The sampling and analysis methods for official controls of mycotoxins have been consolidated in the Commission Regulation 401/2006.

Section VI. Other Regulations and Requirements

Certification and documentation requirements for shipments into EU member states differ depending on the product. For most product groups, requirements are harmonized but for others requirements are not harmonized.

Non-harmonized documentation and certification requirements are described in the Export Certification Report, [GAIN Report BE5009](#). An overview of EU wide legally required certificates and voluntary certificates is provided in the EU Certification Guide ([GAIN Report E36071](#)).

On January 1, 2005, articles 11, 12, 14 - 20 of the General Food Law (nr. 178/2002), regulating among others traceability, have been made compulsory for all companies at all stages of production, processing or distributing food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into a food or feed.

For a company in the food chain it is obligatory to have not only information on who the supplier is and what the products are, but also who the customer is and what the products are (one step up and one step down in the chain). An importer not only needs to know this information from his direct supplier but also from all their suppliers.

This, and more is described in Royal Decree 14 November 2003. This Royal decree however goes further than what is required on traceability in nr. 178/2002. It requires additional information on the following subjects:

| Subject | Regulation 178/2002 | Royal Decree 14/11/2003 |
|---|---------------------------------------|--|
| Scope | Food, feed and food-producing animals | All products under the competence of the FASFC |
| Registration | Suppliers and customers | ID of working unit of suppliers and customers Product: nature, ID, amount and date |
| Internal Traceability | Not mentioned | Systems and procedures to establish link between supplied and delivered products Level of internal traceability is sector dependent |
| Reaction time for the data to become available | Not mentioned | Not mentioned Recommendation: - basic data (minutes up to max. 2 hours) - detailed data (4 – 24 hours) |

For more detailed information contact:
Federal Agency for the Safety of the Food Chain
WTC III, 2de verdieping
Simon Bolivarlaan 30
B-1000 Brussel
Tel.: +32-(0)2-2083411
Fax: +32-(0)2-2083337
Email: Info@favv.be
www.favv.be

For imported products outside the EU, the situation is somewhat different. The Belgian importer not only needs to have the relevant information of his supplier and product, he also needs it for all supplier's suppliers.

Documentation on traceability is controlled by FAVV and other control agencies (see Royal Decree 14/11/2003).

The general food law obliges companies to follow HACCP (Hazard Analysis and Critical Control Points). The HACCP system alone is not regarded as sufficient to fulfill the traceability requirements of article 18.

Since April 18, 2004, specific traceability and labeling requirements for genetically modified food apply according 2003/1829/EC and 2003/1830/EC (see <http://www.useu.be/agri/GMOs.html>).

1. Plant products <http://www.useu.be/agri/plantcertif.html>

Phytosanitary certificates are required under the EU's [Plant Health Directive 2000/29/EC](#). Imports of fresh fruits and vegetables and unprocessed nuts must be accompanied by a U.S. Department of Agriculture phytosanitary certificate or PPQ577, issued by an official Animal and Plant Health Inspection Service (APHIS) inspector. The certificate is used to certify that the commodities have been inspected and that they comply with the importing country's phytosanitary regulations. For more information see www.aphis.usda.gov/ppq/pim/exports/certificates&forms.htm

ANIMAL AND PLANT HEALTH INSPECTION
SERVICE (APHIS)
PPQ
Export Certification Unit Port Operations Staff
4700 River Road Unit 140
Riverdale MD 20737-1236
Phone: +1-(301)-7348453
Fax: +1-(301)-7345786

FEDERAL AGENCY FOR THE SAFETY OF THE
FOOD CHAIN
WTC III, 2de verdieping
Simon Bolivarlaan 30
B-1000 Brussels
Belgium
Tel.: +32-(0)2-2083411
Fax: +32-(0)2-2083337
E-mail: Info@favv.be
www.favv.be

2. Certification of Animal Products <http://www.useu.be/agri/certification.html>

Animal products imported into the EU or transiting through the EU need to be accompanied by a veterinary certificate. EU harmonized health certificates are mandatory for meat, poultry, dairy, eggs, gelatin and seafood.

The European Community is well advanced in the process of harmonizing legislation on imports of animal products. This is a three-stage process that starts with the recognition of a country to export a certain animal product. The U.S. is recognized by the EU for all animal products. However, as a result of the EU's hormone ban and the rejection of chlorine as an anti-microbial treatment, U.S. exports of hormone beef and poultry to the EU have been blocked. For more information see <http://useu.usmission.gov/agri/ban.html> and <http://useu.usmission.gov/agri/pltryexp.html>.

In a second stage, lists of EU approved establishments are drawn up in recognized countries. Various U.S. agencies, including FSIS, APHIS, AMS, and FDA are involved in the listing process. Contact information for the agencies issuing export certificates is available from the website of the U.S. Mission to the EU: <http://useu.usmission.gov/agri/estab.html> or from the certificates report, [GAIN Report BE5009](#), for non-harmonized certificates. Establishments are subject to occasional EU audits after listing. Exporters should be aware that getting a plant listed can take several months. Lists can be accessed through <http://useu.usmission.gov/agri/estab.html>. At present, the following food products must come from an EU-approved establishment: red meat, meat products, farmed & wild game meat, ratites, animal casings, milk & milk products, fish & fishery products and gelatin.

An importer must give at least 24 hours notice of intent to import animal products to the competent Member State authority and to the Border Inspection Post (BIPs) at the port or airport of entry. The list of EU Border Inspection Posts can be found on our website at <http://useu.usmission.gov/agri/borderposts.html>.

3. Processed foods with animal product

All animal products imported into the EU need animal or public health certification. For processed foods containing animal product, the situation is more complicated because there is no legislation specifying the percentage of dairy, egg, red meat or poultry meat that a foodstuff must contain to necessitate certification. As such, the import rules in different EU Member States may slightly differ and it is best to check the documentation requirements with the importer. In principle, products containing any amount of red meat or poultry meat must be certified. Certification of products containing egg products or dairy products depends on the composition of the product. In the past, the Commission has advised that as a rough guideline, foodstuffs containing more than 50 percent egg/dairy products should need the corresponding certificate. Again, implementation of this requirement is likely to be different in the Member states.

Although there are no harmonized EU certificates for processed foods such as canned vegetables, soup broths, etc., EU member states often require that shipments be accompanied by a certificate signed by U.S. officials. Exporters should check with their importer or with the Office of Agricultural Affairs in the importing Member State which documentation is required.

4. Fishery products

<http://www.useu.be/agri/seafood2.html>

Exporting countries must have a competent authority that is responsible for official controls throughout the production chain. Imports of seafood into the EU are subject to official certification based on the EU's recognition of the third country's competent authority. In the U.S., both the Food and Drug Administration and the National Oceanic & Atmospheric Administration (National Marine Fisheries Service) have the authority to issue health certificates. The National Oceanic & Atmospheric Administration (National Marine Fisheries Service) and the Animal & Plant Health Inspection Service have the authority to issue animal health certificates. More information on the certificates can be found on <http://useu.usmission.gov/agri/seafood2.html#Certification> and GAIN Report E36013.

5. Processed fruit and vegetable products

For processed fruit and vegetable products, APHIS issues export certificates. Imports of fruits and vegetables also need to meet the marketing standards for fruit and vegetables as listed in [Council Regulation 2200/96](#). [Council Regulation 1148/2001](#) describes trading standards and controls.

6. Other Processed Products

<http://www.useu.be/agri/foodcertif.html>

Documentation requirements and import regulations for other processed food products will depend on ingredients. In general, Council Directive 93/43/EEC laying down the rules of hygiene for foodstuffs further supplements Council Directive 89/397/EEC. See <http://www.useu.be/agri/hygiene.html>.

Some food products, including cocoa and chocolate, coffee and chicoree extracts, sugars, honey, fruit juices and similar products, fruit jam, jellies and marmalades, are subject to "vertical legislation". For these food categories, more information is available at the FAS/USEU webpage <http://www.useu.be/agri/vertic.html>.

For further info on Belgian import certification requirements, please contact:

Federal Agency for the Safety of the Food Chain (FAVV-AFSCA)
WTC III – 2nd floor
Simon Bolivarlaan 30
B-1000 Brussels
Tel. +32-(0)2-2083411
Fax +32-(0)2-2083866
E-mail: info@favv.be
www.favv.be

EUREPGAP

<http://www.useu.be/agri/plantcertif.html>

Several Belgian retail and foodservice organizations, like Delhaize, request EUREPGAP certification from their suppliers of fresh fruits and vegetables. Currently there are discussions to introduce EUREPGAP certifications for suppliers of meat, seafood, eggs and dairy products as well. For more information see www.eurep.org.

Feed Materials – Good Manufacturing Practice

In Belgium, foreign suppliers of feed ingredients must adhere to the Good Manufacturing Practice. It should be noted that the GMP is not imposed by the Belgian Government and therefore not legally required. In Belgium, the GMP was imposed by the Belgian Association of Compound Feed Producers (Bemefa). Currently, most of the U.S. suppliers of feed materials are GMP certified. For more information about the GMP program see; <http://www.ovocom.be> or for information in the English language the Dutch website http://www.pdv.nl/index_eng.php.

Section VII. Other Specific Standards

A. Genetically Modified Foods

<http://www.useu.be/agri/GMOs.html>

On April 18, 2004, the EU implemented the regulations on “Genetically Modified Food and Feed” ([European Parliament and Council Regulation 1829/2003](#)) and “Traceability and Labeling of Genetically Modified Organisms and the Traceability of Food and Feed Products produced from Genetically Modified Organisms” ([European Parliament and Council Regulation 1830/2003](#)). The new regulations set up an EU system to trace GMOs, introduce the labeling of GM feed, reinforce the existing labeling rules for GM food and establish an authorization procedure for GMOs in food and feed and their deliberate release into the environment. In Belgium, the Biosafety Council (<http://www.biosafety.be/>) is in charge of evaluating new biotech applications and to advise the Minister of Public Health and Consumer Affairs on new approvals. Please visit <http://www.useu.be/agri/GMOs.html> for more information on Biotechnology, or download the Belgium – Luxembourg Biotechnology Report, [GAIN Report BE6008](#).

B. Novel Foods

<http://www.useu.be/agri/novelfood.html>

The [Novel Food Regulation \(European Parliament and Council Regulation 258/97\)](#) lays down detailed rules for the authorization of novel foods and novel food ingredients. It defines novel foods as foods and food ingredients that were not used to a significant degree in the EU before May 15, 1997, which fall into the following specific categories:

- ♦ with a new, intentionally modified, primary molecular structure, or
- ♦ consisting of or isolated from plants or animals, except for foods and food ingredients obtained by traditional propagating or breeding practices with a history of safe use, or
- ♦ To which a production process not currently used has been applied, where that process changes the composition or structure of the food or food ingredient significantly

C. Dietetic or Special Use Foods <http://www.useu.be/agri/partnutr.html>

Ministerial Decree of 03/21/2002 converted Commission Directive 2001/15/EC into Belgian law. This directive, which supplements the framework Council Directive 89/389/CEE, lists the chemical substances in each category of nutritional substances (vitamins, minerals and amino acids) that may be added for specific nutritional purposes in foodstuffs for particular nutritional uses. Further info is available on FAS/USEU website:
<http://www.useu.be/agri/partnutr.html>.

D. Wine, Beer & Other Alcoholic Beverages <http://www.useu.be/agri/wine.html>

On March 10, 2006, the U.S. and the EU and the U.S. signed the "Agreement between the United States and the European Community on Trade in Wine". This Agreement is the first phase and addresses a number of issues, such as labeling and certification. Other important issues such as geographical indications will be addressed in a second phase of the negotiations (expected to start mid 2006).

GAIN Report E36067 gives an overview of the mandatory information required on wine labels and lists the conditions for supplementing the mandatory information with optional information. Information on the US-EU Wine Agreement can also be obtained from the U.S. Dept. of the Treasury - Alcohol and Tobacco Tax and Trade Bureau (http://www.ttb.gov/international_trade/us_ec_wine_agreement.htm).

E. Organic Foods <http://www.useu.be/agri/organic.html>

[Council Regulation 2092/91](#) on organic products covers the following requirements and definitions:

- production and processing methods
- labeling and marketing
- inspection
- imports from third countries

It was supplemented by [Regulation 1804/99](#) to include livestock production. The term "organic" may only be used for product conforming to these regulations. The translation of the term "organic" in the 20 official EU languages can be found under article 2 of Regulation 2092/91.

While organic standards have been set at the EU level, implementation and enforcement of the regulation is the responsibility of the individual member states. This member state responsibility also extends to imports of organic products. For the importation of organic products from outside the EU, the Belgian importer needs an import authorization. Requesting and processing of an import authorization is handled by both Ecocert (<http://www.ecocert.be/>) and Integra (<http://www.blik.be/>). More information on the organic market can be found at GAIN Report NL6024.

F. Vertical Legislation

<http://www.useu.be/agri/vertic.html>

Products covered by vertical legislation are:

- Cocoa and chocolate products [Directive 2000/36/EC](#)
- Sugars [Directive 2001/111/EC](#)
- Honey [Directive 2001/110/EC](#)
- Fruit juices and similar products [Directive 2001/112/EC](#)
- Preserved milk [Basic Directive: 1976/118/EC](#)
- Coffee extracts and chicory extracts [Directive 1999/4/EC](#), [Directive 2001/54/EC](#)
- Fruit jam, jellies, marmalades, and chestnut puree [Directive 2001/113/EC](#) (amended by [Directive 2004/84/EC](#))

G. Fruit and Vegetables<http://www.useu.be/agri/Fruit-Veg.html>

Imports into the EU of fresh fruit and vegetables are checked for compliance with EU-harmonized marketing standards. These standards apply at all marketing stages and include criteria such as quality, size, labeling, packaging and presentation.

H. Seafood<http://www.useu.be/agri/seafood2.html>

The main elements of the EU's Common Market Organization for Fishery and Aquaculture Products are:

- marketing standards (quality, packaging and labeling)
- producers' and interbranch organizations
- price support system
- imports from third countries

J. Petfood<http://www.useu.be/agri/petfood.html>

All pet food imported from the U.S. into the European Union has to meet requirements relating mainly to health and labeling aspects. These requirements are generally harmonized throughout the 25 EU member states but they are scattered over different pieces of EU legislation.

Section VIII. Copyright and/or Trademark Laws

Copyright<http://www.useu.be/agri/commu.html>

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

Trademarks<http://www.useu.be/agri/commu.html>

Trademark registration in Belgium 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 (Den Haag), The Netherlands,
Tel. +31-(0)70-3491111
Fax +31-(0)70-3475708
E-mail: info@bmb-bbm.org

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

Since 1996, it has been possible to register Community trademarks in the European Union. The Community trademark was created by Council Regulation 40/94 and implemented by Commission Regulation 2868/95. This regulation creates a single, unitary registration system covering the whole Community territory. An application for a Community trademark is filed either directly at the Harmonization Office or at a national industrial property office in a member state of the European Union.

Office for Harmonization in the Internal Market
Avenida de Aguilera, 20
03080 Alicante

Spain
Tel: +34-(0)96-5139333
Fax: +34-(0)96-5131344

Protected Geographical Indications

Geographical indications (GIs) are "indications which identify a good where a given quality, reputation or characteristic of the good is essentially attributable to its geographic origin". Guidelines for the registration of GIs by third country producers have been published on the Commission's website at

http://ec.europa.eu/agriculture/foodqual/protec/thirdcountries/proced_en.pdf.

The complete list of registered product names that receive protection in the EU can be found at http://ec.europa.eu/agriculture/qual/en/1bbaa_en.htm.

Section IX. Import Procedures

<http://www.useu.be/agri/import.html>
<http://www.useu.be/agri/customs.html>
<http://www.useu.be/agri/tarreduc.html>
<http://www.useu.be/agri/taric.html>

[Council Regulation 2913/92](#) establishes the Community Customs Code. The Code lists all the customs procedures applicable to the trade in goods with third countries. Import duties are determined by the tariff classification of goods and by the customs value. With the implementation of the Code, the 25 member states of the European Union form a customs union, meaning that all member states apply the same tariff on goods imported from outside the EU. Once an imported good is cleared in one member state, it can move freely throughout the EU.

A list of VAT rates applicable in the different member states can be found on the Internet at: [EUROPA - Taxation and Customs Union / Taxation and Customs Union](#)

Customs Clearance

Belgian importers customarily handle all import procedures. Goods can only be cleared if the required shipping documents are available and relevant costs (custom duty, taxes) are paid. Clearance is carried out by the Belgian customs. Some U.S. products may require import licenses or health certificates, as outlined in Section VI. More info on the Belgian customs offices can be obtained at the webpage <http://www.fiscus.fgov.be> or from:

Administratie der douane en accijnzen
Mr. Lieven Muylaert
RAC - Financietoren - bus 37
Kruidtuinlaan 50
B-1010 Brussels
Belgium
Tel: +32-(0)2-2103332
Fax: +32-(0)2-2103020
Email info.douane@minfin.fed.be

The entire customs clearance procedure is rapid, provided the U.S. exporter has furnished all necessary documentation. Also, it is recommended that the exporter be fully aware of the necessary shipping documents required for their product. As this information is not readily

available, exporters should contact their importer or the USDA Office of Agricultural Affairs in The Hague to obtain this information.

Office of Agricultural Affairs

U.S. Embassy
Lange Voorhout 102
2514 EJ The Hague
Tel: +31- (0)70-3102299
Fax: +31- (0)70-3657681
Email: agthehague@usda.gov

Appendix 1

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) All Belgian food legislation is collected and available as a paid subscription on CD-rom by a specialized publisher, Die Keure N.V.

Die Keure N.V.
Oude Gentweg 108,
B-8000 Brugge
Tel: +32- (0)50-471272
Fax: +32- (0)50-335154
e-mail: freddy.dhooge@diekeure.be
www.diekeure.be

3) European legislation can be found at:

http://europe.eu.int/eur-lex/en/search/search_lif.html

4) 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 Brussel
Tel: +32- (0)2-5248502
Email: apf.dg@health.fgov.be
<http://www.health.fgov.be/>

5) 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)
WTC III, 2de verdieping
Simon Bolivarlaan 30
B-1000 Brussel
Tel: +32- (0)2-2083411
Email: Info@favv.be
<http://www.favv.be/>

6) Belgian Customs
Administratie der douane en accijnzen
Information officer
Mr. Lieven Muylaert
RAC - Financietoren - bus 37
Kruidtuinlaan 50
B-1010 Brussel
Belgium
Tel: +32- (0)2-2103332
Fax: +32- (0)2-2103020
Email info.douane@minfin.fed.be

Appendix 2

1) 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@fedis.be
www.fedis.be

2) 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

3) Organic certification in Belgium is carried out by two certification bodies:

ECOCERT Belgium
Av. de l'Eschime 85 Schermlaan
B-1150 Bruxelles – Brussel
Tel: +32- (0)81-600377
Fax: +32- (0)81-600313
E-mail: info@ecocert.be
www.ecocert.be

BLIK vzw
Statiestraat 164a
B-2600 Berchem
Tel: +32- (0)3-2873750
Fax: +32- (0)3-2873751
Email: info@blik.be
www.blik.be

4) For information on other federations, i.e. food industry federations, please contact the Office of Agricultural Affairs at the U.S. Embassy in The Hague

Office of Agricultural Affairs
U.S. Embassy
Lange Voorhout 102
2514 EJ The Hague
Tel: +31-(0)70-3102299
Fax: +31-(0)70-3657681
Email: agthehague@usda.gov