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Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

This report should be read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) – Country Report written by the U.S. Mission to the EU in Brussels, Belgium, GAIN E80065. This report focuses on the import regulations and standards that are not harmonized in the EU or where Belgium varies. For updates of the information provided in this report check the USEU/FAS website www.usda-eu.org.

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DISCLAIMER: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in The Hague, the Netherlands (covering Belgium) for U.S. exporters of domestically produced food and agricultural products. **This report should be read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) – Country Report written by the U.S. Mission to the EU in Brussels, Belgium, GAIN E80065.**

While every possible care was taken in the preparations of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. Final approval of any product is subject to the importing country’s rules and regulations as interpreted by border officials at the time of product entry.

Section I. Food Laws

Belgium

Belgium, as a member of the EU, conforms to all EU regulations and directives. Regulation (EC) 178/2002 (General Food Law) is the harmonized regulation which sets out the general principles and requirements of EU harmonized food law. Exporters should be aware that there may also be some variation among Member States in applying EU harmonized legislation.

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

The Directorate-General for control of the Belgian Federal Agency for the Safety of the Food Chain (FAVV) has the responsibility for food controls. Veterinary, phytosanitary and food inspection as well as food process standards are within the domain of the FAVV. The Federal Public Service Health, Food Chain Safety and

Environment is in charge of policy and legislation on food product standards. The FAVV currently falls under the competence of the Minister of Agriculture while the Federal Public Service falls under the responsibility of the Minister of Public Health. More information can also be found at <http://www.just.fgov.be/>.

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

Administratief Centrum Kruidtuin
Food Safety Center
Kruidtuinlaan 55 – 5th floor
B-1000 Brussels
Belgium
Phone: +32 (0)2 211 8211
Email: info@favv.be
Website: www.favv.be

Federal Public Service Health, Food Chain Safety and Environment

Rijksadministratief Centrum
Victor Hortaplein 40 bus 10
B-1060 Brussels
Belgium
Phone: +32 (0)2 524.9797
Email: info@health.fgov.be
Website: www.health.fgov.be

Section II. Labeling Requirements

A. General requirements

The labeling requirements in Belgium have been laid down in the Royal Decree. Since Belgium follows EU legislation, standard U.S. labels fail to comply with Belgian labeling requirements.

Compulsory information:

7) The date of minimum durability:

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

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

14) Treatments:

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

In Dutch:

- "doorstraald";
- "door straling behandeld";
- "met ioniserende straling behandeld";

In French:

- "traité par rayonnements ionisants";
- "traité par ionization";

In German:

- "bestrahlt";
- "mit ionisierenden Strahlen behandelt";

Language requirements:

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

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

Stick-on labels:

It is allowed in Belgium to use stick-on labels on pre-packed consumer products in addition to the standard U.S. label.

Samples:

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

Exceptions:

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

Section III. Packaging and Container Requirements

C. Material in contact with food stuffs

A summary of national legislation can be downloaded from the European Commission website at http://ec.europa.eu/food/food/chemicalsafety/foodcontact/sum_nat_legis_en.pdf.

Point of contact in Belgium:

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

Mr. Carl Berthot

Phone: +32 (0)2524 7369

carl.berthot@health.fgov.be

Wetenschappelijk Instituut

Mrs. Fabien Bolle

Phone: +32 (0)2642 5207

fabien.bolle@iph.fgov.be

FAVV

Mrs. Caroline De Praeter

Phone: +32 (0)2208 4790

caroline.depraeter@favv.be

Section IV. Food Additive Regulations

All food additive regulations are harmonized within the EU.

Section V. Pesticides and Contaminants

A. Pesticides

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

Section VI. Other Regulations and Requirements

A. Product inspection and registration

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

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

DG Laboratories

Director General Mr. Geert De Poorter

Phone: +32 (0)2 211.8726/27

Fax: +32 (0)2 211.8739

CA-Botanique - Food Safety Center, 4th Floor

Boulevard du Jardin botanique 55

1000 Brussels, Belgium

B. Certification and documentation requirements

Composite products that have more than 50 percent of animal origin products require a certificate for composite products. Of those products, it is only possible to ship products that only contain dairy and egg products. For the

latest accurate information, check with your Dutch importer or contact FAS in The Hague at +31-70-3102305 or PinckaersM@state.gov.

Section VII. Other Specific Standards

F. Dietetic or special use foods

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

The competent authority for Belgium is:

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

Place Victor Horta, 40 Boîte 10

Bloc II - 7^o étage

B-1060 Bruxelles

Tel : +32.(0)2.5247351-52

Fax : +32.(0)2.5247399

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

N. Irradiated foodstuffs

Harmonization of EU rules on food irradiation has been slow and only a few products have so far received EU-wide approval. Until the EU positive list is expanded, national authorizations continue to apply.

Point of contact in Belgium:

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

Mr. Carl Berthot

Phone: +32 (0)2524 7369

carl.berthot@health.fgov.be

Section VIII. Copyright and/or Trade Laws

A. Trademarks

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, the Netherlands

Phone: +31-(0)70-349 1111.

Section IX. Import Procedures

B. Import duties

It is possible to obtain Binding Tariff Information (BTI) from a member state's customs authority to get the proper product classification. Through this system, traders know in advance the tariff classification of the goods they intend to import. BTI is legally binding in all the member states. Information on how to obtain a BTI can be downloaded from the European Commission's Taxation & Custom's website at

http://ec.europa.eu/taxation_customs/customs/customs_duties/tariff_aspects/classification_goods/index_en.htm.
More information on Belgium's customs authorities can be found at <http://fiscus.fgov.be/interfdan/>.

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

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

The Import Process:

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

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

U.S. Embassy
Marcel Pinckaers
Office of Agricultural Affairs
Lange Voorhout 102
2514 EJ The Hague, The Netherlands
+31-(0)70-3102305
PinckaersM@state.gov

Appendix I. Government Regulatory Agency Contacts

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

Federal Public Service Justice
Information officer:
Nathalie Leclercq
Waterloolaan 115,
B-1000 Brussels
Tel: +32-(0)2-5427164
Fax: +32-(0)2-5427039
E-mail: info@just.fgov.be
www.just.fgov.be

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

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

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

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

Appendix II. Other Import Specialist Contacts

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

2) Comeos: The Belgian federation of food distribution BELGAFOOD
Sint-Bernardusstraat 60,
B-1010 Brussels
Tel: +32-(0)2-5373060
Fax: +32-(0)2-5394026
Email: belga@fedis.be
www.comeos.be