

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

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## **Belgium-Luxembourg**

### **Food and Agricultural Import Regulations and Standards - Narrative**

### **FAIRS Country Report**

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**Report Highlights:**

All sections were updated. This report should be read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) – Country Report written by the U.S. Mission to the EU in Brussels, Belgium, GAIN E60080. The report focuses on the import regulations and standards that are not harmonized in the EU or where the Netherlands varies. Also the EU Regulations that were published in 2011 and measures that went into force in 2011 are detailed in this report.

**DISCLAIMER:** This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in The Hague, the Netherlands 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 E57011.

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

## Section 1. Food Laws

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

### Harmonization with the EU

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

### Belgium

The Belgian Food and Drug 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 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](http://www.staatsblad.be) or [www.moniteur.be](http://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)	Federal Public Service Health, Food Chain Safety and Environment
Contact:	DG Animals, Plants and Food

Mr. Marc Cornelis Mrs. Ann Malliet AC-Kruidtuin Food Safety Center Kruidtuinlaan 55 – 5 <sup>th</sup> floor B-1000 Brussels Belgium Phone: +32 (0)2 211 8622 Fax: +32 (0)2 211 8640 Email: <a href="mailto:info@favv.be">info@favv.be</a> <a href="http://www.favv.be">www.favv.be</a>	Rijksadministratief Centrum Victor Hortaplein 40 bus 10 B-1060 Brussels Belgium Phone: +32 (0)2 524.7111 Email: <a href="mailto:info@health.fgov.be">info@health.fgov.be</a> <a href="http://www.health.fgov.be">www.health.fgov.be</a>
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## Section II. Labeling Requirements

### A. General requirements

The labeling requirements in Belgium have been laid down in the Royal Decree: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen* of September, 13 1999. They apply to pre-packed food products at the time when they are for sale for consumers. In practice, this includes retail and parts of the food service industry (catering). The labeling requirements for food products sold to the food processing industry and the remaining part of the food service industry are highlighted in Section II, 6.

#### Compulsory information:

Name/Description: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 3*

List of ingredients: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4*

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

Net quantity: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 8*

Date of minimum durability: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 6 and art. 7*

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

	In Belgium :
For a shelf-life up to 3 month after the date of production	Tenminste houdbaar tot / A consommer de préférence avant le (best before)  Day, Month, (Year)
For a shelf-life between 3 and 18 months	Tenminste houdbaar tot einde / A consommer de préférence avant fin (best before end)  Month, Year
For a shelf-life longer than 18 months	Tenminste houdbaar tot einde / A consommer de préférence avant fin (best before end)

	Year
For Highly perishable foodstuffs	<p>Te gebruiken tot / A consommer jusqu'au (use by)</p> <p>Day, Month, (Year)</p> <p>In addition to the date, the instructions for storage have to be mentioned as well</p>

Instructions for storage and/or use: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 5 and item 7*

Name and address: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 6*

Place of origin: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 10*

Percentage of alcohol: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 9*

Lot marking: *koninklijk besluit betreffende de vermelding van de partij waartoe een voedingsmiddel behoort, art. 4*

Treatments: see Section VII

**Additives:**

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

**Flavorings:**

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

**Quinine and caffeine:**

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

**Phytosterols & Phytostanols:**

[Commission Regulation 608/2004](#) lays down labeling requirements for foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and phytostanol esters (used to reduce cholesterol levels).

**Quantitative Ingredients Declaration (QUID):**

*koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 5*

General guidelines have been drawn up to help Member States and industry organizations implement the principle of QUID. A copy of these guidelines can be downloaded from the European Commission's website at [http://ec.europa.eu/food/fs/fl/fl02\\_en.pdf](http://ec.europa.eu/food/fs/fl/fl02_en.pdf)

**Warning on labels:**

[Commission Directive 2008/5/EC](#) establishes a list of foodstuffs that require a warning on the label:

- foodstuffs whose durability has been extended by means of packaging gases
- foodstuffs containing (a) sweetener(s)
- foodstuffs containing added sugar(s) and sweetener(s)

- foodstuffs containing aspartame
- foodstuffs containing more than 10% added polyols
- confectionery or beverages containing liquorice

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

Any non-edible parts of a packaging system that consumers could mistake for food must be labeled with the words “DO NOT EAT” and where technically possible carry the warning symbol established by Annex I of Regulation 450/2009. *Warenwetbesluit Azo-kleurstoffen*

### **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 a third of all EU consumers<sup>1</sup>.

### **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. In this case, the stick-on label shall meet all Belgian labeling requirements. They can be applied prior to export or applied in Belgium before sale. However, for meat and dairy products, stick-on labels can better be used after consulting with the Belgian FAVV<sup>2</sup>.

### **Samples:**

The labeling requirements apply to all foods destined for consumers. It does not contain any specific labeling requirements or exceptions for samples<sup>3</sup>.

*Samples* for human consumption are ineligible from a U.S. company that is not EU approved. Samples of products that are not approved to export to the EU for research purposes or to be handed out at trade shows can in some cases be exported to Belgium. 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](mailto:import.export@favv.be).

### **Institutional packed products:**

For food products that are for the food processing and foodservice industry (except catering) product packaging does not have to comply with the labeling requirements. Purchased quantity (i.e. pallet, box, etc) must include the following information: a. the name, b. information on the producer, packer or vendor and c. the shelf life<sup>4</sup>.

### **Exceptions:**

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<sup>1</sup> *Wet betreffende de handelspraktijken en de voorlichting en bescherming van de consument, art. 13.*

<sup>2</sup> *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art 10, paragraph*

<sup>3</sup> *Wet betreffende de handelspraktijken en de voorlichting en bescherming van de consument, art. 13*

<sup>4</sup> *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2 and art. 10.2*

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

### **B. Medical/Health/Nutrition Claims**

Trademarks and brand names that suggest health and/or nutritional benefits but do not comply with the new rules must be entirely removed from the EU market by January 19, 2022.

Point of contact in Belgium:

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

Directoraat-generaal Organisatie Gezondheidszorgvoorzieningen

Division food, animal's food and other consumption products

Mr. Jean Pottier

Export food labeling and claims

Eurostation II

Victor Hortaplein, 40 bus 10

B-1060 Brussels, Belgium

Tel: +32 (0)2524 7362

E-mail: [jean.pottiers@health.fgov.be](mailto:jean.pottiers@health.fgov.be)

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

### **Requirements specific to nutritional labeling**

*Koninklijk besluit betreffende voedingsmiddelen bestemd voor bijzondere voeding*

### **C. Product-Specific Labeling**

See Section VII

### **D. Country of Origin labeling**

In the EU, country of origin labeling is mandatory for beef and veal, fruit and vegetables, eggs, poultry meat, wine, honey, olive oil, aquaculture products and for organic products carrying the EU logo. For other products, the indication of the place of origin or provenance is mandatory only if the omission of such information might mislead the consumer.

On October 25, 2011, a new EU regulation on the provision of food information to consumers was adopted. The new regulation, European Parliament and Council Regulation 1169/2011, was published in Official Journal L 304 on November 22, 2011. The new EU labeling requirements will apply from December 13, 2014 except for the mandatory nutrition declaration which will apply from December 13, 2016. Detailed information on the new labeling rules is provided in the GAIN Report E70002 The new EU food labeling rules published.

## **Section III. Packaging and Container Requirements**

### **A. Size and Content**

Directive 2007/45/EC abolishes regulations on mandatory pack sizes at both EU and national levels. The Directive frees sizes for all prepackaged products except wine and spirits, coffee and white sugar. Member States in which mandatory nominal quantities are prescribed for milk, butter, dried pasta and coffee may maintain their restrictive rules until October 2012. The rules for white sugar may be maintained until October 2013. Mandatory nominal quantities for wines and spirits are set out in the Annex to Directive 2007/45/EC<sup>5</sup>.

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<sup>5</sup> *Koninklijk besluit betreffende het voorverpakken naar gewicht of naar volume van bepaalde produkten in voorverpakkingen;*

## **B. Packaging waste management**

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

## **C. Material in contact with food stuffs**

To date, specific directives have been developed for plastic materials (Commission Regulation 10/2011), recycled plastic materials (Commission Regulation 282/2008), regenerated cellulose film (Commission Directive 2007/42/EC) and ceramics (Council Directive 84/500/EC).

Commission Implementing Regulation 321/2011 restricts the use of Bisphenol A in plastic infant feeding bottles<sup>6</sup>.

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

Point of contact in Belgium:

[http://www.favv.be/sp/denrAlim/den-alim\\_nl.asp#Contact](http://www.favv.be/sp/denrAlim/den-alim_nl.asp#Contact)

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

Mr. Carl Berthot

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[carl.berthot@health.fgov.be](mailto:carl.berthot@health.fgov.be)

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FAVV

Mrs. Caroline De Praeter

Phone: +32 (0)2208 4790

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*Koninklijk besluit van 15 juni 2004 tot vaststelling van bepaalde reeksen van nominale hoeveelheden en tot regeling van de aanduiding van hoeveelheden voor bepaalde voorverpakte producten;*

*Koninklijk besluit van 19 juni 2009 tot omzetting van de richtlijn 2007/45/EG tot vaststelling van regels betreffende nominale hoeveelheden voor voorverpakte producten;*

<sup>6</sup> *Verklaring van overeenstemming – etikettering van materialen en voorwerpen bestemd om met levensmiddelen in contact te komen (www.favv.be);*

*Model van verklaring van overeenstemming voor materialen en voorwerpen bestemd om met levensmiddelen in contact te komen (www.favv.be);*

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

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

## **Section IV. Food Additive Regulations**

### **Additives (including colors and sweeteners):**

Commission Regulation 1129/2011 establishes a list of all authorized food additives in foodstuffs as well as the conditions of use and amends Annex II to Regulation 1333/2008. Commission Regulation 1130/2011 establishes a second list of food additives and amends Annex III to Regulation 1333/2008. Commission Regulation 1131/2011 approves the sweetener steviol glycosides, commonly known as stevia.

### **Flavoring**

Regulation 1334/2008 on flavorings and certain food ingredients with flavoring properties sets specific rules for the use of the term “natural”. The new rules went into force on January 20, 2011<sup>7</sup>.

### **Enzymes**

Regulation 1332/2008 on food enzymes introduces harmonized rules for their scientific evaluation and authorization in the EU and establishes labeling requirements. Until the adoption of an EU positive list of authorized enzymes, the existing national provisions on the marketing of food enzymes will continue to apply. Regulation EC 234/2011 regarding the implementation of the common authorization procedure sets out a deadline of September 2013, to submit applications on existing and new enzymes and for industry to provide the information for the risk assessment<sup>8</sup>.

### **Processing aids<sup>9</sup>**

DG Dier, Plant en Voeding  
Dienst Voedingsmiddelen, Dierenvoeders en Andere Consumptieproducten  
Eurostation, blok II  
Victor Hortaplein 40 bus 10  
1060 Brussel  
Phone: +32 (0)2 524 73 51/52  
Fax: +32 (0)2 524 73 99  
Email: [apf.food@health.fgov.be](mailto:apf.food@health.fgov.be)

## **Section V. Pesticides and Contaminants**

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

### **Pesticides**

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<sup>7</sup> *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4.4 + art. 5.3*  
*Koninklijk besluit betreffende aroma's voor gebruik in voedingsmiddelen*

<sup>8</sup> *Koninklijk besluit van 14 juli 1997 betreffende zuiverheidseisen voor additieven die in voedingsmiddelen mogen worden gebruikt.*

<sup>9</sup> *Koninklijk besluit van 14 juli 1997 betreffende zuiverheidseisen voor additieven die in voedingsmiddelen mogen worden gebruikt.*



European Parliament and Council Regulation 1107/2009 sets out new rules for the authorization of plant protection products (PPPs) and replaces Directive 91/414/EEC. It entered into force at the end of December 2009 and became fully applicable on June 14, 2011.

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

### **Maximum Residue Limits**

Harmonized sampling methods are established for the official control of residues in and on products of plant and animal origin by Commission Directive 2002/63/EC. Commission Regulation 1274/2011 requires Member States to take and analyze samples for product and pesticide residue combinations in food of plant and animal origin. Annex I to the Regulation sets out the pesticide and product combinations to be monitored. Annex II sets out the number of samples that need to be taken for each combination. The Member States must submit results of the sample tests to the EU by 31 August 2013, 2014 and 2015 for samples tested in 2012, 2013 and 2014 respectively.

### **Official Controls of Maximum levels in foodstuffs**

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

- Nitrates: Commission Regulation 1882/2006
- Mycotoxins: Commission Regulation 401/2006
- Dioxins: Commission Regulation 1883/2006
- Heavy metals: Commission Regulation 333/2007
- Heavy metals, 3-MCPD and benzo(a)pyrene: Commission Regulation 836/2011 will apply as of September 1, 2012.

## **Section VI. Other Regulations and Requirements**

### **A. Product inspection and registration**

In Belgium the FAVV is responsible for the inspections.

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

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

DG Laboratories

Director General Mr. Geert De Poorter

Phone: +32 (0)2 211.8726/27

Fax: +32 (0)2 211.8739

CA-Botanique - Food Safety Center, 4th Floor

Boulevard du Jardin botanique 55

1000 Brussels, Belgium

### **B. Certification and Documentation Requirements**

FAIRS Export Certificate Report GAIN BE1006

## **Section VII. Other Specific Standards**

### **A. Genetically Modified Foods**

Commission Regulation 619/2011 sets a tolerance of 0.1 percent - “Low Level Presence” (LLP) - for adventitious traces of non EU-authorized GMOs in feed imports. For more information see the European Commission press release “[Questions and Answers on the low level presence \(LLP\) of GMOs in feed imports](#)”. The Commission may come forward with proposals dealing with LLP in food imports.

### **C. Nanotechnology**

A European Commission Recommendation on the definition of a nanomaterial was published in Official Journal L 275 of October 20, 2011. This recommendation provides EU legislators with a legal coherent cross-cutting reference for nanomaterials when proposing new legislation. It defines nanomaterials as materials whose main constituents have a dimension of between 1 and 100 billionth of a meter. For more information see GAIN report E60060 “Commission sets out working definition for nanomaterials” and the European Commission’s website at <http://ec.europa.eu/environment/chemicals/nanotech/index.htm>.

### **D. Fortified Foods**

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

Point of contact Belgium:

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

Place Victor Horta, 40 Boîte 10

Bloc II - 7<sup>e</sup> étage

B - 1060 Bruxelles

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

Fax: +32 (0)2 524 7399

E-mail: [apf.food@health.fgov.be](mailto:apf.food@health.fgov.be)

### **E. Dietetic or Special Use Foods**

Specific directives on foods and beverages for sports people or on foods intended for diabetics are still subject to Member State legislation. The introduction of foodstuffs intended for particular nutritional uses for which no specific rules are set must be notified to the Member State where the food is sold.

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<sup>e</sup> étage

B-1060 Bruxelles

Tel : +32.(0)2.5247351-52

Fax : +32.(0)2.5247399

E-mail: [apf.food@health.fgov.be](mailto:apf.food@health.fgov.be)

### **F. Single Common Market Organization (CMO)**

#### **Fruit and Vegetables (Article 113 Single CMO)**

Commission Regulation 543/2011 lays down detailed rules for the implementation of Article 113 of the Single CMO. This regulation sets out specific marketing standards for 10 products: apples, citrus fruit, kiwi fruit, lettuces, peaches and nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes. Fruits and vegetables not covered by a specific marketing standard must comply with the general marketing standard. The

details of the general marketing standard are set out in Part A of Annex I to Regulation 543/2011. The following products are not required to conform to the general marketing standard: mushrooms (other than cultivated mushrooms), capers, bitter and shelled almonds, shelled hazelnuts, shelled walnuts, pine nuts, pistachios, macadamia, pecans and saffron. Products conforming to UNECE standards are considered as conforming to the general marketing standard. Marketing standards apply at all marketing stages including import. For more information see the European Commission's "Fruit and Vegetables Marketing Standards" webpage.

Fruit and vegetables destined for the processing industry are not required to conform to the marketing standards provided they are clearly marked "intended for processing" or "for animal feed or other non-food use".

Fresh fruits, vegetables and nuts are subject to phytosanitary controls and are checked for compliance with the quality standards and labeling requirements. A conformity certificate (Annex III to Regulation 543/2011) - to be obtained by the importer at the point of entry - is required for all shipments of fresh produce.

### **G. Wine, Beer and other Alcohol Beverages**

#### Oenological practices

Commission Regulation 606/2009, amended by Commission Regulation 53/2011, lays down detailed rules for permitted oenological practices. Annex I A sets out the oenological practices authorized in the EU and the conditions for their use. For experimental purposes, Member States may authorize the use of certain oenological practices not provided for in the relevant EU regulations for a maximum of three years. Annex I B sets out the maximum allowed sulfur dioxide contents: 150 mg per liter for red wines, 200 mg per liter for white and rosé wines.

#### U.S. – EU Wine Agreement

In March 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". The first phase of this agreement addresses a number of issues, such as labeling and certification. Other important issues such as geographical indications and the use of traditional terms will be addressed in a second phase of the negotiations. The Agreement covers wine with an actual alcohol content of not less than 7% and not more than 22%. All U.S. wine imports must be accompanied by certification and analysis documentation using the format specified in Annex III (a) to the Agreement. More information on the simplified EU import certificate form can be obtained from the Alcohol and Tobacco Tax and Trade Bureau at [http://www.ttb.gov/industry\\_circulars/archives/2007/07-02.html](http://www.ttb.gov/industry_circulars/archives/2007/07-02.html). The Agreement's "Protocol on Wine Labeling" sets conditions for the use of optional particulars on wine labels. Commission Regulation 1416/2006, as amended by Commission Implementing Regulation 1212/2011, concerns the protection of U.S. names of origin in the EU. 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/itd/index.shtml>).

### **H. Organic foods**

On February 15, 2012, the European Union and the United States announced that beginning June 1<sup>st</sup>, 2012 their respective countries' certified organic products will be recognized. Under the Partnership, the EU will recognize the USDA National Organic Program (NOP) as equivalent to the EU Organic Program (under applicable EU regulations) and will allow U.S. organic products to be marketed as "organic" in the EU using the EU organic logo, and vice versa, under the following two conditions:

- Tetracycline and streptomycin were not used to control fire blight in apples and pears (for U.S. exports to the EU); and
- Antibiotics were not administered to animals (for EU exports to the U.S.)

The Partnership is limited to organic products, certified under the NOP program, of U.S. origin, either produced within the U.S. or where the final processing or packaging occurs within the U.S. A list of the USDA accredited certifying agents can be found on the following website:

<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateJ&navID=NationalOrganicProgram&leftNav=NationalOrganicProgram&page=NOPACAs&description=USDA%20Accredited%20Certifying%20Agents&acct=nopgeninfo>

In addition to these restrictions, all products traded under the Partnership must be accompanied by an organic export certificate. This document will state the production location, identify the organization that certified the organic product, verify that prohibited substances and methods were not used, certify that the terms of the Partnership were met, and allow traded products to be tracked. More information about the Partnership can be found in the GAIN Report NL2006 The EU-U.S. Organic Equivalence Cooperation Arrangement.

## **I. Vertical Legislation**

On December 14, 2011 the European Parliament (EP) voted on the Commission's proposal to amend Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption. Key amendments approved by the EP mainly relate to the labeling of fruit juices and nectars. The EP and Council already agreed on these amendments in informal trilogue meetings. The Council now only needs to formally adopt the amendments before the proposal becomes law (expected early 2012). Key amendments to the fruit juice labeling rules include:

- **Orange Juice:** Product sold as "orange juice" may contain up to 10% mandarin juice. The addition of mandarin juice must be indicated in the list of ingredients.

- **Nutrition claim:** As sugar is not included in the list of authorized ingredients for the production of fresh and concentrated fruit juices, labels on such products may no longer carry the nutrition claim "with no added sugar". During a transitional period the statement "no fruit juices contain added sugars" may appear on the label to enable the industry to properly inform the consumers.

- **Mixed Juices:** Products composed from two or more fruits must have a product name that reflects the actual fruit content, in descending order of the volume of the juices or purees used, as indicated in the list of ingredients. For example, a mixture of 90% apple and 10% raspberry juice should be labeled as "apple and raspberry juice" and not as "raspberry juice" as currently allowed. A generic name such as "mixed juice" or a similar wording may be used when there are three or more fruits sources.

- **Sugars and sweeteners:** Fruit juices will by definition not contain any sugars or sweeteners. "Nectars" made from fruit puree with added water may contain added sugar or sweeteners. The nutrition claim "no added sugar" will not be allowed on the labels of nectars containing artificial sweeteners.

Once adopted, products not complying with the new rules may be marketed until three years from the date of entry into force of the new rules. Directives must be transposed into national legislation. Member States will have a transposition period of 18 months to update their national legislation accordingly. A detailed GAIN report will follow after publication of the new rules in the Official Journal.

## **N. Seafood**

Detailed information on exporting U.S. seafood to the EU is available in the 2011 update of the "How to export seafood to the European Union" guide which can be downloaded from

<http://www.seafood.nmfs.noaa.gov/Howtoexportseafood2011.pdf>

## **O. Petfood**

Commission Regulation 575/2011 establishes a new catalogue of feed materials. It enables operators to use more precise names and expressions for the feed they place on the market. The annex to the Catalogue contains three parts: A) general provision, B) glossary of processes and C) list of feed materials. The use of the Catalogue is voluntary but where it is used all relevant provisions have to be complied with. Commission Recommendation 2011/25/EU establishes guidelines for the distinction between feed materials, feed additives, biocidal products and veterinary medicinal products. A "Code of Good Labeling Practice for Pet Food" drafted by the European Pet Food Industry (FEDIAF) was published on October 20, 2011.

## **Section VIII. Copyright and/or Trade Laws**

### **Copyright**

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**

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

In practice, a Community trademark must meet two conditions: it must be a sign which can be represented in graphic form, and it must make it possible to distinguish goods and services from those of another company. It is valid for a period of 10 years. Applications for registering Community trademarks under these regulations may be filed with the Alicante, Spain, based Office of Harmonization for the Internal Market, subject to the fees set out in Commission Regulation 2869/95, or at a national industrial property office in a Member State of the European Union.

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

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

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

Benelux Merkenbureau (Benelux Trademark Office)

Bordewijklaan 15

2591 XR The Hague, the Netherlands

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

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

## **Section IX. Import procedures**

European Parliament and Council Regulation 648/2005, a “security amendment” to Regulation 2913/92, introduces a number of measures to tighten security for goods crossing international borders. The provisions to implement the security amendment to the Customs Code are established by Council Regulation 1875/2006. As of January 1, 2011, all traders involved in customs transactions must provide EU customs authorities with security data on goods before they are imported into the EU. The type of security data requested varies according to the means of transport and can include a description of the goods, information on the consignor or exporter, the route of the goods and any potential hazards. The time limits for submitting advance security data also vary according to the means of transport: 24 hours for maritime cargo to 1 hour for road traffic and air transport. The European Commission’s DG for Taxation and Customs Union has created a “European Customs Information Portal” to communicate information for traders on the safety and security amendment to the Community Customs Code.

The EU uses the Combined Nomenclature (CN) for the customs classification of goods. The CN eight digit code numbers are based on the Harmonized System (HS) nomenclature: the first six digits refer to the HS headings, the two following digits represent the CN subheadings. The EU's on-line customs database can be consulted to look up commodity codes and relevant import duties:

[http://ec.europa.eu/taxation\\_customs/dds2/taric/taric\\_consultation.jsp?Lang=en&redirectionDate=20101215](http://ec.europa.eu/taxation_customs/dds2/taric/taric_consultation.jsp?Lang=en&redirectionDate=20101215). The EU's 2012 Tariff Schedule was published on October 28, 2011 in Official Journal L 282.

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

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

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

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

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

The Import Process:

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

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

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

## **Appendix I. GOVERNMENT REGULATORY AGENCY CONTACTS**

1) All Belgian legislation is published in the Belgian official journal "Het Belgisch Staatsblad"/"Le Moniteur Belge". This journal is edited by the Federal Public Service Justice and can be consulted on-line at [www.staatsblad.be](http://www.staatsblad.be) or [www.moniteur.be](http://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](mailto:info@just.fgov.be)  
[www.just.fgov.be](http://www.just.fgov.be)

2) European legislation can be found at:  
[http://europe.eu.int/eur-lex/en/search/search\\_lif.html](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](mailto:apf.dg@health.fgov.be)  
<http://www.health.fgov.be/>

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