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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, GAIN E14065. The 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 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, GAIN E14065.**

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 buyers, who are in the best position 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. General Food Laws

According to a European Commission memo published in December 2012, around 98 percent of food legislation is harmonized at the EU level. It is important to note that when EU-wide legislation is incomplete or absent, the laws of Member States apply, often resulting in different rules in different Member States. National measures still exist, for example, for certain food contact materials, the addition of nutrients to food and food supplements, and for official control fees. Imported products must meet existing Member State requirements in cases where EU regulatory harmonization is not yet complete.

Belgium

Enforcement of EU food legislation is done by Member State officials. Auditing oversight of Member State performance is done by European Commission officials. The European Commission has the power to initiate legal action in the European Court of Justice against Member States who are not complying with EU Directives and Regulations.

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.

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

C. Enzymes

The existing national provisions on the marketing of food enzymes will continue to apply until the adoption of an EU positive list of authorized enzymes.

D. Processing Aids

EU harmonized rules exist only for certain categories of 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 2009/32/EC. Processing aids are subject to Member States national legislation, for Belgium this is the 'Koninklijk besluit van 14 juli 1997 betreffende zuiverheidseisen voor additieven die in voedingsmiddelen mogen worden gebruikt'.

Point of contact in Belgium:
Federale Overheidsdienst (FOD) Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu
DG Dier, Plant en Voeding - Dienst Voedingsmiddelen, Dierenvoeders en Andere Consumptieproducten
Eurostation, blok II
Victor Hortaplein 40 bus 10
1060 Brussel, Belgium
Phone: +32 (0)2 524 73 51/52
Email: apf.food@health.fgov.be

Section III. 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 IV. Packaging and Container Requirements

B. Packaging Waste Management

Member States are required to take measures to reduce packaging waste and must introduce systems for reuse, recovery and recycling of packaging materials (Council Directive 94/62/EC). The Netherlands introduced in this context NEDVANG; more information can be found on http://www.pro-e.org/belgium1.html and www.fostplus.be.

Fostplus
Olympiadenlaan 2
BE-1140 Brussel, Belgium
T: +32 2 775 03 50
E-mail: fostplus@fostplus.be

C. Material in Contact with Food Stuffs

A summary of EU and national legislation as well as guidance documents and contact information with regard to the submission of applications for authorization can be downloaded from the European Commission website at http://ec.europa.eu/food/food/chemicalsafety/foodcontact/documents_en.htm.

Point of contact in Belgium:
FPS Health, Food Chain Safety and Environment
Directorate-General Animals, Plants and Food
Office Food, Feed and Other consumption Products
Mr. Carl Berthot
Eurostation- Bloc II, 7eme étage
Place Victor Horta, 40 Boite 10
B-1060 Brussel, Belgium
Tel.: +32 2 524 73 69
E-mail: carl.berthot@health.belgium.be

Federal Agency for the Safety of the Food Chain
Ms. Caroline De Praeter
CA Botanique - Food Safety Center
Boulevard du Jardin Botanique 55
B-1000 Brussel, Belgium
Tel.: +32 2 211 87 09
Email: caroline.depraeter@favv.be

Belgian Scientific Institute for Public Health
Mr. Fabien Bolle
Rue Juliette Wytsmanstraat 14
B-1050 Brussel, Belgium
Tel.: +32 2 642 52 07
Email: fabien.bolle@wiv-isp.be

In September 2012, Belgium passed a ban on the use of Bisphenol-A, or BPA, in the packaging of food products for children less than three years old and also in plastic articles like spoons and plates for the same age group. The ban went into force on January 1st of 2013.

On January 21 of this year the European Food Safety Authority (EFSA) published its opinion on the risks to public health related to the presence of BPA in foodstuffs, please find the following press release, http://www.efsa.europa.eu/en/press/news/150121.htm. The press release read that EFSA's comprehensive re-evaluation of bisphenol A (BPA) exposure and toxicity concludes that BPA poses no health risk to consumers of any age group (including unborn children, infants and adolescents) at current exposure levels. Exposure from the diet or from a combination of sources (diet, dust, cosmetics and thermal paper) is considerably under the safe level (the "tolerable daily intake" or TDI).

Section V. Labeling Requirements

A. General requirements

The standard U.S. label fails to comply with EU labeling requirements. As of December 13, 2014, the EU's new "Food Information to Consumers (FIC)" regulation 1169/2011 will apply to all pre-packaged food and drink products marketed in the EU, including those imported from third countries. The mandatory nutrition declaration requirement introduced by the new FIC regulation will apply as of December 13, 2016. However, if nutrition information is provided on a voluntary basis before this date, it must comply with the new rules.

4. 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.

7. Minimum Durability

Annex X to the "Food Information to Consumers (FIC)" regulation 1169/2011 sets out rules for the indication of the date of minimum durability, use-by date and date of freezing. The use-by date must be indicated on individual pre-packed portions. The durability date AND the date of (first) freezing preceded by the words "frozen on" is required on labels of frozen meat, frozen meat preparations and frozen unprocessed fishery products. :

	In Belgium:
-The date shall be preceded by the words:	
'Best before'	'Tenminste houdbaar tot'
'Best before end'	'Tenminste houdbaar tot einde'
	'A consommer de préférence avant le'
	'A consommer de préférence avant fin'
	'Mindestens haltbar bis'

	‘Mindestens haltbar bis Ende’
-The ‘use by’ date shall be preceded by the words: ‘Use by’	‘Te gebruiken tot’
	‘A consommer jusqu’au’
	‘Zu verbrauchen bis’
-The date of freezing or the date of first freezing shall be preceded by the words: ‘Frozen on”	‘Ingevroren op’
	‘Produit congele le’
	‘Eingefroren am’

13. Stick-on labels
It is allowed in Belgium to use stick-on labels on pre-packed consumer products.

14. 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.

B. Other Specific Labeling Requirements

6. Special Use Foods
Specific directives on foods and beverages for athletes 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.

Federal Public Service Health, Food
Chain Safety and Environment
Animal, Plant and food Directorate-General
Service Food, Feed, Other Consumption Products
Eurostation - Place Victor Horta, 40/10
B - 1060 Brussel, Belgium

Mr. Jean Pottier
Regulatory Expert Food Labelling, Nutrition and Health Claims
Eurostation- Bloc II, 7eme étage
Place Victor Horta, 40 Boite 10
B-1060 Brussel, Belgium
Tel: +32 (0)2.524 7362
E-mail: jean.pottier@health.belgium.be

Section VI. Other Specific Standards

F. 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
Eurostation- Bloc II, 7eme étage
Place Victor Horta, 40 Boite 10
B-1060 Brussel, Belgium
Phone: +32 (0)2524 7369
carl.berthot@health.fgov.be

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";

Section VII. Facility and Product Registration

B. Product Registration

The introduction of foodstuffs with particular nutritional uses needs to be notified to the Member State where the food is sold. Exporters of vitamin-enriched foods or nutritional supplements are especially advised to check for the existence of specific Member State registration or notification requirements.

The competent authority for 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° étage
B-1060 Bruxelles
Tel: +32(0)2.5247351-52
E-mail: apf.food@health.fgov.be

Section VIII. Other Certification and Testing Requirements

B. Inspections

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
CA-Botanique - Food Safety Center, 4th Floor
Boulevard du Jardin botanique 55
1000 Brussels, Belgium

Section IX. Import Procedures

C. Import duties

Information on Belgium's customs authorities can be found at http://fiscus.fgov.be/interfdanl/.

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.

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 – Building A – 8th Floor
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;

Section X. Copyright and/or Trademark 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.

Appendix I. Government Regulatory Agency Contacts

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

European legislation can be found at:
http://eur-lex.europa.eu/homepage.html

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/

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
Email: info@favv.be
Website: www.favv.be

Belgian Customs
Administratie der douane en accijnzen
North Galaxy
Koning Albert II laan 33
B - 1030 Brussels, Belgium
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
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
Email: belga@fedis.be
www.comeos.be