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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 E57011.

## Section I. Food Laws:

**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.

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. In Belgium, decisions are most of the times transposed into Royal Decrees. A Recommendation has no binding effect as it is not a law.

**Harmonization with the EU**

http://useu.usmission.gov/agri/harmonization.html

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 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 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.

| Federal Agency for the Safety of the Food Chain (FAVV) | Federal Public Service Health, Food Chain Safety and Environment |
|---|---|
| Contact: Mr. Marc Cornelis and Mrs. Ann Malliet<br>AC-Kruidtuin<br>Food Safety Center<br>Kruidtuinlaan 55 – 5th floor<br>B-1000 Brussels<br>Belgium | DG Animals, Plants and Food<br>Rijksadministratief Centrum<br>Victor Hortaplein 40 bus 10<br>B-1060 Brussels<br>Belgium<br>Phone: +32 (0)2 524.7111 |

| | |
|---|---|
| Phone: +32 (0)2 211 8622<br>Fax: +32 (0)2 211 8640<br>Email: info@favv.be<br>www.favv.be | Email: info@health.fgov.be<br>www.health.fgov.be |

More information can also be found at http://www.just.fgov.be/.

## 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.

Belgium follows EU legislation. For more detailed information, the reader may refer to the Belgian legislation, which is given in italics next to each item.

**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*

Shelf-life: *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:

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

| | |
|---|---|
| | In addition to the date, the instructions for storage have to be mentioned as well |

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

**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

As of 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". Food placed on the market or labeled before July 20, 2010, which do not comply with this provision may be marketed until their date of minimum durability or use-by-date.

*Warenwetbesluit Azo-kleurstoffen*
As of 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". Food placed on the market or labeled before July 20, 2010, which do not comply with this provision may be marketed until their date of minimum durability or use-by-date.

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.

**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. *Wet betreffende de handelspraktijken en de voorlichting en bescherming van de consument, art. 13*

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.

**Stick-on labels:**
*Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art 10, paragraph 1*
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. For meat and dairy products, stick-on labels may be used after consulting with the Belgian FAVV.

**Samples:**
The labeling requirements apply to all foods destined for consumers. It does not contain any specific labeling requirements or exceptions for samples. *Wet betreffende de handelspraktijken en de voorlichting en bescherming van de consument, art. 13*

Samples for human consumption are ineligible from a U.S. company that is not EU approved. Samples for R&D purposes from the same company can only enter if the company submits an application by contacting the Federal Agency for the Safety of the Food Chain (FAVV) by sending an email to import.export@favv.be. Samples will have to be destroyed afterwards.

**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 live. *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2 and art. 10.2*

**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. Medical/Health/Nutrition Claims**
A list of functional health claims such as "calcium is good for your bones" will be established in two steps. First, a list of permitted health claims for all substances other than botanicals will be adopted in 2011. Subsequently, the claims regarding botanicals will be considered. Disease risk reduction claims and claims referring to the health and development of children require an authorization on a case-by-case basis, following the submission of a scientific dossier to EFSA. Health claims based on new scientific data will have to be submitted to EFSA for evaluation but a simplified authorization procedure has been established. An EU list of authorized/rejected disease risk reduction and children development claims is available on the European Commission's website:
http://ec.europa.eu/food/food/labellingnutrition/claims/community_register/health_claims_en.htm.

Regulation 353/2008 as amended by Commission Regulation 1169/2009 sets out implementing rules for applications for the authorization of health claims as provided for in Article 15 of Regulation 1924/2006. GAIN Report E48055 describes how application dossiers for authorization of health claims should be prepared and presented. A guidance document on how companies can apply for health claim authorizations can be downloaded from EFSA's website at http://www.efsa.europa.eu/EFSA/ScientificPanels/NDA/efsa_locale-1178620753812_1178684448831.htm.

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
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 Origen labeling**
Proposal: A European Commission proposal to revise the EU's general food labeling requirements is currently going through the legislative adoption procedure. New requirements would include the mandatory declaration of nutrition information on the front label of pre-packaged foods, a minimum font size of 3 mm for printing mandatory information and an ingredients list on the label of alcopops. For more information on the labeling proposal see GAIN Report E48020

## Section III. Packaging and Container Regulations:

**A. Sizes and content**
*Koninklijk besluit betreffende het voorverpakken naar gewicht of naar volume van bepaalde produkten in voorverpakkingen;*
*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;*

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 on www.fostplus.be.

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

Point of contact in the Netherlands:
http://www.favv.be/sp/denrAlim/den-alim_nl.asp#Contact

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## Section IV. Food Additives Regulations:

In December 2008, the "Package on Food Improvement Agents" was adopted, which includes four new regulations: Regulation 1331/2008 establishing a common authorization procedure for food additives, food enzymes and food flavorings, Regulation 1332/2008 on food enzymes, Regulation 1333/2008 on food additives and Regulation 1334/2008 on flavorings.

**Additives (including colors and sweeteners):**
Regulation 1333/2008 on food additives brings the current miscellaneous additives directive and the directives on colors and sweeteners into one regulation and became applicable as of January 20, 2010, except for the transitional provisions. It provides for the establishment of an EU positive list, conditions of use and rules on the labeling of additives sold as such.

All food additives, colors and sweeteners that will be entered in Annex II and Annex III to Regulation 1333/2008 are currently being reviewed by the Commission. The review should be completed by January 2011 after which the annexes will enter into force. Food additives are being reviewed based on their compliance with the new provisions, meaning technological need, safety and use, as well as advantages and benefits. A food additive or the specific use of a food additive that is no longer needed will not be transferred to the new Annexes. For colors and sweeteners some specific conditions exist as well. The review is conducted by the Commission and will not require a new risk assessment. Until the completion of the review food additives under the old directives will continue to be permitted. An important difference from U.S. legislation is the use of flour bleaching agents: chlorine, bromates and peroxides are not allowed in the EU.

Additionally, Regulation 1333/2008 also provides for an evaluation program, set up by Commission Regulation 257/2010, for food additives permitted before January 2009. Those food additives shall be subject to a new risk assessment carried out by EFSA and the re-evaluation of approved food additives shall be completed by the end of:
- 2015 for food colors (currently listed in Directive 94/36/EC)
- 2018 for all additives other than colors and sweeteners (currently in Directive 95/2/EC)
- 2020 for all sweeteners (currently listed Directive 94/35/EC)

Annex I of Regulation 1333/2008 lists the approved food additives for which the re-evaluation by EFSA was already completed at the time of adoption of Regulation 257/2010.
Foods containing any of the six food colors Quinoline Yellow (E104), Sunset Yellow (E110), Ponceau 4R (E124), Tartrazine (E102), Azorubine/Carmoisine (E122) and Allura Red AC (E129), will have to be labeled with the phrase, 'may have an adverse effect on activity and attention in children' (Annex V to Regulation 1333/200).

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

**Enzymes:**
*Koninklijk besluit van 14 juli 1997 betreffende zuiverheidseisen voor additieven die in voedingsmiddelen mogen worden gebruikt.*

**Processing Aids:**
*Koninklijk besluit van 14 juli 1997 betreffende zuiverheidseisen voor additieven die in voedingsmiddelen mogen worden gebruikt.*

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

## Section V. Pesticides and Other 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.

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 it will become fully applicable June 14, 2011. This Regulation establishes a list of approved active substances. Only PPPs containing active substances included in the list may be authorized for use in the EU. Member States can approve PPPs containing the active substances. According to the new Regulation, the EU is divided in three different zones. Once a Member State approves the PPP it can be mutually recognized and thus authorized within the same EU zone as set out in Annex I of the Regulation. The Maximum Residue Levels (MRLs) for substances not on the list will be set at default level of 0.01 mg/kg. The legislation allows exporters to request an "import tolerance" for active substances not yet evaluated or in use in the EU.
The Netherlands together with Belgium, Czech Republic, Germany, Ireland, Luxembourg, Hungary, Austria, Poland, Romania, Slovenia, Slovakia and the United Kingdom fall in Zone B – Centre.

**Contaminants:**
http://www.fas.usda.gov/posthome/useu/contaminants.html

**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

**Import Conditions for U.S. almonds**
In September 2007, the EU implemented special import conditions which called for mandatory testing of U.S. almonds imported into the EU. USDA and The California almond industry have developed a "Voluntary Aflatoxin Sampling Plan (VASP)" comparable to the EU sampling procedures so that almonds can be uniformly tested before they are shipped to the EU. Per Commission Regulation 1152/2009, these procedures are considered to provide sufficient assurances, which means that almonds shipped under VASP are subject to random controls. Almonds not controlled under VASP continue to be subject to 100% border controls. The Regulation covers almonds in shell or shelled, roasted almonds and mixtures of nuts or dried fruits containing almonds, and foodstuffs containing a significant amount of almonds (at least 20%).

Regulation 1152/2009 also introduces the use of a Common Entry Document (CED). Importers have to provide prior notification to the competent authorities at the designated port of entry for the goods covered by the regulation at least 1 working day prior to the arrival of the goods, using the CED. The CED was published as Annex II to Regulation 669/2009. Provisions for methods of sampling and analysis for the official control of mycotoxins including aflatoxins are laid down in Commission Regulation 401/2006. More information is available in the European Commission's Guidance Document and on the Almond Board of California's website.

**Residues in Animals and** Animal Product:
The monitoring of residues in animals and animal products is addressed separately in Council Directive 96/23/EC. This directive includes the monitoring of the pesticide residues as well as residues of veterinary drugs and a wide range of other contaminants and undesired substances such as residues of growth promotants. The prohibition of the use of hormones in meat production is addressed in Council Directive 96/22/EEC (amended by Directive 2008/97/EC).

## 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 BE0003

## Section VII. Other Specific Standards:

**D. Dietetic or special use foods**
Commission Regulation 41/2009 lays down new EU harmonized rules for the composition and labeling of foodstuffs suitable for people who are intolerant to gluten. This regulation, applicable as of January 1, 2012, sets conditions for the use of the terms "very low gluten" and "gluten-free". For more information see GAIN report E49009 "New EU labeling rules for "gluten free" foods".

To take advantage of technological developments, the Commission may authorize for a two-year period the marketing of products which do not comply with the requirements of the specific directives.

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:

Federal Public Service of Public Health
Division food, animal's food and other consumption products
Victor Hortaplein, 40 bus 10
B-1060 Brussels, Belgium
Phone: +32.(0)2524 7351-52
Fax : +32.(0)2524 7399
E-mail: apf.food@health.fgov.be

**G. Organic foods**

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.integra-bvba.be/). More information on the organic market can be found at GAIN Report NL6024.

**M. Seafood**

Detailed information on exporting U.S. seafood to the EU is available in the 2010 update of the "How to export seafood to the European Union" guide which can be downloaded from http://www.fas.usda.gov/posthome/useu/NOAA-Export-to-the-EU-Guide.pdf.

**N. Pet Food**

Regulation 767/2009 sets out new rules for the labeling and marketing of feed and pet food. Feed and pet food not complying with Regulation 767/2009 and with the provisions on feed additives laid down in Regulation 1831/2003 and Directive 90/167/EC will not be allowed on the EU market. However, for pet food Commission Regulation 454/2010 provides for a 1-year transitional period (until August 31, 2011) to comply with the new labeling requirements. New requirements relate to the indication in descending order of weight of feed materials in compound feed, claims, the establishment of a non-exhaustive "Catalog of Feed Materials" and "Codes of Good Labeling". Regulation 767/2009 covers feed materials, compound feed and medicated or dietetic feed for both food and non-food producing animals. For more information see GAIN report E50060 "EU Feed and Pet Food Labeling Requirements".

## Section VIII. Copyright and/or Trademark 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 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.

**Protected Geographical Indications**
On December 10, 2010 the European Commission presented a proposal on "Agricultural Product Quality Schemes". The proposal introduces a harmonized, simplified a shorter registration procedure for PDO's and PGI's and provides clarifications on intellectual property rights. The proposal covers agricultural products and foodstuffs but not wines and spirits which are covered by specific legislation. A timeline for the adoption of the proposal is not yet available.

## Section IX. Import Procedures:

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. Starting January 1, 2011, all traders involved in customs transactions have to 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. More detailed information is available on the DG Taxation & Customs website:
http://ec.europa.eu/ecip/security_amendment/index_en.htm.

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
North Galaxy
Koning Albert II laan 33
B - 1030 Brussels
Phone: +32 (0) 257 62111

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:

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

## 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)
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

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

| | |
|---|---|
| ECOCERT Belgium | BLIK vzw |
| Av. de l'Escrime 85 Schermlaan | Statiestraat 164a |
| B-1150 Bruxelles – Brussels | B-2600 Berchem |
| Tel: +32-(0)81-600377 | Tel: +32-(0)3-2873750 |
| Fax: +32-(0)81-600313 | Fax: +32-(0)3-2873751 |
| E-mail: info@ecocert.be | Email: info@blik.be |
| www.ecocert.be | www.blik.be |