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GAIN Report

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Belgian Decree Sets New Conditions for Plants in Food Supplements

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Report Highlights:

On February 10, 2017, Belgium published a revision of its lists of botanicals in the Belgian Official Journal. This major update increases the number of plants approved for use in food supplements with conditions of use including maximum levels and warning labels. The new decree foresees a 2-year transitional period for non-compliant products until February 20, 2019.

Belgian Decree Sets New Conditions for Plants in Food Supplements

Introduction

The European Union (EU) [Food Supplements Directive 2002/46/EC](#) only contains harmonized rules on labeling and authorized vitamins and minerals. Other substances such as botanicals are not regulated at EU-level and may be subject to the Member States' national legislation. Belgium has a long tradition in the use of plants in food supplements. Botanicals in Belgium are regulated since 1997 under a Royal Decree relating to the manufacture and trade in foods composed of or containing plants or plant preparations. Since then, the safety of more than 1000 plants and their parts has been assessed by the Belgian authorities. Exporters of food supplements containing botanicals tend to notify their products in Belgium first as obtaining a Belgian authorization opens the door to other Member States' markets under the mutual recognition principle. [GAIN report "Exporting food supplements to the European Union"](#) provides a detailed overview of EU-harmonized and non-harmonized rules.

Belgian Botanical Lists Update

On February 10, 2017, Belgium published a revision of its lists of botanicals for use in food and food supplements in the Belgian Official Journal. The Royal Decree, published in [French](#) and [Dutch](#), updates three lists:

- List of plants prohibited for use in food due to their toxicity
- List of edible mushrooms
- List of plants approved for use in food supplements, with conditions

This major update increases the number of plants approved for use in food supplements and sets conditions for their use including maximum levels. The new decree also introduces additional mandatory warning labels and specifies key points to be controlled in the production process for a number of plants. The decree entered into force on February 20, 2017, but foresees a 2-year transitional period for non-compliant food supplements that meet the conditions of the [previous decree](#). After February 20, 2019, all non-compliant food supplements must be withdrawn from the market.

The update of the Belgian botanical lists is the result of a co-operation between Belgium, France and Italy under the "BELFRIT" project. Under this project, the authorities of the three Member States developed a common approach for the evaluation of botanicals in order to compile a list of plants approved for use in food supplements. With the new decree, Belgium amends its negative and positive botanical lists by incorporating the BELFRIT list into its national legislation.

Notification System

EU Directive 2002/46/EC provides that Member States may establish a procedure to notify the competent authority before placing food supplements on the market. In Belgium, food supplements must be notified to the Federal Public Service (FPS) Health, Food Chain Safety and Environment via the [online notification system "FOODSUP"](#). The notification file should contain the following information:

- A complete qualitative and quantitative list of ingredients

- A nutritional analysis
- Data about the presence and non-toxicity of active substances
- Sample of the label/packaging

Food supplements that may be placed on the Belgian market receive a notification number composed as follows: NUT x/y, PL x/y, AS x/y, NUT/PL x/y, NUT/AS x/y, PL/AS x/y or NUT/PL/AS x/y.

- NUT: food supplements containing nutrients (vitamins and minerals)
- PL: food supplements containing plants
- AS: food supplements containing substances other than nutrients and plants
- X: company identification number
- Y: product identification number

This notification number serves as proof for consumers and other Member State authorities that the product is legally marketed in Belgium. The [list of notified products](#) can be consulted on the website of the FPS Health, Food Chain Safety and Environment.

Related Reports

- [Belgium Food and Agricultural Import Regulations and Standards \(FAIRS\)](#)
- [Exporting food supplements to the European Union](#)
- [EU-28 Food and Agricultural Import Regulations and Standards \(FAIRS\)](#)