

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/478/Add.5
30 July 1956

Limited Distribution

Original: French

MARKS OF ORIGIN

Submission of Laws and Regulations

The following statement has been received from the Government of Belgium:

BELGIUM

I

"The ministerial Decree of 18 March 1948 relating to the exportation, importation and preservation of eggs stipulates that 'each egg destined for export shall bear on the shell either the indication Belgica or the corresponding indication acceptable in the country of destination.'

"The ministerial Decree of 15 July 1955 modifying the ministerial Decree of 20 April 1953 relating to the export of witloof provides that 'the white waxed paper or the packing material of equivalent value which is substituted for it shall bear prominently and legibly on the part covering the upper layer of witloof the indication Belgique - België or the translation of Belgique into the language of the country of destination.'

"In addition I should recall the existence of Royal Decree No. 91 of 30 November 1939 (see II) prohibiting the importation, exportation and transit of foreign goods bearing marks or stampings calculated to lead to the belief that these goods have originated in Belgium.

"This Decree does not require indication of the country of origin to be placed on an imported product. Certain manufacturers and merchants, however, have goods manufactured abroad under their name or mark, entailing the risk that these goods might come under the stipulations of the above Decree. The manufacturers and merchants concerned, therefore, sometimes arrange for indication of the country of origin on these goods, to obviate this disadvantage."

II

Royal Decree No. 91 of 30 November 1939 prohibiting the importation, exportation and transit of foreign goods bearing marks or inscriptions calculated to lead to the belief that these goods have originated in Belgium.¹

Article 1. The importation, exportation and transit of foreign goods bearing marks or inscriptions calculated to lead to the belief that these goods have originated in Belgium are prohibited. Prohibition is applicable even when the said marks or inscriptions are affixed on the inner or outer packing of the products.

Article 2. Retention of these goods for commercial purposes, their display for sale and their sale shall also be prohibited.

Article 3. Apart from the officials and officers who by virtue of the laws in force are empowered to investigate and establish evidence of infringements of the laws and regulations concerning customs and excise matters, the following are charged with the establishment of evidence of infringements of the provisions of this decree:

Inspectors and controllers of internal trade, inspectors of industry and officers and inspectors of the judiciary and communal police and also gendarmes.

The reports drawn up by one of the officers empowered to that effect are valid in law until proof to the contrary is adduced; a copy is sent to the offender within forty-eight hours.

Article 4. The parties concerned are required to supply the officers indicated under Article 3 with all information and documents for the purpose of establishing the origin of goods.

¹ Report No. 91 to the King. The Act of 1 May 1939 confers upon Your Majesty the power to enact all requisite measures to regulate and control the protection of producers, distributors and consumers against all acts tending to distort normal competitive conditions. In this connexion, it has often been reported that foreign firms, either with a view to promoting the sale of their products on our market or even to promoting sales on a foreign market, endeavour to affix marks to their products calculated to confer on them Belgian origin. Our present legislation permits neither the establishment of evidence nor repression of these dishonest practices, although they are exercised during transportation of those products through our territory. With the object of checking these abnormal competitive methods we have the honour to submit this Decree for the approval of Your Majesty.

Article 5. Infringements of the prohibition laid down in Article 1 shall be punished, at the discretion of the Minister of Finance, in accordance with Articles 1 and 4 of the Act of 20 December 1897¹ relating to the suppression of fraud in connexion with the importation, export and transit of prohibited goods.

Under reservation, if need be, of the application of the severer penalties provided for under the Penal Code, the following shall be liable to imprisonment of from eight days to three months and to a fine of from 26 to 50,000 francs:

- (a) Those infringing the stipulations of Article 2;
- (b) Those placing obstacles in the way of the supervision exercised under Article 3;
- (c) Those refusing to supply the information and documents requested under Article 4 or who knowingly supply false information or false or inaccurate documents.

All the provisions of Book 1 of the Penal Code, including those contained in Chapter 7 and Article 85, shall be applicable to the infringements stipulated under this Decree.

¹ This Act has been replaced by Royal Decree No. 75, of 30 November 1939 instituting general customs regulations, and repealed by Article 168, para. 2, 17^o, of the same Royal Decree (Moniteur of 2 December 1939, p.8160. The date of entry into force of this Decree has not yet been fixed.

