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Netherlands

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 the Netherlands 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.

The Netherlands

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.

The Netherlands, 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 Dutch Food and Drugs Law is called “Warenwet”. This Warenwet provides the Dutch regulatory framework for all food and non-food products. It applies to domestically produced and imported products. Revisions of the Dutch Food and Drugs Law are published in the "Staatscourant". The Food and Drugs Law and revisions can be found on <http://wetten.overheid.nl/zoeken/>. At this website all other Dutch legislation can be found as well.

(NOTE: website is in Dutch).

The task of the Netherlands Food and Consumer Product Safety Authority (NVWA) is to protect human and animal health. It monitors food and consumer products to safeguard public health and animal health and welfare. The Authority controls the whole production chain, from raw materials and processing aids to end products and consumption. The NVWA is an independent agency in the Ministry of Economic Affairs and a delivery agency for the Ministry of Health, Welfare and Sport. The three main tasks of the NVWA are: supervision, risk assessment and risk communication.

The Netherlands Food and Consumer Product Safety Authority (Nederlandse Voedsel- en Warenautoriteit NVWA)

PO Box 43006

3540 AA Utrecht, the Netherlands

Phone: +31-(0)88-223 3333

Fax: +31-(0)88-223 3334

Email: info@vwa.nl

Website: www.nvwa.nl

The Plant Protection Service (PD) is the body within NVWA that is responsible for the phytosanitary inspections on imported products. An overview of plant products that are subject to inspection can be found at <http://www.vwa.nl/onderwerpen/meest-bezocht-a-z/dossier/import-plantmateriaal/certificaat-en-inspectieplichtige-producten-bij-import>.

The phytosanitary inspection tasks have been transferred to the following 4 inspection bodies (see Appendix II): NAK (Netherlands General Inspection Service for Agricultural Seeds and Seed potatoes), NAK-tuinbouw (Netherlands Inspection Service for Horticulture), BKD (Flower Bulb Inspection Service) and KCB (Quality Control Bureau for Vegetables and Fruit). These four agencies carry out import inspections to detect plant diseases, as well as quality control inspections on fruit and vegetables, <http://www.nvwa.nl/onderwerpen/meest-bezocht-a-z/dossier/import-plantmateriaal/importinspecties>. The Ministry of Economic Affairs retains ultimate responsibility for these matters.

Section II. Food Additive Regulations

C. Enzymes

The existing national provisions on the marketing of food enzymes (Warenwetbesluit Etikettering van Levensmiddelen, art. 7) 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 the Netherlands this is the ‘Warenwetbesluit Bereiding en Behandeling van Levensmiddelen and Warenwetregeling Extractiemiddelen’.

Section III. Pesticides and Contaminants

A. Pesticides

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.

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/netherlands1.htm> and www.nedvang.nl.

Nedvang
Postbus 8724
3009 AS Rotterdam
Phone: +31 (0)10 420 6161
Fax: +31 (0)10 420 1702
Email: info@nedvang.nl

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 the Netherlands:
Ministry of Health, Welfare and Sport - Nutrition, Health Protection and Prevention Department
Mr. Hidde Rang
PO Box 20350
NL-2500 EJ DEN HAAG
THE NETHERLANDS
Tel.: +31 (070) 340 54 63
Fax: +31 (070) 340 73 03
E-mail: h.rang@minvws.nl

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

Labeling has to be in Dutch, the official language of the Netherlands. Multi-language is allowed.

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.

-The date shall be preceded by the words:

‘Best before’

‘Best before end’

In the Netherlands:

‘Tenminste houdbaar tot’

‘Tenminste houdbaar tot
einde’

-The ‘use by’ date shall be preceded by the words:

‘Use by’

‘Te gebruiken tot’

-The date of freezing or the date of first freezing shall be preceded by the words:

‘Frozen on’

‘Ingevroren op’

13. Stick-on labels

The Netherlands accept stick-on labels.

14. Samples

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 the Netherlands. This process can be expensive and burdensome. An application form to ask for an exemption can be requested at:

The Food and Consumer Product Safety Authority, Division PRIMEX Department TVE Import
import@vwa.nl

Exceptions

At the Ministry of Economic Affairs an exception to the existing labeling regulations could be granted. The granting of an exception would however 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.

The Netherlands Food and Consumer Product Safety Authority (Nederlandse Voedsel- en Warenautoriteit NVWA)
PO Box 43006

3540 AA Utrecht, the Netherlands

Ms. Joke Sens

E-mail: joke.sens@vwa.nl

Notify via: <http://www.vwa.nl/onderwerpen/levensmiddelen/dossier/dieetvoeding-voor-medisch-gebruik/watmoeten-ondernemers-doen>

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 the Netherlands:

De Nederlandse Gezondheidsraad
Postbus 16052
2500 BB Den Haag
T: +31 (0)70-340 75 20
Email: info@gr.nl
www.gezondheidsraad.nl

Any foodstuff which has been treated with ionising radiation must bear one of the following indications:

- "doorstraald";
- "door straling behandeld";
- "met ioniserende straling behandeld"

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 the Netherlands:
Ministerie van Volksgezondheid, Welzijn en Sport
Directie Voeding, Gezondheidsbescherming en Preventie
Postbus 20350
2500 EJ Den Haag
Ms Anneke Sellis
Tel: +31.70.340.5916
Fax: +31.70.340.5554
E-mail: a.sellis@minvws.nl

Section VIII. Other Certification and Testing Requirements

A. Certification and Documentation Requirements

Composite products that have more than 50 percent of animal origin products require a certificate for composite products. Of those products, it is only possible to ship products that only contain dairy and egg products. For the latest accurate information, check with your Dutch importer or contact FAS in The Hague at +31-70-3102305 or PinckaersM@state.gov.

B. Inspections

In the Netherlands the NVWA is responsible for 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 the Netherlands to perform analysis can be found at the following internet link, www.rva.nl. Different laboratories are accredited for the different type of controls.

Dutch Accreditation Council (RVA)
P.O. Box 2768
3500 GT Utrecht, the Netherlands
T: +31 (0)30 23 94 500
F: +31 (0)30 23 94 539
postmaster@rva.nl

Section IX. Import Procedures

C. Import Duties

Information on the Netherlands customs authorities can be found at

http://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/belastingdienst/douane_voor_bedrijven/index.html.

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 trade. 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:
Belastingdienst Douane Regio Rotterdam Rijnmond Team Bindende Tariefinlichtingen
Postbus 3070, 6401 DN Heerlen, the Netherlands.

A list of VAT rates applicable in the Netherlands can be found at:

http://ec.europa.eu/taxation_customs/resources/documents/taxation/vat/how_vat_works/rates/vat_rates_en.pdf.

A list of excise duties applicable on alcoholic beverages and tobacco can be found at

http://ec.europa.eu/taxation_customs/taxation/excise_duties/alcoholic_beverages/rates/index_en.htm and

http://ec.europa.eu/comm/taxation_customs/taxation/excise_duties/tobacco_products/rates/index_en.htm respectively.

The Import Process:

- **Pre-announcement:** by Common (Veterinary) Entry Document (CVED or CED), issued by the 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 Economic Affairs and Ministry of Finance;
- **Identity Check:** to ascertain that the products correspond to the information given in the accompanying certificates or documents. All veterinary goods undergo an Identity Check. The ID check is conducted by comparing the seal number of the container with the seal number mentioned on the Health Certificate. If no seal number is mentioned on the Health Certificate, the veterinary authorities will need to open the shipment to conduct the Identity Check.
- **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 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.

www.boip.int

www.bmm.nl

Appendix I. Government Regulatory Agency Contacts

Ministry of Economic Affairs

P.O. Box 20401

2500 EK The Hague, The Netherlands

Phone: +31 (0)70 378 6868

<http://www.rijksoverheid.nl/ministeries/ez>

<http://www.rijksoverheid.nl/themas/landbouw-natuur-en-voedsel>

Ministry of Health, Welfare and Sport

P.O. Box 20350

2500 EJ The Hague, The Netherlands

Phone: +31 (0)70 340 7911

www.minvws.nl

The Netherlands Food and Consumer Product Safety Authority (Nederlandse Voedsel- en Warenautoriteit NVWA)

PO Box 43006

3540 AA Utrecht, the Netherlands

Phone: +31-(0)88-223 3333

Email: info@vwa.nl

Website: www.nvwa.nl

Appendix II. Phytosanitary Inspections

BKD

Zwartelaan 2, 2161 AL, Lisse

P.O. Box 300, 2160 AH, Lisse

+31 (0)252 41 91 01

info@bkd.eu

www.bkd.eu

KCB

Platinaweg 10, 2544 EZ, The Hague

PO Box 43133, 2504 AC, The Hague

+31 (0)70 30 88 00 0

kcb@kcb.nl

www.kcb.nl

NAK

Randweg 14, 8304 AS, Emmeloord

P.O. Box 1115, 8300 BC, Emmeloord

+ 31 (0)527 63 54 00

nak@nak.nl

www.nak.nl

NAKTuinbouw

Sotaweg 22

P.O. Box 40, 2370 AA, Roelofarendsveen

+31 (0)71 332 62 62

www.naktuinbouw.nl