

Required Report - public distribution

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## **Netherlands Antilles**

### **Food and Agricultural Import Regulations and Standards - Narrative**

### **FAIRS Country Report**

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**Report Highlights:**

"Sections(s) Updated: Section I, V, VIII & IX and Appendix I.

Much the same as Aruba, the Netherlands Antilles are receptive toward U.S. products. U.S. standards for food and agricultural products are fully accepted. Import licenses and permits are not required although standard health certificates are required for imports of plant and animal products. U.S. exports of agricultural products to the Netherlands Antilles generally clear customs quite quickly and without obstacles.

**Section I. Food Laws:**

Note: This report was prepared for the Caribbean Basin Agricultural Trade Office of the

USDA/Foreign Agricultural Service in Miami, Florida, for U.S. exporters of domestic food and agricultural products. While every possible care was taken in preparation 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 IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF THE PRODUCT ENTRY.

The Netherlands Antilles (Curaçao, Bonaire, Sint Maarten, St. Eustatius, and Saba) is an autonomous country within the Kingdom of the Netherlands. Given its multiple island nature, there are two layers of government. The first is the Government of the Netherlands Antilles, which covers all five islands. Below it is a second layer, comprised of local governments for each individual island. Complicating matters to some degree, is the fact that the islands are presently moving to dissolve the Netherlands Antilles per se, and change their status within the Kingdom. The larger and more developed islands of Curaçao and Sint Maarten are seeking autonomy from the Netherlands, similar to the current status of Aruba, while the smaller islands of Bonaire, St. Eustatius and Saba are to become public entities (municipalities) of the Netherlands. This transition, which has been several years in the making, is tentatively set to begin on January 1, 2010. Therefore, changes in the regulatory structure of these islands, which have yet to be fully worked out, are expected. Until then, the major regulatory contacts for imported foods are listed in Appendix I.

In general, the Netherlands Antilles are a wide open market for U.S. food products. There are no major restrictions in place which affect trade of U.S. products in any significant way. The principal law governing food imports into the Netherlands Antilles is Food Law-334 of 1997.

### **Section II. Labeling Requirements:**

The Netherlands Antilles sources a large share of its food imports from the United States and thus fully accepts U.S. labels. No additional labeling requirements are placed on U.S. products.

### **Section III. Packaging and Container Regulations:**

The Netherlands Antilles has no major regulations dealing with food packaging that restrict trade of U.S. products in any way.

### **Section IV. Food Additives Regulations:**

The Netherlands Antilles tends to follow European standards on food additives. To date, no problems are reported with U.S. products in this regard.

### **Section V. Pesticides and Other Contaminants:**

Legislation dealing with pesticide use (Decree 116) dates back to 1961. The Government of the Netherlands Antilles is developing some amendments to the legislation in order to modernize it but these have yet to be approved. Currently, all pesticides must be registered with the Inspectorate of Public Health of the Ministry of Public Health and Social Affairs (See Appendix I for contact information). The Inspectorate of Public Health maintains a list prohibited pesticides but does not have its own maximum residue limits for pesticides and other contaminants in food products. For this it relies on internationally accepted Codex standards and/or U.S. guidance.

## **Section VI. Other Regulations and Requirements:**

Products are not required to be registered or laboratory tested at the time. Product samples shipped via express mail or parcel post are subject only to import regulations (i.e. customs duty). The addressee is responsible for the duty on sample and mail order shipments. Exporters should ensure that the addressee is informed of and agrees to accept the pending shipment to avoid it being returned at the cost of the exporter. Products may be monitored at the retail/wholesale level, but for the most part enforcement is carried out at the port of entry.

## **Section VII. Other Specific Standards:**

U.S. exporters should be aware that plant products (i.e. fresh produce) require a phytosanitary export certificate and meat products and other animal products require a health certificate from the country of origin.

## **Section VIII. Copyright and/or Trademark Laws:**

The Bureau of Intellectual Property of the Netherlands Antilles is the agency designated by law to enable right holders to exercise their intellectual property rights adequately and in accordance with national and international standards. The Bureau carries out the National Trademark Ordinance (National Gazette 1996, No. 188), the National Trademark Decree (National Gazette 2000, No. 147), the Patents Act of the Kingdom of the Netherlands, and the Copyright Ordinance as well. Trademark registration is a rather simple procedure and is normally carried out by an agent authorized by the Bureau. Registration affords trademark protection for a 10 year period and is renewable for indeterminate periods of 10 years. To carry out a search of registered trademarks and to obtain a list of authorized agents, U.S. companies can contact the Bureau (See Appendix I for complete contact information).

## **Section IX. Import Procedures:**

Customs clearance is done by the importer or Customs broker. Upon presentation of normal import documentation (commercial invoice, bill of lading, phytosanitary or health certificate where required, and Customs declaration), the shipment is reviewed and if accepted it is entered into the Customs Department electronic system. Duty is paid directly to the Customs Department.

The length of time for clearance depends on variable factors, such as, the number of container ships arriving at the same time, how quickly they can be unloaded and when they are transported to the importer. Perishable goods have priority and usually are cleared within one day. Dry goods can be cleared within 2-3 days. The customs inspection is efficient and well-managed. Sint Maarten, Sint Eustatius, and Saba are duty-free markets.

## **Appendix I. Government Regulatory Agency Contacts:**

**FOR CUSTOMS PROCEDURES AND TARIFFS, CONTACT:**

### Netherlands Antilles Government

Customs & Excise Department of the Netherlands Antilles

Sha Caprileskade / Handelskade

Curaçao, Netherlands Antilles

Tel: 011 (599-9) 434-5300, 5357

Fax: 011 (599-9) 461-6557, 465-5544

Bonaire  
Customs Department  
Bonaire  
T: 011 (599) 717-8206, 717-8299  
F: 011 (599) 717-4632

*\* Sint Maarten, Sint Eustatius, and Saba are duty-free markets and thus there are no customs duties assessed on imports.*

FOR INTELLECTUAL PROPERTY ISSUES, CONTACT:

Netherlands Antilles  
Bureau for Intellectual Property of the Netherlands Antilles  
Berg Carmelweg 10-A  
Willemstad, Curaçao  
Netherlands Antilles  
Tel: 011 (599-9) 465-7800  
Fax: 011 (599-9) 465-7815  
E-mail: [bipantil@curinfo.an](mailto:bipantil@curinfo.an)  
Website: [www.bureau-intellectual-property.an/default.asp](http://www.bureau-intellectual-property.an/default.asp)

The above website is provided for the readers' convenience; USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in such website.

In the windward islands of the Netherlands Antilles, contact:

Monique A. Brown-James, Esq  
Lolita Euson Road  
Cherry Tree  
Sint Eustatius  
Netherlands Antilles  
Telefax: 011 (599) 318-2356  
E-mail: [brownmojani@hotmail.com](mailto:brownmojani@hotmail.com)

FOR FOOD IMPORT REGULATIONS, CONTACT:

Netherlands Antilles Government  
Inspectorate of Public Health  
Ministry of Public Health and Social Affairs of the Netherlands Antilles  
Willemstad, Curacao  
Tel: 011 (599-9) 466-9366, 466-9362  
TeleFax: 011 (599-9) 466-9367

For specific types of products such as meats and plant products, the Government of the Netherlands

Antilles may defer regulatory control to local island government regulatory agencies. Following is a list of local island regulatory contacts.

Curacao

Veterinary Service Curacao (Meat and animal products)  
Abattoirweg 15  
Curacao, Netherlands Antilles  
Tel: 011 (599-9) 461-4000  
Fax: 011 (599-9) 461-1014  
Email: [vetdcur@onenet.an](mailto:vetdcur@onenet.an)

Dept. of Agriculture, Animal Husbandry & Fisheries (Plant products)  
Tel: 011 (599-9) 737-0288  
Fax: 011 (599-9) 737-0723

Public Health Service (Foods, except meats)  
Tel: 011 (599-9) 432-5800  
Fax: 011 (599-9) 432-5818

Sint Maarten

Hygiene & Veterinary Department (All types of food imports – plants,  
meats, processed products, etc.)  
Diamond Casino Building 2nd Floor, Vineyards  
Philipsburg, Sint Maarten  
Tel: 011 (599) 542-2079, 542-2059  
Fax: 011 (599) 542-2936  
E-mail: [hygvvet@sintmaarten.net](mailto:hygvvet@sintmaarten.net)

Sint Eustatius

Department of Health (All types of food imports)  
Tel: 011 (599) 318-2891  
Fax: 011 (599) 318-2796

Saba

Public Health Department (All types of food imports)  
Tel: 011 (599) 416-3288  
Fax : 011 (599) 416-3239  
E-mail: [statiadocs@hotmail.com](mailto:statiadocs@hotmail.com)

Bonaire

Agriculture Department (All types of food imports)  
Bonaire  
Tel: 011 (599) 717-8836  
Fax: 011 (599) 717-8809

**Appendix II. Other Import Specialist Contacts:**

U.S. Consulate General to the Netherlands Antilles and Aruba  
P.O. Box 158, J.B. Gorsiraweg 1  
Willemstad, Curacao  
Tel: 011 (599-9) 461-3066  
Fax: 011 (599-9) 461-6489  
Email: [acscuracao@state.gov](mailto:acscuracao@state.gov)

Sarah Hanson, Director  
E-mail: [sarah.hanson@fas.usda.gov](mailto:sarah.hanson@fas.usda.gov)  
U.S. Department of Agriculture  
Omar González, Ag Marketing Specialist  
E-mail: [omar.gonzalez@fas.usda.gov](mailto:omar.gonzalez@fas.usda.gov)

Graciela Juelle, Ag. Marketing Assistant  
E-mail: [grace.juelle@fas.usda.gov](mailto:grace.juelle@fas.usda.gov)  
Website: [www.cbato.fas.usda.gov](http://www.cbato.fas.usda.gov)