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Netherlands

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

This report is an addendum to the EU FAIRS report – E16060. It lists the Dutch import regulations and standards that are not harmonized within the EU or where the Netherlands varies with the EU standards. All sections of this report were updated.

Section I. General Food Laws	2
Section II. Food Additive Regulations	3
Section III. Pesticides and Other Contaminants	3
Section IV. Packaging and Container Requirements	4
Section V. Labeling Requirements	4
Section VI. Other Specific Standards	5
Section VII. Facility and Product Registration Requirements	6
Section VIII. Other Certification and Testing Requirements	7
Section IX. Import Procedures	7
Section X. Copyright and/or Trademark Laws	8
Appendix I. Government Regulatory Key Agency Contacts	8

DISCLAIMER:

While every possible care was taken in the preparation of this report, the information provided may not be completely accurate because policies may have changed since its preparation, or because clear and consistent information about these policies was not available at the time. It is highly recommended that U.S. exporters verify the full set of import requirements with their Dutch 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 Dutch rules and regulations as interpreted by border officials at the time of product entry.

This report was prepared by FAS The Hague and lists the Dutch import regulations and standards that are not harmonized within the EU or where the Netherlands varies with the EU standards. The report should be read in conjunction with the EU Food and Agricultural Import Regulations and Standards (FAIRS) – Country Report written by the U.S. Mission to the EU (GAIN E16060). FAS The Hague recommends to also read the Netherlands Food and Agricultural Import Regulations and Standards (FAIRS) – Certification Report (GAIN NL6041).

Reportedly, around 98 percent of food legislation is harmonized at the EU level. Imported products must meet existing Dutch requirement in cases where EU regulatory harmonization is not yet complete or absent. U.S. exporters should be aware that products not covered by EU-harmonized food law may be subject to Dutch rules. National measures still exists for enzymes, processing aids, packaging waste management, food contact materials, choice of language, fortified foods and irradiated foodstuffs.

Section I. General Food Laws

The Netherlands

As a member of the EU, the Netherlands 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. 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. Unless otherwise specified, all of the references are linked to legislation in the Dutch language. If you need further assistance, please contact FAS The Hague (AGTheHague@fas.usda.gov).

The Netherlands Food and Consumer Product Safety Authority, or NVWA, is the name of the Dutch food safety authority. Its task is to protect human and animal health. The NVWA monitors food and consumer products to

safeguard public health and animal health and welfare. It also 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 Authority are: supervision, risk assessment and risk communication. More detailed information on the NVWA can be found on their [website](#).

NVWA
PO Box 43006, 3540 AA Utrecht, the Netherlands
Phone: +31 88 223 3333
Email: info@nvwa.nl
Website: www.nvwa.nl

Section II. Food Additive Regulations

C. Enzymes

The existing [provisions](#) in the Netherlands on the marketing of food enzymes will continue to apply until the adoption of an EU positive list of authorized enzymes. In addition, there are [restrictions on the use of enzymes in meal and bread](#). [Guidance documents](#) on the use of enzymes can be found on the European Commission's website http://ec.europa.eu/food/safety/food_improvement_agents/enzymes/eu_rules_en.

The competent authority and point of contact:
Ministry of Health, Welfare and Sport
Mr. Hidde Rang
PO Box 20350, 2500 EJ The Hague, the Netherlands
Phone: +31 70 340 5463
E-mail: h.rang@minvws.nl

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 that are subject to Dutch legislation can be found in the '[Warenwetbesluit Bereiding en Behandeling van Levensmiddelen](#)' and '[Warenwetregeling Extractiemiddelen](#)'.

The competent authority and point of contact:
Ministry of Health, Welfare and Sport
Mr. Hidde Rang
PO Box 20350, 2500 EJ The Hague, the Netherlands
Phone: +31 70 340 5463
E-mail: h.rang@minvws.nl

Section III. Pesticides and Other Contaminants

A. Pesticides

[EU Regulation 1107/2009](#) sets out rules for the authorization of plant protection products. For the authorization/withdrawal of plant protection products, the EU is divided into three zones. 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 (see Annex I to 5 regulation 1107/2009).

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). More information can be found on the website of the Dutch Packaging Waste Fund (Afvalfonds Verpakkingen)

<http://www.afvalfondsverpakkingen.nl/fileadmin/downloads/Summary.pdf> and <http://www.pro-e.org/netherlands1.htm>.

C. Material in contact with food stuffs

The 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.

The Dutch legislation can be requested by reaching out to below point of contact:

Ministry of Health, Welfare and Sport

Mr. Hidde Rang

PO Box 20350, 2500 EJ The Hague, the Netherlands

Phone: +31 70 340 5463

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. On December 13, 2014, the EU's new "Food Information to Consumers (FIC)" regulation 1169/2011 became applicable to all pre-packaged food and drink products marketed in the EU, including those imported from non-EU countries. The mandatory nutrition declaration requirement introduced by the new FIC regulation became applicable on December 13, 2016. More information can be found on the following website, <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/>.

4. Language requirements

Dutch is the official language of the Netherlands. Labels have to be in Dutch. Additional languages on the labels are 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'

-The 'use by' date shall be preceded by the words:

'Use by'

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

'Frozen on''

In Dutch:

'Tenminste houdbaar tot'

'Tenminste houdbaar tot

einde'

'Te gebruiken tot'

'Ingevroren op'

14. Trans fats

Denmark, Austria, Hungary and Latvia have set national legal limits on industrially produced trans fats in foods. In the Netherlands, the food industry and the Ministry of Health signed a voluntary agreement to further reduce the levels of salt, trans fats and calories in food products.

15. Use of stickers

Packaged food products from the United States are often imported with a standard U.S. label and relabeled in the Netherlands in order to meet the Dutch labeling requirements. Stick-on labels are accepted in the Netherlands.

16. 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 shipped to the Netherlands. An application form for an import exemption can be requested by sending an email to import@vwa.nl.

The point of contact:

Dutch Food and Consumer Product Safety Authority (NVWA)
Division V&I / Dept. TO / Team Import-Export
PO Box 43006, 3540 AA, Utrecht, the Netherlands
Phone: +31 88 223 33 33
Email: import@vwa.nl

Section VI. Other Specific Standards

A. Novel foods

The Novel Foods Unit of the Dutch Medicines Evaluation Board (MEB) supports the Dutch Ministry of Health, Welfare and Sport in the evaluation of novel foods. There are two application procedures for a novel food and should be filed for:

- Authorisation is granted if the novel food cannot be regarded as substantially equivalent to an existing food or a food that has already been approved.
- Notification is granted if the product is substantially equivalent to an existing food or to a food that has already been approved.

An official application for marketing authorisation for a novel food must be submitted to both the European Commission in Brussels and the competent authority in the Netherlands, the Ministry of Health, Welfare and Sport. On request of this Ministry, the MEB's Novel Foods Unit assesses the food safety of the product scientifically. The Novel Foods Unit performs its tasks together with an independent panel of experts: the Committee on the Safety Assessment of Novel Foods (VNV). More detailed information on this matter can be found at <https://english.cbq-meb.nl/human/novel-foods>.

The point of contact in the Netherlands is:

Ministry of Health, Welfare and Sport
Ms. A.I. Vilorio Alebesque
PO Box 20350, 2500 EJ The Hague, the Netherlands
Phone: +31 70 340 6482
Email: ai.viloria@minvws.nl

D. Fortified foods

EU Regulation 1925/2006 sets out harmonized rules on the addition of vitamins and minerals to food. However, maximum permitted levels of vitamins and minerals are not yet harmonized and still subject to Member States'

national rules. In the Netherlands, these national rules are regulated in the Dutch Decision [Warenwetbesluit toevoeging micro-voedingsstoffen aan levensmiddelen](#).

The point of contact in the Netherlands is:
Ministry of Health, Welfare and Sport
Ms. Anneke Sellis
PO Box 20350, 2500 EJ The Hague, the Netherlands
Phone: +31 70 340 5916
E-mail: a.sellis@minvws.nl

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. When the requirements in the Dutch Decision [Warenwetbesluit Doorstraalde Waren](#) are met, it is possible to import irradiated food products from the United States into the Netherlands. The main requirements are that the treatment must have taken place at an EU approved facility and that each shipment must include the name and address of this approved facility.

If products, treated with ionising radiation, are sold as items, the words ‘irradiated’ or ‘treated with ionising radiation’ shall appear on the label.

In Dutch:

In the Netherlands the label should mention ‘doorstraald’, ‘door straling behandeld’ or ‘met ioniserende straling behandeld’.

The point of contact in the Netherlands is:
Ministry of Health, Welfare and Sport
Mr. Hidde Rang
PO Box 20350, 2500 EJ The Hague, the Netherlands
Phone: +31 70 340 5463
E-mail: h.rang@minvws.nl

Section VII. Facility and Product Registration Requirements

B. Product registration

The introduction of special use foodstuffs 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 point of contact in the Netherlands:
Ministry of Health, Welfare and Sport
Ms. Anneke Sellis
PO Box 20350, 2500 EJ The Hague, the Netherlands
Phone: +31 70 340 5916
E-mail: a.sellis@minvws.nl

Section VIII. Other Certification and Testing Requirements

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

website of the Dutch Accreditation Council, <https://www.rva.nl/en/accredited-organisations/all-accredited-bodies>. Different laboratories are accredited for the different type of controls.

Dutch Accreditation Council (RVA)
P.O. Box 2768, 3500 GT Utrecht, the Netherlands
Phone: +31 30 2394 500
Email: postmaster@rva.nl
Website: <https://www.rva.nl/en>

Section IX. Import Procedures

Animals and products are brought in from countries all over the world into the European Union. To prevent the introduction of animal diseases and to protect the market from public health risks, the European Commission set out detailed regulations. On this basis the Dutch NVWA performs checks on:

- **live animals** (such as horses, chicks and ornamental fish) and products of animal origin (such as meat, fish, wildlife, and animal feed): More detailed information on the import procedure of animals and products of animal origin can be found on the following websites <https://english.nvwa.nl/topics/themes/animal-health> and <https://www.nvwa.nl/onderwerpen/import-van-dieren-en-producten-van-dierlijke-oorsprong>.
- **food stuffs** (such as vegetables, dried fruits, spices, nuts and seeds): More detailed information on the import procedure of food stuffs can be found <https://english.nvwa.nl/topics/themes/food-safety> and <https://www.nvwa.nl/onderwerpen/import-van-levensmiddelen-en-consumentenproducten>.
- **plant products**: Veterinary checks are applicable to some plant products, especially hay and straw. These products may only be imported from certain countries. More detailed information on the import procedure of plant products can be found <https://english.nvwa.nl/topics/themes/plant-health> and <https://www.nvwa.nl/onderwerpen/import-planten-groenten-fruit-plantaardige-producten>.

The CITES regulations (CITES: Convention on International Trade in Endangered Species of wild flora and fauna) are, in addition to the national and EU legislation, applicable on the import of live animals, animal products, food and plant products into the Netherlands.

Below is an overview of the possible checks:

- **Documentary check**: This is an 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**: This is to ascertain that the products correspond to the information given in the accompanying certificates or documents. All veterinary goods undergo an Identity check and this 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**: This is a check on the product itself to verify compliance with the food or feed law.

When the NVWA decides to detain a shipment, it will draw up an [official notification](#) which will be sent to the freight forwarder. This notification will mention the reason why this shipment was detained and what needs to be done in order to release it. If the NVWA **plans to reject** a shipment it will draw up this [notification](#); if the NVWA **has decided to reject** a shipment it will draw up this [notification](#). Additional information can be found [here](#).

Obtaining the product's commodity code:

In the Netherlands it is possible to obtain Binding Tariff Information (BTI) by contacting the Tax Office and completing the [application form](#). This service is advisable for more complex food products, as it involves closer consideration of the product's composite ingredients and is legally binding.

Tax Office
Belastingdienst Douane
Regio Rotterdam Rijnmond
Team Bindende Tariefinlichtingen
Postbus 3070, 6401 DN Heerlen, the Netherlands
Phone: +31 88 153 4414

Section X. Copyright and/or Trademark Laws**A. Trademarks**

The Netherlands' Office for Intellectual Property is the official government body responsible for granting patents, designs, trademarks and copyright. Exporters wanting to register trademarks/brand names are advised to contact:

The Office for Intellectual Property
Bordewijklaan 15, 2591 XR The Hague, the Netherlands
Phone: +31 70 349 1111
Website: www.boip.int

More detailed information on trademarks can be found [here](#).

Appendix I. Government Regulatory Key Agency Contacts

Ministry of Economic Affairs
PO Box 20401, 2500 EK The Hague, the Netherlands
Phone: +31 70 379 8911
Website: <http://www.rijksoverheid.nl/ministeries/ez>
Website: <https://www.rijksoverheid.nl/onderwerpen/landbouw-en-tuinbouw>

Ministry of Health, Welfare and Sport
PO Box 20350, 2500 EJ The Hague, the Netherlands
Phone: +31 70 340 7911
Website: <https://www.rijksoverheid.nl/ministeries/ministerie-van-volksgezondheid-welzijn-en-sport>

Ministry of Finance
Korte Voorhout 7, 2511 CW The Hague, the Netherlands
Phone: +31 70 342 8000
Website: <https://www.rijksoverheid.nl/ministeries/ministerie-van-financien>

The Netherlands Food and Consumer Product Safety Authority (NVWA)
PO Box 43006, 3540 AA Utrecht, the Netherlands
Phone: +31 88 223 3333
Email: info@nvwa.nl
Website: www.nvwa.nl