

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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Required Report - public distribution

**Date:** 9/18/2009

**GAIN Report Number:** NL9020

## Netherlands

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

### FAIRS Country Report

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**Report Highlights:**

This report gives U.S. exporters an overview of food laws in force in the Netherlands. For EU harmonized regulations the report refers to the website of the U.S. Mission to the EU, <http://www.useu.be/agri> and GAIN Report E49058. All sections are updated

**Section I. Food Laws:**

EU legislation is made up of Directives and Regulations which must be translated into the 23 official languages in use in the EU-27. Directives define the result that must be achieved but leave to each Member State the choice of form and methods to transpose the directive into national laws (usually within 2-3 years after adoption). Regulations are binding

in their entirety and automatically enter into force on a set date in all Member States. Amendments to EU legislation are usually published in new and separate Directives and Regulations.

A Decision is binding entirely on those to whom it is addressed. No national implementing legislation is required. A Recommendation has no binding effect as it is not a law.

#### **Harmonization with the EU**

<http://useu.usmission.gov/agri/harmonization.html>

The Netherlands, as a member of the EU, conforms to all EU regulations and directives. **This report therefore should be read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) for the EU written by the U.S. Mission to the EU in Brussels, Belgium. For more information, please go to [www.useu.be/agri](http://www.useu.be/agri).**

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; there may be temporary waivers or exemptions and in certain cases there may be room for interpretation of EU harmonized legislation or aspects, which are not regulated in detail at EU level, and may be handled differently in different member states.

#### **The Netherlands**

The Dutch Food and Drugs Law is called "Warenwet." This Warenwet provides the Dutch regulatory framework for all food and non-food products. It is applicable 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>. At this website all other Dutch legislation can be found as well. (NOTE: website is in Dutch).

The task of the Food and Consumer Product Safety Authority (VWA) is to protect human and animal health. It monitors food and consumer products to safeguard public health and animal health and welfare. The VWA is an independent agency in the Ministry of Agriculture, Nature and Food Quality and a delivery agency for the Ministry of Health, Welfare and Sport.

The Dutch Food and Consumer Product Safety Authority (VWA)

P.O. Box 19506

2500 CM The Hague, the Netherlands

Phone: +31-(0)70-4484848

Fax: +31-(0)70-4484747

[www.vwa.nl](http://www.vwa.nl)

[info@vwa.nl](mailto:info@vwa.nl)

The Plant Protection service (PD) is the body within the Dutch Ministry of Agriculture 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.minlnv.nl/portal/page?\\_afz=116,1640321&\\_afz=portal&\\_afz=PORTAL&\\_afz=file\\_id=15774](http://www.minlnv.nl/portal/page?_afz=116,1640321&_afz=portal&_afz=PORTAL&_afz=file_id=15774).

This website is updated regularly. For more information or questions for the PD, contact:

Plantenziektenkundige Dienst (PD)

Geertjesweg 15

Postbus 9102

6706 EA Wageningen

Phone: +31 (0)317-496911

Fax: +31 (0)317-421701

[pd.info@minlnv.nl](mailto:pd.info@minlnv.nl)

[www.minlnv.nl/pd](http://www.minlnv.nl/pd)

Since September 1, 2007, the Ministry of Agriculture, Nature and Food Quality transferred the inspection tasks of its PD to the following 4 inspection bodies (see Appendix III): 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. The Minister of Agriculture, Nature and Food Quality retains ultimate responsibility for these matters.

## Section II. Labeling Requirements:

### A. General requirements

In the Netherlands, the labeling requirements have been laid down in the *Warenwetbesluit etikettering van levensmiddelen* and can be found at <http://wetten.overheid.nl>. The Netherlands follows EU legislation. For more detailed information, the reader may refer to the Dutch legislation, which is given in italics next to each item.

### Compulsory information:

Description: *Warenwetbesluit Etikettering van Levensmiddelen, art. 4*

List of ingredients: *Warenwetbesluit Etikettering van Levensmiddelen, art. 6*

Allergens: *Warenwetbesluit Etikettering van Levensmiddelen*

Net quantity: *Warenwetbesluit Etikettering van Levensmiddelen, art. 11*

Shelf-life: *Warenwetbesluit Etikettering van Levensmiddelen, art. 16 and art. 17*

For a shelf-life up to 3 month after the date of production	Tenminste houdbaar tot (best before)  Day, Month, (Year)
For a shelf-life between 3 and 18 months	Tenminste houdbaar tot einde (best before end)  Month, year
For a shelf-life longer than 18 months	Tenminste houdbaar tot einde (best before end)  Year
For Highly perishable foodstuffs	Te gebruiken tot (use by)  Day, Month, (Year)  In addition to the date, the instructions for storage have to be mentioned as well

Name and address: *Warenwetbesluit Etikettering van Levensmiddelen, art. 19*

Place of origin: *Warenwetbesluit Etikettering van Levensmiddelen, art. 20*

Instructions for storage and/or use: *Warenwetbesluit Etikettering van Levensmiddelen, art. 16 and art. 17*

Percentage of alcohol: *Warenwetbesluit Etikettering van Levensmiddelen, art. 21*

Lot marking: *Warenwetbesluit Etikettering van Levensmiddelen, art. 22*

**Additives:** *Warenwetbesluit Etikettering van Levensmiddelen, art. 7*

**Quinine and caffeine:**

*Warenwetbesluit bereiding en behandeling van levensmiddelen in verband met de etikettering van levensmiddelen met kinine en cafeïne*

**Phytosterols & Phytostanols:**

[Commission Regulation 608/2004](#) lays down labeling requirements for foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and phytostanol esters (used to reduce cholesterol levels).

**Quantitative Ingredients Declaration (QUID):**

*Warenwetbesluit Etikettering van Levensmiddelen, art. 10*

**Warning on labels:**

[Commission Directive 2008/5/EC](#) establishes a list of foodstuffs that require a warning on the label:

- foodstuffs whose durability has been extended by means of packaging gases
- foodstuffs containing (a) sweetener(s)
- foodstuffs containing added sugar(s) and sweetener(s)
- foodstuffs containing aspartame
- foodstuffs containing more than 10% added polyols
- confectionery or beverages containing liquorice

As of July 20, 2010, [Regulation 1333/2008](#) (see section IV) requires foodstuffs containing the food colors sunset yellow (E110), quinoline yellow (E104), carmoisine (E122), allura red (E129) and ponceau 4R (E124) to be labeled “may have an adverse effect on activity and attention in children”. Food placed on the market or labeled before July 20, 2010, which do not comply with this provision may be marketed until their date of minimum durability or use-by-date.

**Language requirements:**

*Warenwetbesluit Etikettering van Levensmiddelen, art. 23*

**Stick-on labels:**

*Warenwetbesluit Etikettering van Levensmiddelen, art. 24*

**Samples:**

*Warenwetbesluit Etikettering van Levensmiddelen, art. 1*

**Institutional packed products:**

*Warenwetbesluit Etikettering van Levensmiddelen, art. 24*

**Exceptions:**

Only the Federal Minister of Agriculture can grant an exception to the existing labeling regulations. The granting of an exception would be very rare.

**B. Medical/Health/Nutrition Claims**

The development of nutrient profiles, originally scheduled for January 2009, is being delayed until September 2009. Once the nutrient profiles, based on scientific evaluations by the European Food Safety Authority (EFSA), have been set, there will be another two-year period before the nutrient profiles begin to apply to allow food operators time to comply with the new rules. Nutrition claims can fail one criterion, i.e. if only one nutrient (salt, sugar or fat) exceeds the limit of the profile, a claim can still be made provided the high level of that particular nutrient is clearly marked on the label. For example, a yogurt can make a low-fat claim even if it has a high sugar content but only if the label clearly states "high sugar content". Health claims cannot fail any criteria.

New products on the EU market must respect the conditions for using nutrition claims set out in detail in the Annex of Regulation 1924/2006. Products already labeled or on the market before January 2007 may remain on the market with the old labels until January 2010. From 2010, only nutrition claims included in the Annex will be allowed.

A list of well-established health function claims such as "calcium is good for your bones" will be established by January 2010, based on Member States' lists of health claims already approved at national level. Disease risk reduction claims were previously not allowed in the EU which means that there is no transitional period for such claims. Disease risk reduction claims and claims referring to the health and development of children will require an authorization on a case-by-case basis, following the submission of a scientific dossier to EFSA. Health claims based on new scientific data will have to be submitted to EFSA for evaluation but a simplified authorization procedure has been established. [GAIN Report E48055](#) describes how application dossiers for authorization of health claims should be prepared and presented. A guidance document on how companies can apply for health claim authorizations can be downloaded from EFSA's website at [http://www.efsa.europa.eu/EFSA/ScientificPanels/NDA/efsa\\_locale-1178620753812\\_1178684448831.htm](http://www.efsa.europa.eu/EFSA/ScientificPanels/NDA/efsa_locale-1178620753812_1178684448831.htm).

Trade marks and brand names that suggest health and/or nutritional benefits but do not comply with the new rules must be entirely removed from the EU market within 15 years.

For the approval of claims, U.S. exporters and/or Dutch importers can send the text (claim) to:

KOAG/KAG

Postbus 90445,

1006 BK Amsterdam, the Netherlands

Phone: +31-(0)20-7130720

Fax: +31-(0)20-7130721

Email: [keuringsraad@koagkag.nl](mailto:keuringsraad@koagkag.nl)

www.koagkag.nl. (Code voor de Aanprijzing van Gezondheids-producten)

### **Requirements specific to nutritional labeling**

In October 2008, Council Directive 90/496/EEC was amended by [Commission Directive 2008/100/EC](#). Commission Directive 2008/100/EC updates the list of vitamins and minerals and their Recommended Daily Allowances (RDAs) and provides an EU definition of “fiber”. The conditions for the use of nutrition claims such as “source of fiber” or “high fiber” are laid down in Regulation 1924/2006 (see nutrition and health claims).

*Warenwetbesluit Voedingswaarde-informatie Levensmiddelen, § 2. voedingswaarde etikettering*

### **C. Product-Specific Labeling**

See Section VII

### **D. Country of Origin labeling**

In the EU, country of origin labeling is mandatory for beef and veal, fruit and vegetables, eggs, poultry meat, wine, honey, olive oil, aquaculture products and organic products (as of 2010). For other products, the indication of the place of origin or provenance is mandatory only if the omission of such information might mislead the consumer.

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

### **A. Pack sizes**

Directive 2007/45/EC abolishes regulations on mandatory pack sizes at both EU and national levels. The Directive frees sizes for all prepackaged products except wine and spirits, coffee and white sugar. Member States in which mandatory nominal quantities are prescribed for milk, butter, dried pasta and coffee may maintain their restrictive rules until October 2012. The rules for white sugar may be maintained until October 2013. Mandatory nominal quantities for wines and spirits are set out in the Annex to Directive 2007/45/EC

*Warenbesluit containers*

### **C. Material in contact with food stuffs**

[Commission Regulation 450/2009](#) sets out definitions and authorization procedures for the use of active and intelligent materials and articles intended to come into contact with food.

[Commission Regulation 2023/2006](#) lays down rules on good manufacturing practice (GMP) for the groups of materials and articles intended to come into contact with food listed in annex I to Regulation 1935/2004.

Exporters are advised to verify if a Member State follows EU provisions as Member States are allowed to authorize provisionally the use of certain substances not listed in one of the specific directives. They may also restrict or temporarily prohibit the use of certain materials authorized by the specific directives for reasons of public health. A summary of national legislation can be downloaded from the European Commission website at

[http://ec.europa.eu/food/food/chemicalsafety/foodcontact/sum\\_nat\\_legis\\_en.pdf](http://ec.europa.eu/food/food/chemicalsafety/foodcontact/sum_nat_legis_en.pdf).

*Warenwetbesluit Verpakkingen en Gebruiksartikelen*

*Verpakkingsverordening productschap dranken 2003*

*Regeling Verpakkingen- en Gebruiksartikelen*

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

In December 2008, the proposal for a legislative “Package on food Improvement Agents” was adopted. The package includes four new regulations: [Regulation 1331/2008](#) establishing a common authorization procedure for food additives, food enzymes and food flavorings, [Regulation 1332/2008 on food enzymes](#), [Regulation 1333/2008 on food additives](#) and [Regulation 1334/2008 on flavorings](#).

### **Additives:**

New [Regulation 1333/2008 on food additives](#) brings the current miscellaneous additives directive and the directives on colors and sweeteners into one regulation and will apply as of January 20, 2010 (except for the transitional provisions). It provides for the establishment of an EU positive list, conditions of use and rules on the of additives sold

as such.

Additives that are permitted under the existing directives will be entered in the EU positive list of authorized additives (Annex II to Regulation 1333/2008) after a review of their compliance with the new provisions. This review should be completed by January 2011. Until the completion of the review, the use of food additives permitted under the current directives will continue to be permitted. An important difference from U.S. legislation is the use of flour bleaching agents: chlorine, bromates and peroxides are not allowed in the EU.

#### *Warenwetbesluit Levensmiddelenadditieven*

All additives not included on these positive lists are prohibited except for new food additives that receive a temporary authorization by Member States. Throughout the years there have been only a few food additives temporarily authorized by The Netherlands. The VWA can be contacted on temporary authorizations, see Appendix I.

#### **Labeling requirements for additives:**

The addition of a new food additive to the EU positive list is a lengthy process. However, any Member State can allow the domestic use of a new food additive on their territory for a two-year period. The Ministers of Health, Welfare and Sports, of Agriculture, Nature and Food Quality, and of Economic Affairs can approve this. To request two-year authorization for marketing of a new additive, contact:

The VWA  
P.O. Box 19506  
2500 CM The Hague, The Netherlands  
Phone: +31-(0)70-4484848  
Fax: +31-(0)70-4484747  
[www.vwa.nl](http://www.vwa.nl)  
[info@vwa.nl](mailto:info@vwa.nl)

#### **Flavorings:**

[Regulation 1334/2008](#) on flavorings and certain food ingredients with flavoring properties updates the current legislation and sets specific rules for the use of the term “natural”. The EU positive list of authorized flavorings has to be adopted at the latest by December 31, 2010. The new rules will apply as of January 20, 2011.

#### **Enzymes:**

Regulation 1332/2008 on food enzymes introduces harmonized rules for their scientific evaluation and authorization in the EU and establishes labeling requirements. Until the adoption of an EU positive list of authorized enzymes, the existing national provisions on the marketing of food enzymes will continue to apply.

#### **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](#).

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

#### **Pesticides:**

The legislation on pesticides and contaminants is partially harmonized in the EU. Enforcement of both EU and remaining Member State rules is done at the Member State level.

The marketing and use of plant protection products is regulated by [Council Directive 91/414/EEC](#). This Directive provides for the establishment of an EU positive list of active substances. Active substances are being reviewed under this Directive and may only be used in plant protection products when they are included in the positive list. Only products containing substances included in the positive list may be authorized for use in the EU. The currently ongoing legislative initiatives in the area of pesticides are resulting in a drastic reduction of the number of active substances, and maximum residue levels (MRLs) are being harmonized throughout the EU.

On September 1, 2008, framework [Regulation 396/2005](#) on maximum levels of pesticides in or on food and feed of plant

and animal origin became fully applicable replacing old Directives 86/362/EEC, 86/363/EEC and 90/642/EEC.

#### **Contaminants:**

EU wide harmonized maximum levels for contaminants are set in the Annex of [Commission Regulation 1881/2006](#). Commission Decision 2006/504/EC sets special conditions for the import of foodstuffs from certain third countries due to contamination risks by aflatoxins. An update of the Commission's "[Guidance document for competent authorities for the control of compliance with EU legislation on aflatoxins](#)" was published in March 2009. Commission Decision 2007/563/EC, an amendment to Decision 2006/504/EC, sets special conditions for the import of U.S. almonds into the EU. The decision applies to almonds in shell or shelled, roasted almonds, and mixtures of nuts or dried fruits containing almonds, and foodstuffs containing a significant amount of almonds (at least 10 percent). Official Member States controls are carried out on approximately 5 percent of consignments of foodstuffs which are covered by the "Voluntary Aflatoxin Sampling Plan" (VASP) and to each consignment of foodstuffs not covered by the VASP. More information is available on the [Almond Board of California's website](#).

#### **Official Controls of Maximum Levels in Foodstuffs:**

The following regulations concern the sampling methods and methods of analysis for the official controls of the levels of the different contaminants. Annex I describes the methods of sampling; Annex II concerns the sample preparation and the performance criteria for the methods of analysis:

Nitrates: [Commission Regulation 1882/2006](#)

Mycotoxins: [Commission Regulation 401/2006](#)

Dioxins: [Commission Regulation 1883/2006](#)

Heavy metals: [Commission Regulation 333/2007](#)

#### **Residues in Animals and Animal Product:**

The monitoring of residues in animals and animal products is addressed separately in [Council Directive 96/23/EC](#). This directive includes the monitoring of the above-mentioned pesticide residues but includes also the monitoring of residues of veterinary drugs and a wide range of other contaminants and undesired substances such as residues of growth promotants. The prohibition of the use of hormones in meat production is addressed in [Council Directive 96/22/EEC](#) (amended by [Directive 2008/97/EC](#)).

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

### **Product inspection and registration**

Member States are responsible for carrying out inspections on a regular basis and in cases where non-compliance is suspected. Products can be checked at import or at all further stages of marketing. Infringements of EU food and feed legislation are reported through the Rapid Alert System on Food and Feeds (RASFF). In the Netherlands the VWA and the PD are responsible for the 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](http://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](mailto:postmaster@rva.nl)

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

### **C. Fortified foods**

[Regulation 1925/2006](#) establishes an EU-wide regulatory framework for the addition of vitamins, minerals and certain other substances such as herbal extracts to foods. It lists the vitamins and minerals that may be added to foods and sets

criteria for setting maximum and minimum levels. The Commission proposal setting minimum and maximum levels, originally scheduled for January 2009, is being delayed until the end of 2009. The use of vitamins and minerals not included in the annexes to Regulation 1925/2006 is not allowed. However, Member States may under certain conditions provide for a temporary derogation (until January 19, 2014) for vitamins and minerals not included in the annexes. Foods not complying with the new rules may be marketed until December 31, 2009, if they were put on the market or labeled before July 1, 2007 (date of entry into force of the regulation).

#### **D. Dietetic or special use foods**

*Warenwetbesluit Producten voor Bijzondere Voeding*

New framework [Directive 2009/39/EC](#) consolidates Directive 89/398/EEC and all its amendments into a single text and lays down rules for foodstuffs intended for particular nutritional uses. These are foodstuffs which, due to their special composition or manufacturing process, can clearly be distinguished from foodstuffs for normal consumption. [Commission Directive 2001/15/EC](#) lists the chemical substances in each category of nutritional substances (vitamins, minerals and amino acids) that may be added for specific nutritional purposes in foodstuffs for particular nutritional uses.

Specific directives on foods and beverages for sports people or on foods intended for diabetics are still subject to Member State legislation. The introduction of foodstuffs intended for particular nutritional uses for which no specific rules are set must be notified to the Member State where the food is sold. The competent authority for the Netherlands is:

Food and Consumer Product Safety Authority (VWA)  
P.O. Box 19506  
NL - 2500 CM The Hague, The Netherlands  
Mrs. Yvonne Huigen  
Tel: + 31 70 448 4806  
Fax: + 31 70 448 4061  
E-mail: [yvonne.huigen@vwa.nl](mailto:yvonne.huigen@vwa.nl)

#### **F. Wine, Beer and other Alcoholic beverages**

[Council Regulation 479/2008](#) reorganizes the way the EU wine market is managed. It establishes general rules, applicable as of August 1, 2009, on oenological practices, designations of origin and labeling. Measures for the adoption of Regulation 479/2008 were published on July 24, 2009 (Official Journal L 193).

[Commission Regulation 606/2009](#) lays down detailed rules for implementing Regulation 479/2008 as regards permitted oenological practices. Annex I A sets out the oenological practices authorized in the EU and the conditions for their use. For experimental purposes, Member States may authorize the use of certain oenological practices not provided for in the relevant EU regulations for a maximum of three years. Annex I B sets out the maximum allowed sulphur dioxide contents: 150 mg per liter for red wines, 200 mg per liter for white and rosé wines.

[Commission Regulation 607/2009](#) lays down detailed rules for implementing:

- Chapter IV of Title III of Regulation 479/2009 relating to protected designations of origin and geographical indications
- Chapter V of Title III of Regulation 479/2008 relating to traditional terms
- Chapter VI of Title III of Regulation 479/2008 relating to the labeling and presentation of wine sector products.

#### **G. Organic foods**

[Council Regulation 834/2007](#) lays down a new legal framework for organic production and the labeling of organic products. Title IV of this new regulation lays down general rules for the labeling of organic products; Title VI covers trade with third countries. [Commission Regulation 889/2008](#) lays down detailed rules for the implementation of Regulation 834/2007 with regard to production, labeling and control. The use of an EU organic logo will become mandatory for products produced in the EU but will be optional for organic products from third countries. However, due to “technical” problems with the design, the use of a new EU organic logo will be delayed until July 2010. Regulation

834/2007 entered into force on January 1, 2009 and repeals Council Regulation 2092/91. The new EU rules on organic food labeling are explained in [GAIN report E48106](#).

[Commission Regulation 1235/2008](#) lays down rules for the implementation of Regulation 834/2007 as regards the arrangements for imports of organic products from third countries. In order to export organic products to the EU, third countries must prove that their production standards are equivalent to the EU standards. For third countries currently not included in the EU's equivalency list, such as the U.S., the Commission will compile a list of recognized control bodies and control authorities. To be included in the EU list, U.S. control bodies/authorities must submit a technical dossier. The Commission will only consider complete dossiers submitted before October 31, 2011. To avoid trade disruptions, Regulation 1235/2008 establishes transitional rules allowing Member States, until January 1, 2013, to continue to grant authorizations to importers of U.S. organic products on a case-by-case basis. Authorizations will expire at the latest 24 months after the publication of the first list of control bodies/authorities. Shipments of organic products must be accompanied by the model certificate established by Regulation 1235/2008.

While organic standards have been set at the EU level, implementation and enforcement of the regulation is the responsibility of the individual member states. This member state responsibility also extends to imports of organic products. For the importation of organic products from outside the EU, the Dutch importer needs an import certificate and an import authorization. The import certificate is issued by Skal\* while the import authorization is issued by Dienst Regelingen\*\*, the executive body of the Ministry of agriculture.

\* SKAL

P.O. Box 384  
8000 AJ Zwolle, Netherlands  
Ph: +31 (0)38 426 8181  
Fax: +31 (0)38 421 3063  
info@skal.nl  
www.skal.nl

\*\*Dienst Regelingen

P.O. Box 965  
6040 AZ Roermond, the Netherlands  
Phone: +31 (0)475 355 444  
Fax: +31 (0)475 318 939

### **M. Seafood**

Detailed information on exporting U.S. seafood to the EU is available in the 2009 update of the "How to export seafood to the European Union" guide which can be downloaded from [http://useu.usmission.gov/agri/\\_private/How%20to%20export%20seafood%202009.pdf](http://useu.usmission.gov/agri/_private/How%20to%20export%20seafood%202009.pdf).

### **N. Pet Food**

The current EU rules (detailed information available on the U.S. mission to the EU website) which are scattered over a series of directives and regulations have a direct impact on the production and marketing of pet food. In June 2009, a new framework regulation was adopted which will replace the existing rules and implement labeling and marketing rules in a more uniform way. Labeling rules will be similar to those for food for human consumption, i.e. ingredients must be listed in descending order of weight. If the presence of a certain feed material is emphasized, its exact percentage by weight must be indicated. The new regulation has not been published yet in the Official Journal but will probably enter into force in the beginning of 2010.

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

### **Copyright**

The Netherlands and the U.S. are both members of the Universal Copyright Convention of Geneva. As a consequence, works by U.S. authors, copyrighted in the U.S., are also protected in the Netherlands.

### **Trademarks**

[Council Regulation 207/2009](#) lays down rules for the registration of Community trademarks. It creates a single, unitary registration system covering the whole Community.

In practice, a Community trademark must meet two conditions: it must be a sign which can be represented in graphic form, and it must make it possible to distinguish goods and services from those of another company. It is valid for a period of 10 years. Applications for registering Community trademarks under these regulations may be filed with the Alicante, Spain, based Office of Harmonization for the Internal Market, subject to the fees set out in Commission Regulation 2869/95, or at a national industrial property office in a Member State of the European Union.

On completion of the registration procedure, the trademark is registered in the Register of Community trademarks.

The Community Trademark did not replace the existing trademark laws of the member states but co-exists alongside national trademarks. [Directive 2008/95/EC](#) approximates the laws of the Member States relating to 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)70-3491111.

In the Benelux countries, an international trademark can also be registered, as regulated by the Treaty of Madrid. This trademark offers protection to all nine EU countries that signed the convention.

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

Council Regulation 2913/92 establishes the Community Customs Code. Commission Regulation 2454/93 lays down provisions for the implementation of the Code. The Code lists all the customs procedures applicable to the trade in goods with third countries. Import duties are determined by the tariff classification of goods and by the customs value. With the implementation of the Code, the Member States of the European Union form a customs union which means that all the Member States apply the same tariff on goods imported from outside the EU. Once an imported good is cleared in one Member State, it can move freely throughout the EU.

The EU uses the Combined Nomenclature (CN) for the customs classification of goods. The CN eight digit code numbers are based on the Harmonized System (HS) nomenclature: the first six digits refer to the HS headings; the two following digits represent the CN subheadings. The EU's on-line customs database can be consulted to look up commodity codes and relevant import duties: [http://ec.europa.eu/taxation\\_customs/dds/tarhome\\_en.htm](http://ec.europa.eu/taxation_customs/dds/tarhome_en.htm)

It is also 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 import. 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](http://ec.europa.eu/taxation_customs/customs/customs_duties/tariff_aspects/classification_goods/index_en.htm)

A list of customs authorities can be found at: [http://ec.europa.eu/taxation\\_customs/common/links/customs/index\\_en.htm](http://ec.europa.eu/taxation_customs/common/links/customs/index_en.htm)

The customs value of a good is the CIF price at the European border derived from the product price found on the invoice and the transportation costs reflected in the airway bill or the bill of lading.

Goods are only released after payment of the import duty and other taxes that may be due. Duties payable on goods imported into the EU may include:

- import duty (expressed as ad valorem tariffs or specific tariffs per unit weight/volume/number of pieces)
- additional duties on flour and sugar (processed products)
- entry price (fruit and vegetables)
- environmental taxes - not harmonized
- inspection fees - not harmonized
- Value Added Tax (VAT) - not harmonized

- excise duties (alcohol and tobacco) - not harmonized

A list of VAT rates applicable in the different Member States can be found on the Internet at:

[http://ec.europa.eu/taxation\\_customs/taxation/vat/consumers/vat\\_rates/index\\_en.htm](http://ec.europa.eu/taxation_customs/taxation/vat/consumers/vat_rates/index_en.htm)

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

Other customs procedures described in detail in the Code include entry into free zones, situations where no import duty is payable: e.g. the inward processing regime, under which goods can be imported for processing but the finished product must be exported from the Community market. The Code also provides for a two-stage right of appeal lodged in the Member State where a decision has been taken or applied for: in the first instance to the customs authority, then to the national courts.

Proposal: The [modernised Community Customs Code](#) (Regulation (EC) 450/2008) simplifies legislation and streamlines customs process and procedures for the benefit of both customs authorities and traders. Furthermore, the modernised Customs Code

- Introduces the electronic lodging of customs declarations and accompanying documents as the rule;

- Promotes the concept of centralised clearance, under which authorised traders are able to declare goods electronically and pay their customs duties at the place where they are established, irrespective of the Member State through which the goods are brought in or out of the EU customs territory or in which they will be consumed.

- Offers a basis for the development of the Single Window and one-stop-shop concepts. Under the Single Window concept, economic operators provide information for import and export, required by customs and non-customs legislation, in a simple and efficient way - through a single entry point - even if the information should reach different administrations/agencies. Consequently, the controls on goods for various purposes can be performed at the same time and at the same place ('one-stop-shop' concept). It is not yet fully applicable due to several transition derogations.

More information on the Dutch customs offices can be obtained at: <http://www.belastingdienst.nl/9229237/v/e-index.htm>

Customs provides information of imports from which the VWA selects the lots for further inspection. Regulation 2004/882/EC sets out the standards for control of compliance with the General Food Law.

More information about the Dutch import regulations and standards can be obtained by contacting FAS/The Hague:

Marcel Pinckaers  
Office of Agricultural Affairs  
U.S. Embassy  
Lange Voorhout 102  
2514 EJ The Hague, The Netherlands  
Tel: +31-(0)70-3102299  
Fax: +31-(0)70-3657681  
Email: [agthehague@fas.usda.gov](mailto:agthehague@fas.usda.gov)  
[www.usembassy.nl/fas.html](http://www.usembassy.nl/fas.html)

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

1) Ministry of Agriculture, Nature and Food Quality

PO Box 20401

2500 EK The Hague, The Netherlands

Phone: +31 (0)70 378 6868

[www.minlnv.nl](http://www.minlnv.nl)

2) Ministry of Health, Welfare and Sport

PO Box 20350  
2500 EJ The Hague, The Netherlands  
Phone: +31 (0)70 340 7911  
[www.minvws.nl](http://www.minvws.nl)

3) The Dutch Food and Consumer Product Safety Authority (VWA)  
P.O. Box 19506  
2500 CM The Hague, The Netherlands  
Phone: +31-(0)70-4484848  
Fax: +31-(0)70-4484747  
[www.vwa.nl](http://www.vwa.nl)  
[info@vwa.nl](mailto:info@vwa.nl)

4) Plantenziektkundige Dienst (PD)  
Ministry Agriculture, Nature and Food Quality Geertjesweg 15  
Postbus 9102  
6700 HC Wageningen  
Phone: +31-(0)317-496911  
Fax: +31-(0)317-421701  
[www.minlnv.nl/pd](http://www.minlnv.nl/pd)

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

1) Stichting Skal  
P.O. Box 384  
8000 AJ Zwolle, Netherlands  
Ph: +31 (0)38 426 8181  
Fax: +31 (0)38 421 3063  
[info@skal.nl](mailto:info@skal.nl)  
[www.skal.nl](http://www.skal.nl)

2) Netherlands Association for the trade in dried fruit, spices and allied products  
Ms. Barbara Niemans  
Bezuidenhoutseweg 82  
2594 AX The Hague, The Netherlands  
Phone: +31 (0)70 383 3011  
Fax: +31 (0)70 347 5253  
[secretariaat@nzv-org.nl](mailto:secretariaat@nzv-org.nl)  
[www.zuidvruchten.nl](http://www.zuidvruchten.nl)

3) Frugi Venta  
Netherlands Association for the trade in fresh fruit and vegetables  
Bezuidenhoutseweg 82  
2594 AX The Hague  
PO Box 90410  
2509 LK The Hague  
Phone: +31 (0)70 33 55 010  
Fax: +31 (0)70 33 55 020  
[info@frugiventa.nl](mailto:info@frugiventa.nl)  
[www.frugiventa.nl](http://www.frugiventa.nl)

4) Productschappencommissie Levensmiddelen Wetgeving  
Christine Rommens

Stadhoudersplantsoen 12  
PO Box 2502 LS The Hague  
Phone: +31 (0)70 370 8502  
Fax: +31 (0)70 370 8444  
[c.rommens@hpa.agro.nl](mailto:c.rommens@hpa.agro.nl)  
[www.hpa.nl](http://www.hpa.nl)

## **PHYTOSANITARY INSPECTIONS**

### **BKD**

Zwartelaan 2, 2161 AL, Lisse  
P.O. Box 300, 2160 AH, Lisse  
+31 (0)252 41 91 01  
+31 (0)252 41 78 56  
[info@bkd.eu](mailto:info@bkd.eu)  
[www.bkd.eu](http://www.bkd.eu)

### **KCB**

Platinaweg 10, 2544 EZ, The Hague  
PO Box 43133, 2504 AC, The Hague  
+31 (0)70 30 88 00 0  
+31 (0)70 30 88 00 1  
[kcb@kcb.nl](mailto:kcb@kcb.nl)  
[www.kcb.nl](http://www.kcb.nl)

### **NAK**

Randweg 14, 8304 AS, Emmeloord  
P.O. Box 1115, 8300 BC, Emmeloord  
+ 31 (0)527 63 54 00  
+ 31 (0)527 63 54 11  
[nak@nak.nl](mailto:nak@nak.nl)  
[www.nak.nl](http://www.nak.nl)

### **NAKTuinbouw**

Sotaweg 22  
PO BOx 40, 2370 AA, Roelofarendsveen  
+31 (0)71 332 62 62  
+31 (0)71 332 63 63  
[www.naktuinbouw.nl](http://www.naktuinbouw.nl)