

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Required Report - public distribution

Date: 11/9/2010

GAIN Report Number:

Netherlands Antilles

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

On October 10, 2010, the Netherlands Antilles was dissolved in favor of a new political arrangement which gives the larger and more developed islands of Curaçao and Sint Maarten greater autonomy, while redefining the three smaller islands as Dutch municipalities. In practice, this political restructuring of the Dutch Caribbean is not expected to have any significant impact on U.S. trade. While some shuffling of responsibilities among regulatory agencies is underway, all five islands of the former Netherlands Antilles remain quite import-friendly to U.S. suppliers.

NOTE: For purposes of this report, the term “Dutch Caribbean” refers to the islands of the former

Netherlands Antilles (Curaçao, Bonaire, Sint Maarten, Sint Eustatius and Saba). For information on Aruba's food and agricultural import regulations and standards, refer to our 2010 FAIRS country report for Aruba.

Section I. Food Laws:

This report was prepared by 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.

Following several years of referendums, negotiations and legislative changes, on October 10, 2010, the five-island Dutch territory known as the Netherlands Antilles, ceased to exist. The two main islands, Curaçao and Sint Maarten, are now autonomous countries within the Kingdom of the Netherlands, with status similar to that of Aruba. The remaining three islands, Bonaire, St. Eustatius (also known as Statia) and Saba, are now public entities (municipalities) of the Netherlands. The dissolution of the Government of the Netherlands Antilles has brought about several structural changes which, among other things, means that the individual governments of Curaçao and Sint Maarten have assumed full responsibility for regulating their imports of food and agricultural products. As a practical matter, both countries have adopted the provisions in the Netherlands Antilles Food Law 334 of 1997 into their national law.

The new municipalities of the Netherlands (Bonaire, Sint Eustatius, and Saba) are expected to remain import friendly when it comes to U.S. products, and this political restructuring of the Dutch Caribbean is not expected to have any significant impact on U.S. trade. U.S. exporters to these municipalities will want to monitor through their importers the possible adoption of Dutch laws or regulations.

Section II. Labeling Requirements:

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

Section IV. Food Additives Regulations:

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

Section V. Pesticides and Other Contaminants:

Legislation dealing with pesticide use (Decree 116) dates back to 1961 and has been adopted into country law by both Curaçao and Sint Maarten. Currently, all pesticides must be registered with the Inspectorate of Health, Environment & Nature in Curaçao and with the Inspectorate Department of Public Health in Sint Maarten (See Appendix I for contact information). Both Inspectorates maintain a list of prohibited pesticides but do not have their own maximum residue limits for pesticides and other contaminants in food products. For this they rely 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. Product samples shipped via express mail or parcel post are subject only to a 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:

No special import permits or licenses are required. However, 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 has now become the Bureau of Intellectual Property of Curaçao. The agency enables right holders to exercise their intellectual property rights in both Curaçao and Sint Maarten 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 periods of 10 years. To carry out a search of registered trademarks and to obtain a list of authorized agents and registration fees, U.S. companies can contact the Bureau (See Appendix I for complete contact information).

The Benelux Office for Intellectual Property (BOIP), based in The Hague, is responsible for the implementation of the new Trademarks Act for Bonaire, St. Eustatius and Saba. Registration with BOIP also 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 and registration fees, U.S. companies can contact the BOIP (See Appendix I for complete contact information).

It is worth noting that registrations made previously with the Bureau of Intellectual Property of the Netherlands Antilles will remain current throughout the Dutch Caribbean until their expiration. They may then be renewed with either Bureau or both.

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. With the dissolution of the Netherlands Antilles, separate customs departments are now in place for Curaçao and Sint Maarten. Bonaire, Saba and Sint Eustatius are one customs area of The Netherlands, with a head office in Bonaire. Contact information for the different customs offices is provided in Appendix I.

Currently Sint Maarten, Sint Eustatius, and Saba are duty-free markets. However, beginning on January 1, 2011, new Dutch legislation will come into effect which will effectively place a 6 percent duty on practically all imports in Saba and Sint Eustatius and an 8 percent duty for practically all imports in Bonaire. Sint Maarten will remain duty-free.

Appendix I. Government Regulatory Agency Contacts:
FOR CUSTOMS PROCEDURES AND TARIFFS, CONTACT:

Curaçao

Customs & Excise Department
Sha Caprileskade / Handelskade
Curaçao
T: 011 (599-9) 434-5300, 5357
F: 011 (599-9) 461-6557, 465-5544

Sint Maarten

Customs Department
Philipsburg, Sint Maarten
T: 011 (599) 542-1000
F: 011 (599) 542-1001

Bonaire, Sint Eustatius & Saba

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

FOR INTELLECTUAL PROPERTY ISSUES, CONTACT:

Curaçao & Sint Maarten

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
Website*: www.bureau-intellectual-property.an/default.asp

Saba, St. Eustatius & Bonaire
Benelux Office for Intellectual Property
P.O. Box 90404
NL-2509 LK The Hague
The Netherlands
T: 011 (31 70) 349-1222
F: 011 (31 70) 347-5708
E-mail: trademarks@caribie.nl
Website*: www.caribie.nl/en

** The above websites are 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 websites.*

FOR FOOD IMPORT REGULATIONS, CONTACT:

Curaçao Inspectorate of Health, Environment & Nature
Ministry of Health, Environment & Nature
Willemstad, Curacao
Tel: 011 (599-9) 466-9366, 466-9362
TeleFax: 011 (599-9) 466-9367

Veterinary Service Curaçao (Meat and animal products)
Ministry of Health, Environment & Nature
Abattoirweg 15
Willemstad, Curaçao
Tel: 011 (599-9) 461-4000
Fax: 011 (599-9) 461-1014
Email: vetdcur@onenet.an

Dept. of Agriculture, Animal Husbandry & Fisheries (Plant products)
Ministry of Health, Environment & Nature
Willemstad, Curaçao
Tel: 011 (599-9) 737-0288
Fax: 011 (599-9) 737-0723

Sint Maarten

Inspectorate Department of Public Health
Ministry of Public Health, Labor & Welfare (Processed food imports)
Diamond Casino Building 2nd Floor, Vineyards
Philipsburg, Sint Maarten
Tel: 011 (599) 542-2079, 542-2059
Fax: 011 (599) 542-2936
E-mail: hygvet@sintmaarten.net

Department of Agriculture* (Animal & plant products)
Ministry of Economic Affairs
Diamond Casino Building 2nd Floor, Vineyards
Philipsburg, Sint Maarten
Tel: 011 (599) 542-2079
Fax: 011 (599) 542-2936
E-mail: hygvet@sintmaarten.net

** The Department of Agriculture is being created and staffed from the Inspectorate Department of Public Health. In the future, they will have separate contact information. However, in the interim they can be contacted through the Inspectorate Department of Public Health.*

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

Bonaire

Agriculture Department (All types of food imports)
Bonaire
Tel: 011 (599) 717-8836
Fax: 011 (599) 717-8809
E-mail: lvv@bonairelife.com

Appendix II. Other Import Specialist Contacts:

U.S. Consulate General Curaçao*
P.O. Box 158, J.B. Gorsiraweg 1
Willemstad, Curaçao
Tel: 011 (599-9) 461-3066

Fax: 011 (599-9) 461-6489

Email: infocuracao@state.gov

**Covers all islands of the Dutch Caribbean (Curaçao, Bonaire, Sint Maarten, Saba, and Sint Eustatius) and Aruba.*

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