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GAIN Report

Global Agricultural Information Network

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Netherlands

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

All sections were updated. 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 in Brussels, Belgium, GAIN E60080. The report focuses on the import regulations and standards that are not harmonized in the EU or where the Netherlands varies. Also the EU Regulations that were published in 2011 and measures that went into force in 2011 are detailed in this report.

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 in Brussels, Belgium, GAIN E57011.

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 customers, who are normally best equipped 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 1. 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

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; 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, may be handled differently in different member states.

The Netherlands

The Dutch Food and Drug 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/zoeken/>. 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 (NVWA) is to protect human and animal health. It monitors food and consumer products to safeguard public health and animal health and welfare. The NVWA is an independent agency in the Ministry of Economic Affairs, Agriculture and Innovation (EL&I) and a delivery agency for the Ministry of Health, Welfare and Sport (WVS).

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

Head office:

Catharijnesingel 59

3511 GG Utrecht, the Netherlands

PO Box 8433

3503 RK Utrecht, the Netherlands

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

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

www.vwa.nl

info@vwa.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/bedrijven-en-instellingen/branche/importeurs-planten-en-plantaardig-materiaal>

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

NVWA's National Plantenziektenkundige Dienst (PD)

Geertjesweg 15

Postbus 9102

6706 EA Wageningen

Phone: +31 (0)317-496911

Fax: +31 (0)317-421701

pd.info@minlnv.nl

www.vwa.nl

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. The Minister of Economic Affairs, Agriculture and Innovation retains ultimate responsibility for these matters.

The Food and Consumer Product Safety Authority (VWA), Plant Protection Service (PD) and General Inspection Service (AID) have merged their activities and are officially named the Nederlandse Voedsel- en Warenautoriteit (NVWA) as of January 1st, 2012.

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>. Since the Netherlands follows EU legislation, standard U.S. labels fail to comply with Netherlands labeling requirements. For more detailed information, the reader may refer to the Dutch legislation, which is given in italics next to each item.

Compulsory information:

Name/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*

Date of minimum durability: *Warenwetbesluit Etikettering van Levensmiddelen, art. 16 and 17*

	In the Netherlands:
For a shelf-life up to 3 month after the date of	Tenminste houdbaar tot

production	(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

Instructions for storage and/or use: *Warenwetbesluit Etikettering van Levensmiddelen, art. 17 and art. 18*

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

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

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

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

Treatments: see Section VII

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

Flavorings: *Warenwetbesluit Etikettering van Levensmiddelen, art. 7 + Warenwetbesluit Aroma's*

Quinine and caffeine:

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

Phytosterols & Phytosterols:

Warenwetbesluit Etikettering van Levensmiddelen, art. 2.3

Verordening inzake de etikettering van voedingsmiddelen en voedsel ingrediënten met toegevoegde fytosterolen, fytosterolesters, fytostanolen en/of fytostanolesters

Quantitative Ingredients Declaration (QUID):

Warenwetbesluit Etikettering van Levensmiddelen, art. 10

General guidelines have been drawn up to help Member States and industry organizations implement the principle of QUID. A copy of these guidelines can be downloaded from the European Commission's website at http://ec.europa.eu/food/fs/fl/fl02_en.pdf.

Warning on labels:

Warenwetbesluit Azo-kleurstoffen

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".

Any non-edible parts of a packaging system that consumers could mistake for food must be labeled with the words "DO NOT EAT" and where technically possible carry the warning symbol established by Annex I of Regulation 450/2009.

Language requirements:

Warenwetbesluit Etikettering van Levensmiddelen, art. 23

Stick-on labels:

Warenwetbesluit Etikettering van Levensmiddelen, art. 24.1

The Netherlands accept stick-on labels.

Samples:

Warenwetbesluit Etikettering van Levensmiddelen, art. 1

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. 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

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 however be very rare.

B. Medical/Health/Nutrition Claims

Trademarks 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 by January 19, 2022.

Point of contact in the Netherlands:

KOAG/KAG

Postbus 90445,

1006 BK Amsterdam, the Netherlands

Phone: +31-(0)20-7130720

Fax: +31-(0)20-7130721

Email: keuringsraad@koagkag.nl

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

Requirements specific to nutritional labeling

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 for organic products carrying the EU logo. 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.

On October 25, 2011, a new EU regulation on the provision of food information to consumers was adopted. The new regulation, European Parliament and Council Regulation 1169/2011, was published in Official Journal L 304 on November 22, 2011. The new EU labeling requirements will apply from December 13, 2014 except for the mandatory nutrition declaration which will apply from December 13, 2016. Detailed information on the new labeling rules is provided in the GAIN Report E70002 The new EU food labeling rules published.

Section III. Packaging and Container Requirements

A. Size and Content

Warenbesluit containers

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.

B. Packaging waste management

Besluit beheer verpakkingen en papier en karton

The Netherlands introduced in this context NEDVANG, more information can be found on www.nedvang.nl.

C. Material in contact with food stuffs

Warenwetbesluit Verpakkingen en Gebruiksartikelen

Verpakkingsverordening productschap dranken 2003

To date, specific directives have been developed for plastic materials (Commission Regulation 10/2011), recycled plastic materials (Commission Regulation 282/2008), regenerated cellulose film (Commission Directive 2007/42/EC) and ceramics (Council Directive 84/500/EC).

Commission Implementing Regulation 321/2011 restricts the use of Bisphenol A in plastic infant feeding bottles.

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.

Point of contact in the Netherlands:

Ministry of Health, Welfare and Sport (WVS)

PO Box 20350

2500 EJ The Hague, The Netherlands

Phone: +31 (0)70 340 7911
Fax: +31 (0)70 340 7834

Section IV. Food Additive Regulations

Additives (including colors and sweeteners):

Commission Regulation 1129/2011 establishes a list of all authorized food additives in foodstuffs as well as the conditions of use and amends Annex II to Regulation 1333/2008. Commission Regulation 1130/2011 establishes a second list of food additives and amends Annex III to Regulation 1333/2008. Commission Regulation 1131/2011 approves the sweetener steviol glycosides, commonly known as stevia.

Flavoring

Warenwetbesluit Aroma's

Warenwetbesluit additieven, aroma's en enzymen in levensmiddelen

Regulation 1334/2008 on flavorings and certain food ingredients with flavoring properties sets specific rules for the use of the term "natural". The new rules went into force on January 20, 2011.

Enzymes

Warenwetbesluit additieven, aroma's en enzymen in levensmiddelen

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. Regulation EC 234/2011 regarding the implementation of the common authorization procedure sets out a deadline of September 2013, to submit applications on existing and new enzymes and for industry to provide the information for the risk assessment.

Processing aids

Warenwetbesluit additieven, aroma's en enzymen in levensmiddelen

Section V. Pesticides and Contaminants

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.

Pesticides

European Parliament and Council Regulation 1107/2009 sets out new rules for the authorization of plant protection products (PPPs) and replaces Directive 91/414/EEC. It entered into force at the end of December 2009 and became fully applicable on June 14, 2011.

The Netherlands together with Belgium, Czech Republic, Germany, Ireland, Luxembourg, Hungary, Austria, Poland, Romania, Slovenia, Slovakia and the United Kingdom fall in Zone B – Center.

Maximum Residue Limits

Harmonized sampling methods are established for the official control of residues in and on products of plant and animal origin by Commission Directive 2002/63/EC. Commission Regulation 1274/2011 requires Member States to take and analyze samples for product and pesticide residue combinations in food of plant and animal origin. Annex I to the Regulation sets out the pesticide and product combinations to be monitored. Annex II sets out the number of samples that need to be taken for each combination. The Member States must submit results of the sample tests to the EU by 31 August 2013, 2014 and 2015 for samples tested in 2012, 2013 and 2014 respectively.

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
- Heavy metals, 3-MCPD and benzo(a)pyrene: Commission Regulation 836/2011 will apply as of September 1, 2012.

Section VI. Other Regulations and Requirements

A. Product inspection and registration

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

B. Certification and Documentation Requirements

FAIRS Export Certificate Report GAIN NL1029

C. Herbal Ingredients

Rules on herbal ingredients are not yet harmonized at EU-level and therefore still subject to the Member States' national legislation. National authorities usually require pre-market notification of products containing vitamins, minerals and/or herbal ingredients and a copy of the labels. The contact information for the competent authority in the Netherlands is:

Point of contact in the Netherlands:

Ms. E.N. Blok

Ministerie van Volksgezondheid, Welzijn en Sport

Directie Voeding, Gezondheidsbescherming en Preventie

PO Box 20350

2500 EJ Den Haag

The Netherlands

Phone: +31.70.340.6875

Fax: +31.70.340.5554

e-mail: en.blok@minvws.nl

Section VII. Other Specific Standards

A. Genetically Modified Foods

Commission Regulation 619/2011 sets a tolerance of 0.1 percent - “Low Level Presence” (LLP) - for adventitious traces of non EU-authorized GMOs in feed imports. For more information see the European Commission press release “[Questions and Answers on the low level presence \(LLP\) of GMOs in feed imports](#)”. The Commission may come forward with proposals dealing with LLP in food imports.

C. Nanotechnology

A European Commission Recommendation on the definition of a nanomaterial was published in Official Journal L 275 of October 20, 2011. This recommendation provides EU legislators with a legal coherent cross-cutting reference for nanomaterials when proposing new legislation. It defines nanomaterials as materials whose main constituents have a dimension of between 1 and 100 billionth of a meter. For more information see GAIN report E60060 “Commission sets out working definition for nanomaterials” and the European Commission’s website at <http://ec.europa.eu/environment/chemicals/nanotech/index.htm>.

D. Fortified Foods

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. Such derogations should be obtained from the competent authorities in the individual Member States.

Point of contact in the Netherlands:

Ms. E.N. Blok
Ministerie van Volksgezondheid, Welzijn en Sport
Directie Voeding, Gezondheidsbescherming en Preventie
Postbus 20350
2500 EJ Den Haag
The Netherlands
Phone: +31.70.340.6875
Fax: +31.70.340.5554
e-mail: en.blok@minvws.nl

E. Dietetic or Special Use Foods

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:

Point of contact in the Netherlands:

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

F. Single Common Market Organization (CMO)

Fruit and Vegetables (Article 113 Single CMO)

Commission Regulation 543/2011 lays down detailed rules for the implementation of Article 113 of the Single CMO. This regulation sets out specific marketing standards for 10 products: apples, citrus fruit, kiwi fruit, lettuces, peaches and nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes. Fruits and

vegetables not covered by a specific marketing standard must comply with the general marketing standard. The details of the general marketing standard are set out in Part A of Annex I to Regulation 543/2011. The following products are not required to conform to the general marketing standard: mushrooms (other than cultivated mushrooms), capers, bitter and shelled almonds, shelled hazelnuts, shelled walnuts, pine nuts, pistachios, macadamia, pecans and saffron. Products conforming to UNECE standards are considered as conforming to the general marketing standard. Marketing standards apply at all marketing stages including import. For more information see the European Commission's "Fruit and Vegetables Marketing Standards" webpage.

Fruit and vegetables destined for the processing industry are not required to conform to the marketing standards provided they are clearly marked "intended for processing" or "for animal feed or other non-food use".

Fresh fruits, vegetables and nuts are subject to phytosanitary controls and are checked for compliance with the quality standards and labeling requirements. A conformity certificate (Annex III to Regulation 543/2011) - to be obtained by the importer at the point of entry - is required for all shipments of fresh produce.

G. Wine, Beer and other Alcohol Beverages

Oenological practices

Commission Regulation 606/2009, amended by Commission Regulation 53/2011, lays down detailed rules for 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.

U.S. – EU Wine Agreement

In March 2006, the U.S. and the EU and the U.S. signed the "Agreement between the United States and the European Community on Trade in Wine". The first phase of this agreement addresses a number of issues, such as labeling and certification. Other important issues such as geographical indications and the use of traditional terms will be addressed in a second phase of the negotiations. The Agreement covers wine with an actual alcohol content of not less than 7% and not more than 22%. All U.S. wine imports must be accompanied by certification and analysis documentation using the format specified in Annex III (a) to the Agreement. More information on the simplified EU import certificate form can be obtained from the Alcohol and Tobacco Tax and Trade Bureau at http://www.ttb.gov/industry_circulars/archives/2007/07-02.html. The Agreement's "Protocol on Wine Labeling" sets conditions for the use of optional particulars on wine labels. Commission Regulation 1416/2006, as amended by Commission Implementing Regulation 1212/2011, concerns the protection of U.S. names of origin in the EU. Information on the US-EU Wine Agreement can also be obtained from the U.S. Dept. of the Treasury - Alcohol and Tobacco Tax and Trade Bureau (<http://www.ttb.gov/itd/index.shtml>).

H. Organic foods

On February 15, 2012, the European Union and the United States announced that beginning June 1st, 2012 their respective countries' certified organic products will be recognized. Under the Partnership, the EU will recognize the USDA National Organic Program (NOP) as equivalent to the EU Organic Program (under applicable EU regulations) and will allow U.S. organic products to be marketed as "organic" in the EU using the EU organic logo, and vice versa, under the following two conditions:

- Tetracycline and streptomycin were not used to control fire blight in apples and pears (for U.S. exports to the EU); and
- Antibiotics were not administered to animals (for EU exports to the U.S.)

The Partnership is limited to organic products, certified under the NOP program, of U.S. origin, either produced within the U.S. or where the final processing or packaging occurs within the U.S. A list of the USDA accredited certifying agents can be found on the following website:

<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateJ&navID=NationalOrganicProgram&leftNav=NationalOrganicProgram&page=NOPACAs&description=USDA%20Accredited%20Certifying%20Agents&acct=nopgeninfo>

In addition to these restrictions, all products traded under the Partnership must be accompanied by an organic export certificate. This document will state the production location, identify the organization that certified the organic product, verify that prohibited substances and methods were not used, certify that the terms of the Partnership were met, and allow traded products to be tracked. More information about the Partnership can be found in the GAIN Report NL2006 The EU-U.S. Organic Equivalence Cooperation Arrangement.

I. Vertical Legislation

On December 14, 2011 the European Parliament (EP) voted on the Commission's proposal to amend Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption. Key amendments approved by the EP mainly relate to the labeling of fruit juices and nectars. The EP and Council already agreed on these amendments in informal trilogue meetings. The Council now only needs to formally adopt the amendments before the proposal becomes law (expected early 2012). Key amendments to the fruit juice labeling rules include:

- **Orange Juice:** Product sold as "orange juice" may contain up to 10% mandarin juice. The addition of mandarin juice must be indicated in the list of ingredients.
- **Nutrition claim:** As sugar is not included in the list of authorized ingredients for the production of fresh and concentrated fruit juices, labels on such products may no longer carry the nutrition claim "with no added sugar". During a transitional period the statement "no fruit juices contain added sugars" may appear on the label to enable the industry to properly inform the consumers.
- **Mixed Juices:** Products composed from two or more fruits must have a product name that reflects the actual fruit content, in descending order of the volume of the juices or purees used, as indicated in the list of ingredients. For example, a mixture of 90% apple and 10% raspberry juice should be labeled as "apple and raspberry juice" and not as "raspberry juice" as currently allowed. A generic name such as "mixed juice" or a similar wording may be used when there are three or more fruits sources.
- **Sugars and sweeteners:** Fruit juices will by definition not contain any sugars or sweeteners. "Nectars" made from fruit puree with added water may contain added sugar or sweeteners. The nutrition claim "no added sugar" will not be allowed on the labels of nectars containing artificial sweeteners.

Once adopted, products not complying with the new rules may be marketed until three years from the date of entry into force of the new rules. Directives must be transposed into national legislation. Member States will have a transposition period of 18 months to update their national legislation accordingly. A detailed GAIN report will follow after publication of the new rules in the Official Journal.

N. Seafood

Detailed information on exporting U.S. seafood to the EU is available in the 2011 update of the "How to export seafood to the European Union" guide which can be downloaded from <http://www.seafood.nmfs.noaa.gov/Howtoexportseafood2011.pdf>

O. Petfood

Commission Regulation 575/2011 establishes a new catalogue of feed materials. It enables operators to use more precise names and expressions for the feed they place on the market. The annex to the Catalogue contains three parts: A) general provision, B) glossary of processes and C) list of feed materials. The use of the Catalogue is voluntary but where it is used all relevant provisions have to be complied with. Commission Recommendation 2011/25/EU establishes guidelines for the distinction between feed materials, feed additives, biocidal products and veterinary medicinal products. A "Code of Good Labeling Practice for Pet Food" drafted by the European Pet Food Industry (FEDIAF) was published on October 20, 2011.

Section VIII. Copyright and/or Trade 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 trade marks.

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.

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

European Parliament and Council Regulation 648/2005, a “security amendment” to Regulation 2913/92, introduces a number of measures to tighten security for goods crossing international borders. The provisions to implement the security amendment to the Customs Code are established by Council Regulation 1875/2006. Now all traders involved in customs transactions must provide EU customs authorities with security data on goods before they are imported into the EU. The type of security data requested varies according to the means of transport and can include a description of the goods, information on the consignor or exporter, the route of the goods and any potential hazards. The time limits for submitting advance security data also vary according to the means of transport: 24 hours for maritime cargo to 1 hour for road traffic and air transport. The European Commission’s DG for Taxation and Customs Union has created a “European Customs Information Portal” to communicate information for traders on the safety and security amendment to the Community Customs Code.

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/dds2/taric/taric_consultation.jsp?Lang=en&redirectionDate=20101215. The EU's 2012 Tariff Schedule was published on October 28, 2011 in Official Journal L 282.

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.

More information about the Netherlands customs authorities can be found at

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

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 customs authorities designated for the purpose of issuing binding tariff information was published in Official Journal C 144 of May 14, 2011. 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

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.

The Import Process:

- Pre announcement: by Common (veterinary) Entry Document (CVED or CED), issued by 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 Agriculture 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 HC. 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;

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

U.S. Embassy
Office of Agricultural Affairs
Lange Voorhout 102
2514 EJ The Hague, The Netherlands
Tel: +31-(0)70-3102299
Fax: +31-(0)70-3657681
Email: marcel.pinckaers@fas.usda.gov

Appendix I. GOVERNMENT REGULATORY AGENCY CONTACTS

1) Ministry of Economic Affairs, Agriculture and Innovation (GAIN NL0027)

PO Box 20401

2500 EK The Hague, The Netherlands

Phone: +31 (0)70 378 6868

www.minlnv.nl

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

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

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

Head office:

Catharijnesingel 59

3511 GG Utrecht, the Netherlands

PO Box 8433

3503 RK Utrecht, the Netherlands

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

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

www.vwa.nl

info@vwa.nl

4) NVWA's National Plant Protection Service (PD)

Geertjesweg 15

Postbus 9102

6706 EA Wageningen

Phone: +31 (0)317-496911

Fax: +31 (0)317-421701

pd.info@minlnv.nl

www.vwa.nl

Appendix II. 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

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

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

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